



**HILLINGDON**  
LONDON

# Licensing Committee

**Date:** **TUESDAY, 4 OCTOBER 2022**

**Time:** **10.00 AM**

**Venue:** **COMMITTEE ROOM 5 - CIVIC CENTRE**

**Meeting Details:** Members of the Public and Media are welcome to attend this meeting and observe the public business discussed.

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**To all Members of the Committee:**

Roy Chamdal(Chairman)

Darran Davies (Vice-Chairman)

Shehryar Ahmad-Wallana

Reeta Chamdal

Scott Farley

Janet Gardner

Kuldeep Lakhmana

Barry Nelson-West

Peter Smallwood

Colleen Sullivan

**Published:**

Monday, 26 September 2022

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# Agenda

- 1** Apologies for Absence
- 2** Declarations of Interest in matters coming before this meeting
- 3** To approve the minutes of the meeting held on 6 July 2022 **1 - 6**
- 4** To confirm that the items of business marked Part 1 will be considered in public and any items of business marked Part 2 in private

## **Part 1 - Public**

- 5** Statement of Gambling Policy **7 - 82**
- 6** Committee Forward Planner 2022/23 **83 - 86**

## **Part 2 - Private & Members' Only**

<b>7</b>	Legislative & Industry Update	87 - 92
<b>8</b>	Ratification of Licensing Sub-Committee minutes	93 - 114
<b>9</b>	Presentation and Demonstration from Trading Standards - Counterfeit and Seized Goods (verbal update)	

*That these reports and matters in Part 2 be declared as exempt from publication as they involve the disclosure of information in accordance with Section 100(A) and paragraphs 1,2 & 7 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended), in that the report contains information relating to an individual, information likely to reveal the identity of an individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and that the public interest in withholding the information outweighs the public interest in disclosing it.*

<b>10</b>	Any other items the Chairman agrees as urgent or relevant
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# Agenda Item 3

## Minutes

### LICENSING COMMITTEE

6 July 2022



HILLINGDON  
LONDON

Meeting held at Committee Room 5 - Civic Centre,  
High Street, Uxbridge

	<p><b>Committee Members Present:</b> Councillors Roy Chamdal (Chairman), Darran Davies (Vice-Chairman), Shehryar Ahmad-Wallana, Farhad Choubedar, Scott Farley, Kuldeep Lakhmana, Barry Nelson-West and Colleen Sullivan</p> <p><b>Members also Present:</b> Reeta Chamdal</p> <p><b>LBH Officers Present:</b> Mark Braddock, Democratic Services; Lois King, Licensing Team; Daniel Ferrer, Licensing Team; Salleh Jobbi, Legal Services</p>
3.	<p><b>APOLOGIES FOR ABSENCE (Agenda Item 1)</b></p> <p>Apologies were received from Councillor Janet Gardner.</p>
4.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (Agenda Item 2)</b></p> <p>There were no interests from Members' present.</p>
5.	<p><b>TO AGREE THE MINUTES OF THE MEETING HELD ON 5 OCTOBER 2021 (Agenda Item 3)</b></p> <p>The minutes of the meeting held on 5 October 2021 were agreed as a correct record.</p>
6.	<p><b>TO AGREE THE MINUTES OF THE LAST MEETING HELD ON 12 MAY 2022 (Agenda Item 4)</b></p> <p>The minutes of the meeting held on 12 May 2022 were agreed as a correct record.</p>
7.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED IN PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (Agenda Item 5)</b></p> <p>It was confirmed matters would be considered in both public and private as set out on the agenda.</p>
8.	<p><b>THE ROLE OF THE LICENSING COMMITTEE, DELEGATIONS AND POLICIES (Agenda Item 6)</b></p> <p>The Senior Democratic Services Manager set out the role of the Licensing Committee, which existed primarily to enable the Licensing Sub-Committee and relevant officers to discharge the Council's statutory licensing duties in relation to the Licensing Act 2003,</p>

the Gambling Act 2005, Sex Establishments legislation, the Scrap Metal Dealers Act 2013 and Street Trading legislation. It was noted that the full Committee would also receive presentations and information on licensing related topics over the course of each Municipal Year.

Following the approval of the new Council Constitution at the AGM on 12 May, the Committee agreed to re-affirm how these licensing functions were discharged for good governance purposes and passed a second resolution to this effect, which was moved by Councillor Choubedar and seconded by Councillor Farley.

**RESOLVED:**

**That the Committee:**

- 1. Note the information.**
- 2. In accordance with its Terms of Reference, agree to the establishment of the Licensing Sub-Committee and the discharge of the Council's Licensing Functions as set out in Appendix 1 of this report (Chapter 8 of the Council Constitution).**

**9. LICENSING CASE STUDIES (ORAL PRESENTATION) (Agenda Item 7)**

The Committee received a presentation from the Council's Principal Licensing Officer providing a useful case study to Members on a recent expedited review in relation to The Prince of Wales Public House in Hillingdon.

The following initial points were outlined:

- The use of an expedited review was rare, and would need to be initiated by a senior Police officer based on serious crime and disorder grounds affecting a premises.
- The advantage of such a fast review enabled interim conditions or suspension of premises within 48 hours and then a fast tracked review of the premises, thereafter.

In respect of The Prince of Wales, it was noted that previously:

- The premises had changed their use over time, including creating a shisha lounge;
- There had been historic non-compliance of conditions, anti-social behaviour, police incidents, under-age drinking and complaints from residents;
- The plan of the premises did not mirror the plan of the licence;

It was explained that in November 2021, the Police attended the premises following serious knife attacks and following this, submitted a certificate for an expedited review by the Council.

Within 48 hours, Councillors on the Licensing Sub-Committee had met virtually to consider whether interim steps were necessary and they agreed to impose an immediate suspension of the premises licence as a proportionate step to keep residents safe. It was noted that this interim decision was not appealed.

The Principal Licensing Officer then outlined the next stage, which was a full review within 28 days. A Licensing Sub-Committee was held on 20 December 2021 which both reviewed the interim steps previously taken and also the new representations

received regarding the premises. After considering all the evidence received regarding the premises, including CCTV footage, the Sub-Committee decided to revoke the licence and keep in place the interim steps until the expiry of any appeal period, in effect meaning that the premises could not operate.

Members were informed that the Council's decision was appealed and heard at the Magistrates, where the Judge then agreed with the Council's decision.

The Chairman reiterated how such measures are important so that the Council tackle irresponsible operators and it was noted that the Council had not yet lost any appeal at a magistrate's court in recent times. Thanks were paid to the Councillors on the Sub-Committee and various service areas who worked well together in such a short time-frame to review the matter.

**10. LEGISLATIVE & INDUSTRY UPDATE (Agenda Item 8)**

The Legal Officer introduced the report which set out updated guidance regarding ceasing the flexibility on the suspension of the annual premises licence for establishments where late or non-payment of fees was due to the pandemic. Members were also informed of the new Business and Planning Act 2020, which came into force on 22<sup>nd</sup> July 2020 and permitted pavement licences and an automatic extension on existing premises licences to allow off-sales.

The Chairman asked how the Council would keep licence holders informed of these changes and also asked how many premises licences had been suspended due to non-payment of fees. Councillor Farley also sought clarification on when such discretion was given to premises during the pandemic. It was explained that premises would be notified of the changes and that during the pandemic, the Council had taken a light touch regarding fees to support businesses as much as possible.

The Chairman raised a matter regarding the timescale for deliberations during a licensing hearing and suggested that the Councillors on a Sub-Committee may want to not necessarily be constrained by delivering a decision on the same day, after their deliberations, in order to ensure they consider all factors.

It was also confirmed that Councillors are notified of any new application or variation in their ward and can call the matter in, with reasons, as per the Council's Constitution.

**RESOLVED:**

**That the Committee notes the report.**

**11. SITE VISITS TO LICENSED PREMISES (ORAL DISCUSSION) (Agenda Item 9)**

A discussion took place regarding Member site visits. Councillor Davies suggested a visit to an exemplar, well-run premises to physically see its operations which would assist Members when the undertake hearings.

**RESOLVED:**

**That the Licensing Service arrange a suitable site visit for Members of the Committee.**

**12. FORWARD PLANNER (Agenda Item 10)**

The Committee noted the Forward Planner as set out on the agenda.

**RESOLVED:**

**That the Committee note the Forward Planner.**

**13. RATIFICATION OF SUB-COMMITTEE MINUTES (Agenda Item 11)**

Members were updated on recent Licensing Sub-Committee decisions since the last meeting and ratified the minutes of the recent sub-committees hearing.

The Committee also sought clarification on governance aspects of licensing sub-committee decision-making, in particular whether Part 2 Licensing Sub-Committees could be audio-recorded to ensure that any later court hearings could take into account the fullest account of proceedings, if required.

**RESOLVED:**

**1. That the Committee, with the agreement of any Members present at the following Sub-Committees that they are a correct record, ratify the minutes of the following meetings:**

- [8 Nov 2021 10.00 am](#) – Public minutes
- [17 Nov 2021 2.00 pm](#) – Public minutes
- [10 Dec 2021 2.00 pm](#) – Public and Restricted Minutes
- [23 Dec 2021 10.00 am](#) – Public and Restricted Minutes
- [20 Jan 2022 10.00 am](#) - Public minutes
- [28 Jan 2022 10.00 am](#) – Public minutes
- [14 Mar 2022 10.00 am](#) - Public minutes
- [14 Mar 2022 3.00 pm](#) - Public minutes
- [25 Mar 2022 10.00 am](#) - Public minutes
- [29 Apr 2022 3.00 pm](#) - Public minutes
- [26 May 2022 10.00 am](#) - Public minutes

**2. That Officers bring forward a report to the October meeting on the possibility of initiating audio recording of private hearings for possible evidence in court, should it be required.**

*This item was considered in Part II as it contained information relating to an individual, information which is likely to reveal the identity of an individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraphs 1, 2 & 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).*

**14. FEEDBACK FROM TRAINING RECEIVED (ORAL DISCUSSION) (Agenda Item 12)**

Members welcomed the recent training session from Gary Grant, a leading licensing barrister which was considered as positive, particularly the use of role playing.

*This item was considered in Part II as it contained information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. That the public interest in withholding the information outweighed the public interest in disclosing it (exempt information under paragraph 7 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).*

The meeting, which commenced at 10.00 am, closed at 11.14 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Mark Braddock - Democratic Services on 01895 250636.

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## STATEMENT OF GAMBLING POLICY CONSULTATION

Committee name	Licensing Committee
Officer reporting	Daniel Ferrer, Place Directorate
Papers with report	Overview of proposed policy changes - Appendix A Draft Statement of Gambling Policy - Appendix B Equality Impact Assessment - Appendix C
Ward	All

### HEADLINES

This report is to consult with and invite comments from the Committee on the updated draft Statement of Gambling Policy out for consultation. This Policy is deemed as 'Policy Framework' under the Council's constitution and so requires the ultimate approval by full Council.

### RECOMMENDATION:

**That the Committee considers the revisions to the Statement of Gambling Policy and offers comments to be considered by Cabinet at the end of the consultation period.**

### SUPPORTING INFORMATION

The Council is required to review its Statement of Gambling Policy at regular intervals to ensure it is carrying out licensing functions in accordance with current legislation. During this review, consideration has been given to how changes might improve the way in which services are being delivered, to make them more efficient and customer friendly.

A draft Policy has been produced which now needs to be consulted upon, prior to final consideration by Cabinet or adoption by full Council.

The Gambling Act 2005 sets out how gambling in Great Britain is regulated. It came fully into force in September 2007, and covers arcades, betting shops, bingo premises, casinos, gaming machines, society lotteries, and remote gambling (including online gambling). It also created and set the functions and objectives of the Gambling Commission as the principal regulator. The Council is required to review the Statement of Gambling Policy every three years. The current policy was last formally reviewed in 2019 and therefore requires updating and adopting.

In the intervening time there have been only minor changes to legislation and guidance and as such there are very few changes proposed to this policy. This has been incorporated into the revised policy.

Relevant appendices are:

- An overview document detailing the proposed changes is attached at **Appendix A**.

- The draft Statement of Gambling Policy attached at **Appendix B**
- Equality Impact Assessment at **Appendix C**

**The proposed timetable for policy implementation is set out below:**

1 <sup>st</sup> September 2022	Draft Policy to Cabinet (approved for consultation)
12 <sup>th</sup> September 2022	Consultation period starts (including all statutory consultees)
4 <sup>th</sup> October 2022	Licensing Committee comments
17 <sup>th</sup> October 2022	Residents Services Select Committee comments
24 <sup>nd</sup> October 2022	Consultation period ends
15 <sup>th</sup> December 2022	Final policy to Cabinet post-consultation
12 <sup>th</sup> January 2023	Statement of Gambling Policy adopted at Full Council.

### **Implications on related Council policies**

The proposed Statement of Gambling Policy is a policy framework document under the Council's Constitution. As such, Cabinet is required to approve them in draft form with a timetable to include a period of formal consultation (minimum 6 weeks), to include Licensing Committee and the Resident's Services Select Committee. Cabinet will then consider the responses of the consultation before deciding whether or not to recommend them to full Council for adoption.

The Licensing Committee may make recommendations on changes to this Policy to the Cabinet.

### **How this report benefits Hillingdon residents**

The regular review and adoption of the Statement of Gambling Policy ensures that the licensing framework are up to date and effective in ensuring a safe and regulated environment for users of licensed premises. It will also ensure that there are methods for robust enforcement and review of problem licensed premises.

### **Financial Implications**

Corporate Finance has reviewed the report and confirms that there are no financial implications arising from the recommendations in this report.

## Legal Implications

Legal Services confirm that the legal implications are included in the report. Further, more detailed legal advice will be given as necessary when the outcome of the Consultation is reported back to Cabinet.

## BACKGROUND PAPERS

- [Current Statement of Gambling Policy](#)
- [Gambling Commission - Guidance to Licensing Authorities last updated May 2021](#)
- [Gambling Commission – Licence Conditions & Codes of Practice last updated Oct 2020](#)
- [Policy Paper – Review of the Gambling Act 2005 Terms of Reference and Call for Evidence, published December 2020](#)
- [Gambling Act 2005](#)

## Appendix A - Overview of proposed policy changes

### Draft Statement of Gambling Policy

The Council is required by the Gambling Act 2005 to review the Statement of Gambling Policy every three years. The current policy was last formally reviewed in 2019 and therefore requires updating and adopting in 2022.

In the intervening time there have been only minor changes to legislation and as such there are very few changes proposed to this policy.

The current policy works well and acts as a valuable framework for ensuring the principles of the legislation are upheld.

Policy amendments are shown at Appendix B ~~underlined/strike through~~ and an overview of those that are material in nature are set out below:

- Front page – Effective dates amended
- Para 1.1, Line 6 “a” inserted before “Licensing Authority
- Para 1.3, bullet point 1. Addition of full name and section of current codes of practice.
- Para 1.4 added – to provide more detail of the effect of the statutory aim to permit gambling
- Para 1.9 added to provide detail on duration of Policy and any Review during this period.
- Para 1.12 – updated consultation dates.
- Old Para 1.12 – removal of word “and” in Declaration section.
- Para 1.15 – Deleting of “Regulatory Service” and amended to read “Licensing”
- Para 1.42 to 1.44 – new “Partnership Working” section added.
- Para 1.46(iii) – added to take into account any guidance issued by the Better Regulation Executive
- Para 1.48 – Added to be consistent with Government guidance re. test purchases
- Para 1.49 - Added to be consistent with Government guidance re. test purchases
- Para 1.51 – Added to clarify that enforcement will be carried out by authorised officers.
- Para 1.52 and 1.53 – Added to detail various enforcement policies.
- Old para 1.48 - Deleted
- Para 1.56 to 1.58 – Added new section re. the Equality Duty
- Para 1.59 & 1.60 – Added new section re. Modern Day Slavery
- Para 1.61 & 1.62 – Added new section re. Primary Authority scheme
- Para 1.63 – Added para re. Advertising of Gambling
- Para 1.64 – Added new section re. Human Rights Act
- Para 4.1 – amending of date
- Para 4.4 – Deletion of last sentence. No longer needed.
- Para 5.5 – 1<sup>st</sup> line, “the” deleted.
- Para 5.5 (i) & (ii) – amended to name specific codes and guidance.

- Para 5.7 – amended to recommend that all relevant British Amusement Catering Trade Association (BACTA) guidance is followed.
- Para 5.8 – Deleted as now covered by amended 5.7
- Para 5.9 – Deleted as now covered by amended 5.7
- Para 5.10 – grammar correction at line 2. “machine” amended to “machines”
- Para 5.40 – Amendment for correct page number for list of categories for gaming machines. Page number to be confirmed.
- Para 5.47 - Amendment for correct page number for list of categories for gaming machines. Page number to be confirmed.
- Para 5.64 - Amendment for correct page number for list of categories for gaming machines. Page number to be confirmed.
- Annex B – updated contacted details for the Responsible Authorities
- Annex C – Delegations, these are amended to reflect the same wording approved in the remodelled Council Constitution adopted in May 2022.
- Annex D – Amended to clarify process for ‘call-in’ of applications and representations from Ward Councillors to indicate how it adversely affects the 4 licensing objectives under the Gambling Act. This will also make it consistent with the wording for any call-in of an application under the Licensing Act 2003. Subject to full Council approval of the Policy it will also be requested to update this in the relevant part of the Council Constitution.

Page and paragraph numbers will be updated on the final policy document.

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# HILLINGDON

LONDON

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## Statement of Gambling Policy The Gambling Act 2005

**Effective –**  
2023-25

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Contents	Page
<b>PART 1: The Gambling Act 2005</b>	
Introduction	3
Consultation	4
Declaration	5
Authorised Activities	5
Licensing Authority Functions	6
Responsible Authorities	7
Designated Body Protecting Children from Harm	7
Interested Parties	8
Exchange of Information	10
Enforcement	11
<b>PART 2: Promoting the Licensing Objectives</b>	14
Preventing gambling from being a source of crime or disorder	15
Ensuring that gambling is conducted in a fair and open way	16
Protecting children and vulnerable persons from being harmed	
<b>PART 3: Integrating Strategies and Other Regulatory Regimes</b>	20
Integrating Strategies	
<b>PART 4: Local Risk Assessments and Local Area Profiles</b>	22
Local Risk Assessments	23
Local Area Profiles	
<b>PART 5: Premises Licences</b>	24
General Principles	25
Definition of Premises	27
Provisional Statements	27
Location	28
Conditions	28
Door Supervisors	29
Casino Premises	29
Bingo Premises	31
Members Clubs and Commercial Clubs	31
Betting Premises	32
Tracks	35
Adult Gaming Centres	36
(Licensed) Family Entertainment Centres	37
Travelling Fairs	
Review of Premises Licences	
<b>PART 6: Gaming and Gaming Machine Permits</b>	39
Introduction to Permits	39
Gaming Machines	42
(Unlicensed) Family Entertainment Centre Gaming Machine Permits	44
	45

Club Gaming and Club Machine Permits	46
Alcohol Licensed Premises Gaming Machine Permits	
Prize Gaming Permits	
	49
<b>PART 7: Notices</b>	50
Temporary Use Notices	
Occasional Use Notices	
	51
<b>PART 8: Registration of Small Society Lotteries</b>	51
Definition of Small Society Lottery	
Licensing and Registration Scheme	
	54
<b>PART 9: Decision Making</b>	54
The Licensing Committee	
Delegation of decision-making responsibilities	
	55
<b>PART 10: <u>Appendices Annexes</u></b>	57
<u>Appendix Annex:</u> A: Schedule of Consultees	58
<u>Appendix Annex:</u> B: Schedule of Responsible Authorities and Contact details	
<u>Appendix Annex:</u> C: Summary of Delegations	
<u>Annex: D Clarification on Ward Councillors making representations- Ward Councillor Call-in</u>	

## PART 1 THE GAMBLING ACT 2005

### INTRODUCTION

1.1 The London Borough of Hillingdon Council is the Licensing Authority under the Gambling Act 2005. This means that the Council is responsible for granting Premises Licences in respect of betting premises, bingo premises, casino premises, adult gaming centres and family entertainment centres as well as issuing a range of gaming permits and other authorisations for gambling within the Borough. As a Licensing Authority, we are also empowered under the Act to impose conditions and review licences, as well as take enforcement action when an offence under the Act has been committed or when premises or activities are unlicensed, or licence conditions are not complied with. This is coupled with powers of entry and inspection to ensure compliance.

### The Licensing Framework

1.2 In exercising most of our decision-making functions we **must** have regard to the three Licensing Objectives set out in Section 1 of the Gambling Act, namely:

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

1.3 We are also bound by section 153 of the Act, which requires us, in making decisions concerning Premises Licences and Temporary Use Notices, to aim to permit the use of premises for gambling insofar as we think fit, subject to such decisions being:

- In accordance with any relevant code of practice ~~issued by the Gambling Commission under Section 24 of the Act, the Licence Conditions and Codes of Practice (LCCP)~~
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Licensing Principles

•1.4 ~~The effect of this duty is that the Licensing Authority must approach our functions in a way that seeks to regulate gambling by using our powers to moderate its impact on the licensing objectives rather than initially starting out to preventing it all together.~~

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### The Policy

1.41.5 Section 349 of the Act requires us to publish a *Statement of Principles* (or policy) that we will apply when exercising our various functions under the Act. This Statement of Principles fulfils that statutory requirement and details throughout the

document the Council's general approach to the making of licensing decisions.

**1.51.6** Nothing in this policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in this policy will undermine the right of any person to make representations on an application, or seek a review of a licence where there is a legal power to do so.

**1.61.7** This document should be read in conjunction with the Act, Regulations made under the Act and Guidance issued by the Gambling Commission. Our Statement of Principles is designed to be a strategic (Gambling) Licensing Policy, not an operational guide to the Gambling Act or a guide to the application process.

**1.71.8** This policy is supplemented by guidance documents for residents and the trade on the application and licensing process. These documents will assist applicants and objectors in understanding their rights and responsibilities under the Act in respect of:

- Applying for licenses and other gambling permissions.
- Making representations.
- Complaints about a premises licensed under the Act and review rights.
- Committee hearings and the decision making process.
- The information is available on the Council's website or on request by contacting the Licensing Authority.

**•1.9** The licensing authority's policy will have effect for a maximum of three years and must be reviewed thereafter, but the licensing may review and alter the Policy at any time during the three year period. Where the Policy is reviewed and changes proposed the licensing authority must consult on any revision.

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## CONSULTATION

**1.81.10** The Council has, in accordance with the section 349(3) of the Gambling Act, consulted with:

- a. London Borough of Hillingdon Council Licensing Authority
- b. The Gambling Commission
- c. The Chief Officer of Police for the London Borough of Hillingdon
- d. London Fire & Emergency Planning Authority, Hillingdon Fire Station
- e. London Borough of Hillingdon Council Planning Authority
- f. Hillingdon Local Safeguarding Board
- g. HM Revenue and Customs
- h. Authority for Vulnerable Adults
- i. A Licensing Authority in whose area the premises are situated (*i.e. the Council itself and also any adjoining Council where premises straddle the boundaries between the two*).
- j. Persons who appear to this authority to represent the interests of persons carrying on gambling businesses in the borough of Hillingdon and neighbouring boroughs

- k. Persons who appear to us to represent the interests of persons who are likely to be affected by the exercise of this authority's functions under the Gambling Act 2005

1.91.11 A comprehensive list of the persons and/or bodies we have consulted is attached at Annex~~Appendix~~ A. A summary of the consultation responses can be found on the Council's website. The full list of comments made and consideration given to those responses is available on request by contacting the Authority's Licensing Service.

1.101.12 Our consultation took place between ~~27<sup>th</sup> June 12<sup>th</sup> September and 24<sup>th</sup> October 2022~~  
~~8<sup>th</sup> August 2019~~

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## DECLARATION

1.12 In producing the final Statement of Principles, this Licensing Authority declares that it has had regard to the Licensing Objectives~~, and~~ the Gambling Act 2005, the Guidance issued by the Gambling Commission and responses from those consulted on the policy statement.

## AUTHORISED ACTIVITIES

1.13 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery:

- (i) Gaming means playing a game of chance for a prize
- (ii) Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true
- (iii) A Lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process that relies wholly on chance.

1.14 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

1.15 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Regulatory Service Team where appropriate.

## LICENSING AUTHORITY FUNCTIONS

1.16 Under the Act, the Council will be responsible for:

- Licensing of premises where gambling activities are to take place by issuing premises licences.
- Issuing Provisional Statements.
- 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) of the use of two or less gaming machines.
- Granting licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.
- Registering Small Society Lotteries below prescribed thresholds.
- Issuing Prize Gaming Permits.
- Receiving and endorsing Temporary Use Notices.
- Receiving Occasional Use Notices.
- Providing information to Gambling Commission regarding details of Licenses issued (see section on Information Exchange).
- Maintaining Register of Licenses and Permits issued under these functions.
- Exercising its powers of enforcement under the Act in partnership with the Gambling Commission and other relevant responsible Authorities.

1.17 It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licenses.

#### **RESPONSIBLE AUTHORITIES**

1.18 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

1.19 Within the meaning of Section 157 of the Act, those authorities are:

- a) London Borough of Hillingdon Council Licensing Authority.
- b) The Gambling Commission.
- c) The Chief Officer of Police for the London Borough of Hillingdon (where relevant, Chief Officer of Police for Heathrow).
- d) London Fire & Emergency Planning Authority, Hillingdon Fire Station.
- e) London Borough of Hillingdon Council Planning Authority.
- f) London Borough of Hillingdon Council Environmental Protection Unit (*i.e. authority responsible for pollution and harm to human health*).
- g) Hillingdon Local Safeguarding Board.
- h) HM Revenue and Customs.
- i) Authority for Vulnerable Adults.

- j) A Licensing Authority in whose area the premises are situated (*i.e. the Council itself and also any adjoining Council where premises straddle the boundaries between the two*).

For Vessels only:

Section 211(4) of the Act provides that the following are Responsible Authorities in addition to the authorities listed under section 157 of the Act:

- A. The Navigation Authority (*whose statutory functions are in relation to waters where the vessel is usually moored or berthed*)
- B. The Environment Agency,
- C. British Waterways and
- D. The Secretary of State for Digital, Culture, Media and Sport (DCMS).

1.20 Subject to any other person being prescribed in Regulations by the Secretary of State. The contact addresses for these authorities are illustrated at [Annex Appendix G B](#), or available via the Council's website.

#### **DESIGNATED BODY PROTECTING CHILDREN FROM HARM**

1.21 The Council 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 Licensing Authority about the protection of children from harm.

1.22 The principles are that:

- (i) The designated body must be responsible for an area covering the whole of the Licensing Authority's area.
- (ii) The designated body must be answerable to democratically elected persons, rather than any particular vested interest group etc.

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

1.24 The remit of the Board is to co-ordinate and scrutinise arrangements for safeguarding and promoting the welfare of Hillingdon's children. It operates throughout the Borough, is responsible for the area covered by the Licensing Authority and this Policy; and has specialist knowledge and experience in the protection of children to fulfil this role.

## **INTERESTED PARTIES**

1.25 Interested parties can make representations about licence applications, or apply for a review of an existing licence. (see annex A with regard to Councillors making representations). For the purposes of the Gambling Act 2005 interested parties will include persons who:

- (i) Live sufficiently close to premises carrying out gambling activities.
- (ii) Have business interests that might be affected; and
- (iii) Represent persons listed above.

1.26 We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. This Licensing Authority's principles are set out in the following paragraphs:

1.27 Each case will be decided upon its merits. We will not apply a rigid rule to our decision-making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.

1.28 Interested parties can include trade associations and unions; and residents' or tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Within the meaning of the Act, interested parties can also be persons who are democratically elected such as Councillors and MPs.

1.29 Generally, the principles we will apply when deciding whether or not a person is an interested party will include looking at the size of the premises where larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities and the nature of the activities being conducted on the premises. As to the different elements of the definition of "Interested Party", the Licensing Authority will take into account the following specific matters of principle:

**1.30 Persons living "Sufficiently Close"**

The Licensing Authority recognises "sufficiently close to be likely to be affected" could have a different meaning for, for instance, a private resident, a residential school for children with problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its individual merits.

1.31 In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities the Council may take account of the:

- (i) Size of the premises.

- (ii) Nature of the premises.
- (iii) Nature of the authorised activities being proposed.
- (iv) Distance of the premises from the person making the representation.
- (v) Characteristics of the complainant.
- (vi) Potential impact of the premises.

### **1.32 Persons with business interests likely to be affected**

With regard to those persons with business interests that could be affected, the Licensing Authority will (in addition to the factors set out in paragraph 1.38 above) need to be satisfied that the relevant business is indeed likely to be affected and the following factors will therefore be taken into account:

- i) The 'catchment' area of the premises (i.e. how far people travel to visit);
- ii) Whether the person making the representation has business interests in that catchment area that might be affected.
- iii) Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation.

### **1.33 Persons/bodies representing persons named above**

With regard to persons representing persons living sufficiently close and persons having business interests that may be affected, the Licensing Authority will include trade associations and unions.

- 1.34 Where a Councillor represents an interested party, in order to avoid conflict of interest, the Councillor cannot be part of the Licensing Committee dealing with the licence application. When in doubt, Councillors are asked to contact the Council's Legal Services to gain further advice.
- 1.35 Other than Councillors and MPs, this authority will require written evidence that a person represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be likewise affected. A letter from one of these persons confirming their wish to be represented will be sufficient.

### **Exchange of Information**

- 1.36 Under the Gambling Act, we will have a key role in providing information to the Gambling Commission to assist it in carrying out its functions. This Licensing Authority recognises the need to work closely with the Gambling Commission in exchanging information as and when required.
- 1.37 As Licensing Authority we are required to include in our policy statement the principles we intend to apply in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between us and the Gambling Commission, and the functions under section 350 of the Act with

respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act.

### Statement of Principles

- 1.38 This Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations 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, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 1.39 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.
- 1.40 The Licensing Authority will normally share the information it holds about licensed premises with the Gambling Commission, Local Police Enforcement in Hillingdon; and with other Responsible Authorities where there is a need for exchange of information on specific premises.
- 1.41 We are aware that the Gambling Commission recommends in its Guidance to Local Authorities that a Protocol for the sharing of such information should be established between, us, the Licensing Authority, the Gambling Commission itself and relevant Responsible Authorities in order to target agreed problem and high risk premises that require greater attention while providing a lighter touch in respect of well-run, low risk premises.
- 1.42 The local authority shall work in partnership with the Gambling Commission to regulate gambling. In doing so the Commission will tend to focus on operators and issues of national or regional significance whilst the Licensing Authority will take the lead on regulating gambling locally.
- 1.43 The Commission and licensing authorities may work directly together on particular issues. By working in collaboration jointly we are able to prevent such risks growing into a more widespread problem and to ensure that both the Commission and Licensing Authority resources are used efficiently.
- 1.44 Licensing authorities should aim to work with local businesses to reduce the risk to the licensing objectives to acceptable levels. The Act does not envisage regulation by either the Commission or licensing authorities being aimed at preventing legitimate gambling.

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## **Enforcement**

**1.42****1.45** Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

**1.43****1.46** This Licensing Authority's principles are that:

- (i) It will be guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:

- Proportionate: we will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised.
- Accountable, with decisions being justifiable, and be subject to public scrutiny.
- Consistent: rules and standards will be joined up and implemented fairly.
- Transparent and Open: Licence conditions will be kept simple and user friendly.
- Targeted: regulation will be focused on the problem, and minimise side effects.

(ii) The Council will avoid duplication with other regulatory regimes so far as possible.

(iii) This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities. Furthermore, the licensing authority will take into account any guidance issued by the Better Regulation Executive.

(iv) We note the Gambling Commission's guidance that: in order to ensure compliance with the law, this Licensing Authority must prepare a Risk - based Inspection Programme and that we carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories High, Medium and Low; and that we also carry out 'non routine' evening programmed inspections. Where one-off events are taking place under a Temporary Use Notice or Occasional Use Notice, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.

(v) High-risk premises are those premises that require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

**1.47** Enforcement may include test purchasing activities to measure compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchase activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed an appropriate course of action.

**1.48** The Licensing Authority, should consult with operators in the first instance where they have concerns about the underage access and age verification policies or whose premises they plan to test purchase. This will enable the Licensing Authority, to identify what programmes are in place to manage the business risk and take these into account in planning a test purchase exercise.

**1.441.49** The Licensing Authority should consult with the Gambling Commission before

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undertaking any test purchasing operations. This is to ensure that there is no conflict between any ongoing investigation or enforcement activity related to either the premises or the operator. Furthermore, the Licensing Authority shall share any test purchasing results with the Gambling Commission.

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1.50 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 is authorises.

1.51 Authorised persons of the licensing authority exercise their inspection powers in accordance with the Act, the guidance and the principles set out in the licensing authority's policy.

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1.52 Any enforcement action taken in relation to the duties of this Licensing Authority under the Gambling Act 2005 will comply with the London Borough of Hillingdon Council's current 'Prosecutions and Sanctions Policy'.

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1.53 Enforcement Officers will also comply with 'The Code for Crown Prosecutors published by the Crown Prosecution Service which can be accessed at:

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

**Field Code Changed**

Gambling Commission. This authority also understands that the Gambling Commission will be responsible for compliance as regards unlicensed premises.

**1.47** **1.55** In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act 1998, in particular:

- i) Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
- ii) Article 6: that in the determination of civil rights and obligations everyone is entitled to a fair hearing within a reasonable time by an independent and impartial tribunal established by law.
- iii) Article 8: that everyone has the right to respect for his or her home and private family life.
- iv) Article 10: that everyone has the right to freedom of expression within the law.

**1.48** ~~Any decision to instigate enforcement action and/or legal proceedings will take account of the criteria set down in the Regulators Code, Code of Crown Prosecution and Attorney General Guidelines.~~

#### Equality Duty

**1.56** ~~The Licensing Authority have a public sector equality duty to the following protected characteristics:~~

- Age
- Disability
- Sex, gender reassignment, sexual orientation
- Pregnancy and maternity
- Race, religion or belief
- Marriage and civil partnership

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**1.57** ~~Under the Equality Act 2020 (S.149) a Public Authority must, in the exercise of its functions, have due regard to the need to:-~~

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the 2010 Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

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**1.58** The Licensing Authority has considered the Equality and Diversity issues that may

arise from the Policy. The Local Authority considers that this policy does not raise any concerns with regards to equality and diversity.

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#### Modern Day Slavery

1.59 The Licensing Authority acknowledges the implementation of the Modern Day Slavery Act 2015 and will therefore fully take on their responsibilities and statutory duties under the Act.

1.60 This Licensing Authority recognises the role it can play in proactively preventing modern slavery, which includes consideration of:-

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- Identification and referral of victims during inspections and visits
- Reporting and referring for investigation via the National Crime Agency's national referral mechanism any of its licence holders or managers of premises as a cause for concern
- Assisting partners with Community safety services and disruption activities.

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#### Primary Authority

1.61 The Primary Authority (PA) scheme, administered by the Office for Product Safety and Standards provides for a statutory partnership to be formed between a business and a single authority. That single authority, the PA, can provide a national inspection strategy within which other local regulators can operate (Primary Authority statutory guidance), to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The PA scheme therefore aims to ensure that local regulation is consistent at the national level.

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1.62 Since October 2013, the PA scheme has been extended to include age-restricted sales of gambling in England and Wales. It does not apply to any other aspect of the Act. This means that the Licensing Authority must follow any age restricted sales of gambling national inspection plans and strategies that are published on the PA register when considering proactive age restricted sales (gambling) activity including testing.

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#### Advertising

1.63 The Act permits the advertising of gambling in all forms, provided that it is legal and there are adequate protections in place to prevent such advertisements undermining the licensing objectives. The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising. It enforces the UK Advertising Codes (the Codes), written by the Committees of Advertising Practice. The Codes cover the content and placement of advertising and are designed to ensure that advertisements for gambling products are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited. The Codes also require that

advertisements for gambling products or services do not mislead. Any complaint about the content and placement of advertising or marketing communications should be sent directly to the ASA.

## Human Rights

1.64 When considering applications and taking enforcement action, the Licensing Authority will be subject to the Human Rights Act 1998 and should bear in mind:

- Article 1 – peaceful enjoyment of possessions.
- Article 6 – right to a fair hearing
- Article 8 – respect for private and family life
- Article 10 – right to freedom of expression,

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## PART 2 PROMOTING THE LICENSING OBJECTIVES

2.1 In exercising its functions under the Gambling Act 2005, London Borough of Hillingdon Council will have regard to the three statutory licensing objectives, which are:

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

2.2 In promoting these objectives, the Council has considered the Gambling Commission's Guidance to Local Authorities and makes the following observations as to the principles it intends to apply when considering the three objectives:

### **PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER, BEING ASSOCIATED WITH CRIME OR DISORDER OR BEING USED TO SUPPORT CRIME.**

2.3 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

2.4 Anyone applying to the Council for a Premises Licence will have to hold an Operating Licence from the Gambling Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant. However, if during the course of considering a Premises Licence application or at any other time, the Licensing Authority receives such information that causes it to question the suitability of the applicant; those concerns will be brought to the immediate attention of the Gambling Commission.

2.5 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime or crime directly associated with gambling premises, the Council will, in consultation with the Police and other relevant Responsible Authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. In appropriate circumstances, the Licensing Authority may consider appropriate conditions to be attached to the Licence, such as Door Supervisors.

2.5 Issues of disorder should only be dealt with under the Act if the disorder amounts to a form of activity, which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. A disturbance

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might be serious enough to constitute disorder if police or ambulance assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

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- 2.7 The Licensing Authority recognises that disorder may be focused on premises and therefore recommends an applicant takes such controls as necessary to prevent such disorder and nuisance. Examples may include thought given to the way that gambling is conducted on the premises, sighting of large payout machines, levels of noise from public address systems that should ideally be sited at the back of the premises away from residential areas.
- 2.8 Where there are persistent levels of disorder, the Licensing Authority will liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.

#### **ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY**

- 2.9 All gambling should be fair in the way it is played with transparent rules such that players know what to expect. Examples may include easily understandable information being made available on the rules and probability of winning/losing, ensuring the rules are fair and that advertising is not misleading. Further recommendations would be to ensure that the results of competitions/events are made public; and that machines, equipment and software meet the required standards set by the Gambling Commission.
- 2.10 Generally, it is for the Gambling Commission to ensure this Licensing Objective is complied with through the Operating and Personal Licence regime covering the management of a gambling business and the suitability and actions of an individual.
- 2.11 However, with regard to Race Tracks, where Betting Track Operators do not need an Operator's Licence from the Gambling Commission, the role of the Licensing Authority is more significant. The Licensing Authority, in certain circumstances, may seek to impose conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority may wish to know the nature of the venue, have sight of a plan of the track which would include access to the tent where gambling is to take place, where the operators will conduct on course betting and whether or not there are any off course betting operators.

#### **PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS FROM BEING HARMED OR EXPLOITED BY GAMBLING**

2.12 Apart from one or two limited exceptions, the intention of the Act is that children and young person's should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.

2.13 This Authority notes and endorses the Gambling Commission statement that: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

2.14 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling, where they are not legally permitted to do so, especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. The advertising of Gambling services is regulated by the Gambling Commission under the Gambling (Licensing and Advertising) Act 2014. In relation to casinos only, the Gambling Commission will be issuing a code of practice about access to casino premises for children and young persons.

2.15 When considering whether to grant a premises licence or permit the Council will consider whether any measures are necessary to protect children or vulnerable young persons from being harmed or exploited by gambling, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc. These measures will be particularly relevant on mixed use premises, tracks where children have freedom of movement in betting areas on race days and in particular to the non-gambling areas of casinos. Other such measures may include appropriate signage, location of machines and numbers of staff on duty.

2.16 Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling; each application will be treated on its own merit. The term "vulnerable persons" has not been defined under the Act, but in seeking to protect vulnerable people the Council will consider that "vulnerable persons" include (but not limited to):

- (i) People who gamble more than they want to.
- (ii) People who gamble beyond their means, and
- (iii) People who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

2.17 Gambling operators will be expected to demonstrate that they have adequate training and staffing procedures in place to ensure that vulnerable persons are

protected from gambling related harm. Staff working at gambling premises will also need to be aware of challenges present in the local area and vicinity of the licensed premises which may impact on the protection of children and vulnerable persons.

2.18 Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:

- i) Betting Shops cannot admit anyone under the age of 18.
- ii) Bingo Clubs may admit those under the age of 18 but must have policies to ensure they do not gamble, except on category D machines.
- iii) Adult Entertainment Centres cannot admit those under the age of 18.
- iv) Family Entertainment Centres and premises with an alcohol premises licence such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over the age of 18.
- v) Clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under the age of 18 do not play machines other than category D machines.
- vi) Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

2.19 With this Licensing Objective in mind, the Licensing Authority will take particular care when considering applications for more than one licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping malls or airport terminals. Where relevant, applicants will be expected to take measures to ensure young persons, and children are not in close proximity to gambling. Such measures could include sighting machines at the back of a premises so as to ensure young children do not have sight of such machines, not advertising gambling so as to encourage children and ensuring there is no accidental access to observe or enter premises used for gambling.

2.20 The Licensing Authority recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, physically separating Family Entertainment Centres and Adult Gaming Centres, and supervision of entrances.

2.21 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through another premises and will consider whether or not children can gain access; the compatibility of the two establishments and its ability to comply with the requirements of the Gambling Act. The Licensing Authority will also consider whether the co-location of the licensed premises with

other facilities will create an arrangement that is likely to be prohibited under the Act.

- 2.22 The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings carefully if they seek to develop multipurpose developments and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling. Applicants are also requested to consider entrances and exits from parts of the building covered by one or more licences. These exits and entrances should be separate and identifiable to ensure children do not 'drift' into a gambling area.
- 2.23 The Licensing Authority recommends that all staff are suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines. Appropriate measures should be taken to prevent under age use of such machines, including clear and appropriate signage, an approved Proof of Age scheme, a requirement for staff to be vigilant and aware at all times and ensuring the Adult Gaming area is not visible from the street.
- 2.24 The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people it will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.
- 2.25 When determining the location of proposed gambling facilities, this Licensing Authority in appropriate circumstances, will have regard to any Local Risk Assessment detailed in this policy and will consider very carefully the following factors when considering applications for Premises Licences, permits and other permissions:
  - i) Proximity of premises to local schools.
  - ii) Proximity of premises to centres that pose a high risk to vulnerable and young persons.
  - iii) Proximity of premises to residential areas where there is a high concentration of children and young people.

## **PART 3** **INTEGRATING STRATEGIES AND OTHER REGULATORY REGIMES**

### **INTEGRATING STRATEGIES**

3.1 The Council considers that the Licensing Statement of Principles should provide clear indications of how we, as Licensing Authority, will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, equalities and diversity schemes together with other Council plans introduced for the management of town centres and the night-time leisure economy. Many of these strategies are not directly related to the promotion of the three licensing objectives, but indirectly impact upon them. Coordination and integration of such policies, strategies and initiatives, so far as is possible and consistent with the licensing objectives, is therefore important to us. We will liaise with the relevant authorities or its directorates with regard to this and in doing so adopt a multi-disciplinary approach to ensure proper integration of local and national strategies to promote the licensing objectives, including making arrangements for the Council's Licensing Committee to receive reports from time to time on the:

- i) Needs of the local tourist economy;
- ii) Cultural strategy for the area;
- iii) Employment situation in the area and the need for new investment and employment where appropriate;
- iv) Local Crime Prevention Strategies;
- v) Race Equality Schemes;
- vi) Enforcement Policy.

3.2 Reports to the Licensing Committee from other relevant departments should enable the various agencies or departments with their own strategies, aims and objectives to keep the Licensing Committee aware of the wider picture in pursuance of the licensing objectives. It is our intention that we will, through the Council's Licensing Committee, monitor how the matters above set out impact on the licensing of gambling activities and facilities and other functions in order to achieve seamless integration of our licensing function with other relevant strategies and initiatives.

3.3 In order to avoid duplication with other statutory regimes, the Licensing Authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

3.4 Similarly, where other legislation confers powers on inspection and enforcement agencies in relation to separate activities and concerns relating to licensed premises, this policy does not affect the continued use of such powers by the relevant agency.

- 3.5 This authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including the statutory planning regime.
- 3.6 We emphasise that under section 210 of the Act this Licensing Authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building control.
- 3.7 The Planning Department are a Responsible Authority under this Act and have the opportunity to make representations should they desire so to do. The Licensing Authority will therefore consider relevant representations from the local planning authority about the effect of the grant of a premises licence on an extant planning permission where this relates to the licensing objectives, a Commission code of practice, or this Statement of Policy. This authority will also listen to, and consider carefully, any concerns about conditions that cannot be met by licensees due to planning restrictions, should such a situation arise. Otherwise the two regimes will be treated as completely separate.

## PART 4

### LOCAL RISK ASSESSMENTS AND LOCAL AREA PROFILE

#### Local Risk Assessments

- 4.1 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015– October 2020 formalised the need for operators to consider local risks.
- 4.2 Social Responsibility (SR) code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate the risks. In undertaking the risk assessments, they must take into account the relevant matters identified in this policy statement.
- 4.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. ThereTheir risk assessment must also be updated:
  - When applying for the variation of a premises licence.
  - To take account of significant changes in local circumstances, including those identified in this policy statement.
  - Where there are significant changes licensee's premises that may affect their mitigation of local risks.
- 4.4 The SR provision is supplemented by an ordinary code provision that requires licensees 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 at the request of the licensing authority. Both provisions take effect from 8 May 2015
- 4.5 Where concerns do exist, perhaps prompted by new or existing risks, the licensing authority will request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce occasions on which a premises review and the imposition of licence conditions are required.
- 4.6 Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

## Local Area Profile

- 4.7 The licensing authority can complete their own assessment of the local environment as a means of 'mapping out' local areas of concern, which will be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the licensing authority to complete a local area profile; however benefits for both the licensing authority and operators would be in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.
- 4.8 There is no mandatory requirement to have a local area profile and the licensing authority will, where appropriate, engage with responsible authorities ensure any new or variation application assessed taking the local area profile and any risks into account.

## **PART 5** **PREMISES LICENCES**

### **GENERAL PRINCIPLES**

5.1 Premises Licences authorise the provision of gambling facilities on the following:

- i) Casino Premises.
- ii) Bingo Premises.
- iii) Betting Premises, including race tracks used by betting intermediaries
- iv) Adult Gaming Centres.
- v) Family Entertainment Centres.

5.2 Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be issued to people with the relevant Operating Licences.

5.3 Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State.

5.4 We as the Licensing Authority will be able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.

5.5 Under the Act the Hillingdon Council has no discretion to grant Premises Licences in circumstances where that would mean departing from the Gambling Commission Guidance and Codes of Practice and this Licensing Authority's own Statement of Licensing Principles. Therefore, our primary focus shall be to aim to permit the use of premises for gambling in so far as we think it is:

- i) In accordance with any relevant Code of Practice—the 'Licence Conditions and Codes of Practice', issued by the Gambling Commission.
- ii) In accordance with any relevant Guidance with the 'Guidance to Licensing Authorities', issued by the Gambling Commission.
- iii) Consistent with the Licensing Objectives.
- iv) In accordance with this Statement of Licensing Principles.

5.6 The Council appreciates that gambling can be an emotive subject but acknowledges and endorses the Gambling Commission Guidance that "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any "no casino resolution") and also that unmet demand is not a criterion for a Licensing Authority.

5.7 We recognise that the responsibility for an individual's gambling is his or her own and that the responsibility to exercise a duty of care lies with the site operator. However, the Licensing Authority recommend applicants for Adult Gaming

and Family Entertainment Centres to consider adopting relevant guidance published by the British Amusement Catering Trade Association (BACTA)~~BACTA's Code of Social Responsibility and Good Practice~~ and where gaming machines are concerned, applicants are recommended to adopt BACTA's Code of Practice for AWPs in Family Entertainment Centres and Adult Gaming Centres.

~~5.8 Where there are age restrictions on entry to certain premises, the Licensing Authority recommends applicants consider and adopt BACTA's and GamCare's joint training initiative on a Site Age of Entry Control Policy.~~

~~5.9 We also recognise that most customers are able to enjoy and control their gambling, however, where there are those who are unable to control gambling, the Licensing Authority recommends that applicants adopt BACTA's and GamCare's Site Self Exclusion Policy for those particular clients to request their exclusion for a fixed period.~~

#### **Definition of Premises**

5.105.8 The Council will act in accordance with the gambling commission guidance on ensuring the primary activity of the licensed premises. Gaming machines may be available in licensed betting premises only at times when there are also sufficient facilities or betting operators. They will also need to demonstrate that betting will continue to be the primary activity of a premise when seeking variations to licences.

In making this determination, the licensing authority will have regard to the six indicators on betting as a primary gambling activity:

- The offer of established core product (including live events pictures and its range).
- The provision of information on products and events.
- The promotion of gambling opportunities and products.
- The actual use made of inspecting facilities.
- The size of premises.
- The delivery of betting facilities.

5.115.9 Premises are defined in the Act as "any place". Different premises licences cannot apply in respect of a single premise at different times. It is however possible for a single building to be subject to more than one premises licence, providing that each licence is for a different part of the building and such different parts can reasonably be regarded as different premises.

5.125.10 The Council will judge each case on its individual merits to decide as a matter of fact, whether different parts of a building can be properly regarded as being separate premises.

In addition to other relevant factors, the Council will have regard to the Gambling Commission guidance which lists the following factors which may be taken into account:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or public passageway?
- Can the premises only be accessed from another gambling premises?

**5.135.11** We note that the Gambling Commission, in their guidance, do not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. We support this view.

**5.145.12** This licensing authority takes particular note of the Gambling Commission's Guidance for Local Authorities, which states that:

- i) Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- ii) Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and the 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.

#### **Provisional Statement**

**5.155.13** Under the Act an applicant may apply for a Provisional Statement where a premises is under construction. The Gambling Commission has advised that reference to the term, "the premises" are to the premises in which gambling may now take place. Therefore a licence to use premises for gambling will ~~only~~ be

issued in relation to premises that are ready to be used for gambling **or are intended to be used for gambling.**

**5.165.14** 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 the Licensing Authority can, if necessary, inspect it fully, as can other responsible authorities, with inspection rights under the Act.

**5.175.15** In deciding whether a premises licence can be granted where there are construction works, at existing premises, the Council will determine applications on their merits, applying a two-stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for that situation.

**5.185.16** Applicants should note that the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

## **Location**

**5.195.17** The Gambling Commission Guidance stipulates that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the licensing objectives can.

**5.205.18** In accordance with the Gambling Commission's Guidance for Local Authorities, this Licensing 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.

**5.215.19** This authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon, this policy statement will be updated accordingly. It should be noted that any such future policy will not preclude any application being made with the onus upon the applicant showing how any potential concerns can be overcome.

**5.225.20** Each case will be decided on its merits and will depend, to a large extent, on the type of gambling that it is proposed will be offered on the premises.

**5.235.21** If an applicant can demonstrate appropriate measures to overcome concerns, that will be taken into account by the Council.

## Conditions

5.245.22 Any conditions attached to licences will be proportionate and will be:

- i) Relevant to the need to make the proposed building suitable as a gambling facility.
- ii) Directly related to the premises and the type of licence applied for;
- iii) Fairly and reasonably related to the scale and type of premises: and
- iv) Reasonable in all other respects.

5.28 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult-only areas etc. There are specific comments made in this regard under each of the licence types below.

5.29 This policy acknowledges that there are conditions that the licensing authority cannot attach to premises licences:

- i) Any condition on the premises licence which makes it impossible to comply with an operating licence condition.
- ii) Conditions relating to gaming machine categories, numbers, or method of operation.
- iii) 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).
- iv) Conditions in relation to stakes, fees, winning or prizes.

## Door Supervisors

5.30 The Gambling Commission advises in its Guidance for local authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

5.31 This policy recognises that door supervisors at bingo or casino premises cannot be licensed by the Security Industry Authority (SIA). This Licensing Authority does not have specific requirements for door supervisors working at bingo or casino premises. Each case will be determined on its individual merits.

5.32 It is noted that for premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances or 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.

## **CASINO PREMISES**

- 5.33 To date, the Licensing Authority has chosen not to pass a resolution under section 166 (5) of the Gambling Act to prohibit casinos in the Borough.
- 5.34 Should the Council choose to make such a resolution, this will be a resolution of full Council following considered debate and the reasons for making the resolution will be given.

## **BINGO PREMISES**

- 5.35 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.
- 5.36 The holder of a Bingo Operating Licence will be able to provide any type of bingo game including cash and prize bingo. Where bingo is permitted in alcohol licensed and non-gambling premises, this must not become a predominant commercial activity; otherwise a bingo operating licence will be required.
- 5.37 Commercial bingo halls will require a bingo premises licence from the Council. Amusement arcades providing prize bingo will require a prize gaming permit from the Council.
- 5.38 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on category D machines. When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.
- 5.39 The Licensing Authority recognises that there is no ban on children or young people having access to Bingo premises, that it is illegal for Under 18s to play or use Category B and C machines and that they cannot be employed in providing facilities for gambling or bingo premises. In any event, children under 16 cannot be employed in any capacity at a time when facilities for playing bingo are being offered. 16 and 17 year olds may be employed while bingo is taking place provided the activities on which they are employed are not connected with the gaming or gaming machines. Where children aged 16 and 17 are employed in bingo premises, the Licensing Authority would expect to see sufficient controls restricting access to Category B and C machines.
- 5.40**—A limited number of gaming machines may also be made available at Bingo licensed premises. A list of categories of gaming machines is on page [32](#). [Where](#) [43](#)

category C or above machines are available in premises to which children are admitted, the licensing authority will seek to ensure that:

- i) All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- ii) Only adults are admitted to the area where these machines are located.
- iii) Access to the area where the machines are located is supervised.
- iv) 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
- v) 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 the age of 18.

5.40 The Council will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licensing conditions may cover issues such as:

- Proof of age schemes.
- CCTV – this should be of sufficient quality that it will use evidence.
- the provision of entrances/machine areas
- physical separation areas
- location of entry
- notices/signage
- specific opening hours
- self-exclusion schemes - these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises
- provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures that the Council can consider implementing.

5.41 With regard to segregation of Category B and C machines from Category D machines, there is a requirement that there must be clear segregation between these types of machine so that children do not have access to Category B or C machines and the Licensing Authority will take into account any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.

#### **Members' Clubs and Commercial Clubs**

5.42 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if

that limit is breached. Stakes or prizes above that limit will require a Bingo Operators Licence and the corresponding Personal and Premises licences.

- 5.43 With regard to turnover, where the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will inform the Gambling Commission accordingly.
- 5.44 The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

#### **BETTING PREMISES**

- 5.45 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Anyone wishing to operate a betting office will require a Betting Premises Licence from the Council.
- 5.46 Children and young people will not be able to enter premises with a betting premises licence.
- 5.47 Betting premises will be able to provide a limited number of gaming machines and some betting machines. A table showing the number and category of gaming machines permitted in betting premises is on page [33-44](#)
- 5.48 In premises licensed for alcohol consumption, the Council has the power to restrict the number of gaming machines, their nature and the circumstances in which they are made available. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things: the size of the premises, the level of management, supervision and ability of staff to monitor the use of machines especially where children and young or vulnerable people are concerned; and the number of counter positions available for person-to-person transactions.
- 5.49 The Council will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licensing conditions may cover issues such as:
  - Proof of age schemes.
  - CCTV – this should be of sufficient quality that it will use evidence.
  - the provision of entrances/machine areas
  - physical separation areas
  - location of entry
  - notices/signage
  - specific opening hours
  - [self-exclusion](#) schemes - these are schemes whereby individuals who acknowledge they have a gambling problem ask [to be](#) barred from certain premises

- provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures that the Council can consider implementing.

## TRACKS

- 5.49 Only one Premises Licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 5.50 Track operators are not required to hold an 'Operators Licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 5.51 Although there will primarily be a betting premises licence for the track, there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 5.52 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
- 5.53 This Licensing Authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.
- 5.54 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and

this authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young person's will be permitted to enter track areas where facilities for betting are provided on days when dog- racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

5.55 Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare will be considered suitable in relation to the protection of children and vulnerable people.

5.56 Where appropriate, in order for the Licensing Authority to gain a proper understanding of what it is being asked to licence, applicants will be asked to:

- i) Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the race track;
- ii) In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facilities;
- iii) Evidence measures taken to ensure the third Licensing Objective will be complied with;
- iv) Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for that purpose.
- v) Define the areas of the track that will be used by on course operators visiting the track on race days.
- vi) Define any temporary structures erected on the track for providing facilities for betting.
- vii) Define the location of any gaming machines (if any).

5.57 Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

### **Betting Machines at Tracks**

5.58 In addition to the comments above at betting machines in betting premises, similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. The licensing authority may consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.

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

#### **Condition on rules being displayed**

5.60 In line with guidance from the Gambling Commission the Council will 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.

#### **ADULT GAMING CENTRES**

5.61 As no one under the age of 18 is permitted to enter an Adult Gaming Centre, this Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Applicants are recommended to consider this Licensing Objective very carefully when applying for an Adult Gaming Centre.

5.62 The Council will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licensing conditions may cover issues such as:

- Proof of age schemes.
- CCTV – this should be of sufficient quality that it will use evidence.
- the provision of entrances/machine areas
- physical separation areas
- location of entry
- notices/signage
- specific opening hours
- **self-exclusion** schemes - these are schemes whereby individuals who acknowledge they have a gambling problem ask **to be** barred from certain premises
- provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures that the Council can consider implementing.

5.63 Where the Adult Gaming Centre is situated in a complex such as an airport, shopping area or motorway service station, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access.

5.64 A table showing the number and category of gaming machines permitted in adult gaming centres is on page [33-44](#)

#### **FAMILY ENTERTAINMENT CENTRES (FECs)**

5.65 There are two classes of family entertainment Centres. Licensed FECs provide Category C and D machines and require a Premises Licence. Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits.

##### **(Licensed) Family Entertainment Centres**

5.66 Children and young persons may enter FECs but are not permitted to play Category C machines. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to ensure that there will be sufficient measures to prevent under 18 year olds having access to the adult only gaming machine areas.

5.67 With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of ~~self barring~~self-barring schemes, provision of information leaflets/help line numbers for organizations such as GamCare as appropriate measures.

5.68 With regard to segregation of Category C machines in licensed FECs, there is a requirement that there must be clear segregation between the two types of machine so that children do not have access to Category C machines and the Licensing Authority will take into account any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.

5.69 Applicants are recommended to visit the Gambling Commission's website in order to familiarise themselves with the conditions applicable to these premises.

##### **Statement of Principles**

5.70 As these premises are open to children and young persons, the Licensing Authority will wish to see additional information, such as:

- i) A plan of the premises showing clear segregation of Category C and D machines.
- ii) Clear Notices excluding under 18 year olds from the designated areas where Category C machines are located;
- iii) Age Restriction Policy;

- iv) Evidence of ongoing staff training in administering all aspects of age restriction policy;
- v) Solid physical barriers separating adult gaming area from the main floor, i.e. the barriers to be a min. of 1 metre in height from the floor;
- vi) Completion of a training programme in social awareness in respect of gambling
- vii) Evidence of compliance with BACTA's Code of Practice

### **TRAVELLING FAIRS**

5.71 Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements on the way the machine operates. They may provide an unlimited number of Category D gaming machines and it will fall to the licensing authority to 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 that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

5.72 The Licensing Authority will consider whether or not a travelling fair falls within the statutory definition of a travelling fair and recognises 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. The Licensing Authority will work with neighbouring authorities to ensure that land that crosses joint boundaries is monitored so that the statutory limits are not exceeded.

### **REVIEW OF PREMISES LICENCES**

5.73 A premises licence may be reviewed by the Licensing Authority of its own volition or following receipt of an application for a review, which is essentially a request by a third party to the Licensing Authority to review a particular licence.

5.74 However, it is for the Licensing Authority to decide whether or not the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the Authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous requests for review.

5.75 The review will be:

- i) In accordance with any relevant Code of Practice issued by the Gambling Commission.
- ii) In accordance with any relevant Guidance issued by the Gambling Commission.

- iii) Reasonably consistent with the Licensing Objectives and
- iv) In accordance with the Licensing Policy Statement.

5.76 Licensing Authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. An application for review must be granted, unless it decides to reject the application in accordance with the act.

5.77 The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate with regard to the licensing objectives. This can extend to a review of a class of licences where it considers particular issues have arisen.

## **PART 6** **GAMING PERMITS**

### **INTRODUCTION TO PERMITS**

6.1 Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.

6.2 The Licensing Authority is responsible for issuing the following permits:

- Family Entertainment Centre (FEC) Gaming Permits
- Club Gaming Permits and Club Machine Permits
- Alcohol –licensed Premises Gaming Machine Permits
- Prize Gaming permits

6.3 The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.

6.4 There are different considerations to be taken into account when considering the different types of permit applications. Please refer to the relevant parts of this below.

### **GAMING MACHINES**

6.5 A gaming machine can cover all types of gambling activity, which can take place on a machine, including betting on virtual events. A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of chance imparted by the action of the machine would cause it to be a gaming machine.

6.6 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.

6.7 There are four classes of gaming machines: Categories A, B, C and D, with category B further divided into sub-categories B1, B2, B3, B3A and B4. The table below sets out the current maximum stakes and prizes that apply to each category:

## CATEGORIES OF GAMING MACHINES

CATEGORY	MAXIMUM STAKE	MAXIMUM PRIZE
<b>A</b>	Unlimited	Unlimited
<b>B1</b>	£5	£10,000*
<b>B2</b>	£100 (in multiples of £10) £2 effective April 2019	£500
<b>B3</b>	£2	£500
<b>B3A</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D**</b>	-	-
<b>D</b> non-money prize (other than crane grab machine)	30p	£8
<b>D</b> non-money prize (crane grab machine)	£1	£50
<b>D</b> money prize (other than a coin pusher or penny falls machine)	10p	£5
<b>D</b> combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
<b>D</b> 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)

\* Category B1 where the prize value available through its use is wholly or partly determined by reference to use made of one or more other subcategory B1 machines, no more than £20,000

\*\*Category D machines with a 10p stake are entitled to offer prizes of up to £5 in cash, or up to £5 in cash and £3 in non-monetary prizes. Category D machines with a 30p stake can offer £8 in non-monetary prizes only.

6.8 The Gambling Act also prescribes the maximum number and category of gaming machines that are permitted in each type of gambling premises. This includes premises with permit entitlements, as well as licensed premises (see table on page 35):

## NUMBER OF GAMING MACHINES BY PREMISES TYPE

TYPE	GAMING MACHINES
BINGO PREMISES	MAXIMUM OF 20% OF THE TOTAL NUMBER OF GAMING MACHINES WHICH ARE AVAILABLE FOR USE ON THE PREMISES FOR CATEGORIES B3 AND B4.  NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES
BETTING PREMISES	MAXIMUM OF 4 GAMING MACHINES CATEGORIES B2 TO D (EXCEPT B3A MACHINES)
TRACK BETTING PREMISES WHERE POOL BETTING LICENCE HELD	MAXIMUM OF 4 GAMING MACHINES CATEGORIES B2 TO D (EXCEPT B3A MACHINES)
ADULT GAMING CENTRE	MAXIMUM OF 20% OF THE TOTAL NUMBER OF GAMING MACHINES WHICH ARE AVAILABLE FOR USE ON THE PREMISES FOR CATEGORIES B3 AND B4.  NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES
FAMILY ENTERTAINMENT CENTRE WITH PREMISES LICENCE	NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES
FAMILY ENTERTAINMENT CENTRE WITH GAMING PERMIT	NO LIMIT ON CATEGORY D MACHINES
MEMBERS CLUB PREMISES	MAXIMUM OF 3 GAMING MACHINES IN CATEGORIES B3A OR B4 TO D (ONLY ONE B3A MACHINE CAN BE SITED AS PART OF THIS ENTITLEMENT)
COMMERCIAL CLUBS	MAXIMUM OF THREE GAMING MACHINES IN CATEGORIES B4 TO D
ON SALES ALCOHOL LICENSED PREMISES	MAXIMUM OF 2 GAMING MACHINES IN CATEGORIES C TO D BY NOTIFICATION NUMBER OF
ON SALES ALCOHOL LICENSED PREMISES WITH GAMING MACHINE PERMIT	CATEGORY C TO D MACHINES AS SPECIFIED ON PERMIT

## (UNLICENSED) FEC GAMING MACHINE PERMITS

6.9 Where Premises do 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 under section 238 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

6.10 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. In preparing that 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 under section 25.

6.11 A FEC gaming machine permit may be granted only satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application. The Licensing Authority may grant or refuse a permit but cannot impose conditions upon the grant of a permit. Therefore the licensing authority will wish to be satisfied as to the applicant's suitability before granting a permit. Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.

#### **Statement of Principles**

6.12 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include background checks on staff, training for staff in dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

6.13 Applicants will be expected to demonstrate:

- i) A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
- ii) That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).
- iii) That staff are trained to have a full understanding of the maximum stakes and prizes; and
- iv) An awareness of local school holiday times and how to identify the local education office should truants be identified.

6.14 Compliance with the Code of Practice in relation to FECs, issued by BACTA, will be taken by the Licensing Authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.

6.15 As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:

- (i) A plan of the premises to a scale of 1:100. If a 1:100 scaled plan cannot be submitted the plans must be clear and legible in all material respects. All plans must show the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers and indicating the location of appropriate clear and prominent notices and barriers, such Notices to state:
  - (a) That no unaccompanied child will be permitted to remain on the premises if that person is required by law to attend school;
  - (b) Highlighting the need to play responsibly;
  - (c) The number and location of Category D machines;
- (ii) Evidence of staff training by way of a Premises Log Book, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises;
- (iii) The amount of space around gaming machines to prevent jostling of players or intimidation;
- (iv) Location and supervision of Automated Teller Machines;
- (v) Proof of Age scheme;
- (vi) Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
- (vii) Details of opening hours;
- (viii) Details of external appearance of premises;
- (ix) Numbers of staff employed;
- (x) Insurance documents and any other such information the Licensing Authority will from time to time require;
- (xi) Any other policies or procedures in place to protect children from harm.

6.16 The above statement of principles will apply in relation to initial applications only and not renewals.

6.17 With regard to renewals, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

6.18 Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.

6.19 Where the Permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed.

6.20 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues and will also consider an applicant's suitability for FEC permits and factors taken into account will include the Applicant's criminal record and previous history and experience of running similar premises, if any.

#### **CLUB GAMING AND CLUB MACHINES PERMITS**

6.21 Members Clubs and Miners' Welfare Institutes (not Commercial Clubs) may apply for a Club Gaming Permit or Club Gaming Machine Permit.

6.22 **Club Gaming Permit**  
Club gaming permits allow the premises to provide:

- i) Up to three machines of categories B, C or D.
- ii) Equal chance gaming; and
- iii) Games of chance as set out in regulations.

6.23 **Club Gaming Machine Permit**  
A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.

6.24 Before granting a permit, the Licensing Authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Gambling Act and may grant the permit provided the majority of members are over 18 years of age.

6.25 The Licensing Authority recognises that there is a 'fast track' procedure for premises holding a Club Premises Certificate under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which the Licensing Authority can refuse a permit are reduced.

#### **ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS**

6.26 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 licence holders merely need to notify the Licensing Authority that they intend to exercise their automatic entitlement to gaming machines in their premises.

6.27 Under section 284 the Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- i) Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- ii) 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).
- iii) The premises are mainly used for gaming; or
- iv) An offence under the Gambling Act has been committed on the premises.

6.28 Should it necessary to issue section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. The authority will hold a hearing if the licensee requests it.

6.29 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant."

#### **Statement of Principles**

6.30 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 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 machines.

6.31 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 that 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 organisations such as GamCare.

6.32 The Licensing Authority will usually expect holders of gaming machine permits to ensure that the gaming machines are sited in accordance with any relevant code of practice issued by the Gambling Commission and to ensure that they can be adequately supervised whilst in use.

- 6.33 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an adult entertainment centre premises licence.
- 6.34 It should be noted that the Licensing Authority is empowered to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than those restricting the number or category of machines) cannot be attached.
- 6.35 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 machine.

#### **PRIZE GAMING PERMITS**

- 6.37 The licensing authority may prepare a statement of principles which they propose to apply in exercising their functions which may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit.
- 6.38 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs providing none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.
- 6.39 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.
- 6.40 Applicant should set out the types of gaming they are intending to offer and should be able to demonstrate:
  - i) That they understand the limits to stakes and prizes that are set out in Regulations; and
  - ii) That the gaming offered is within the law.
- 6.41 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing authority cannot attach conditions. The conditions in the Act are:
  - i) The limits on participation fees, as set out in regulations, must be complied with.

- ii) 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.
- iii) 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
- iv) Participation in the gaming must not entitle the player to take part in any other gambling.

6.42 Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.

#### **Statement of Principles**

6.43 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 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 unequal chances prize gaming.

6.44 A plan must accompany applications indicating where, and what type, of prize gaming is to be provided.

6.45 The grounds for decision making as regards renewals are the same as for initial applications.

6.46 Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and offering the applicant an opportunity to make representations orally or in writing or both.

**PART 7**  
**TEMPORARY AND OCCASIONAL USE NOTICES**

**TEMPORARY USE NOTICES (TUN)**

- 7.1 A Temporary Use Notice ("TUN") is a notice which authorises a person or an organisation to conduct gaming activities for a temporary period of time, at a particular premises. However, a TUN may only be granted if the premises user is already in possession of a relevant Operating Licence. The London Borough of Hillingdon is bound by a number of statutory limits as regards TUNs. Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a TUN.
- 7.2 The reference to a 'set of premises' prevents one large premise from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.
- 7.3 The Licensing Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site.
- 7.4 In considering whether a place falls within the definition of a 'set of premises' the Licensing Authority will look at the ownership/occupation and control of the premises and the Licensing Authority will consider whether different units are in fact different 'sets of premises'. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as one premise and would not be granted a temporary use notice for each of its exhibition halls.
- 7.5 A TUN must be lodged with the Licensing Authority not less than three (3) months and one (1) day before the day on which the gambling event will begin. The person who is giving the TUN must ensure that the notice and copies are with the Licensing Authority and named responsible authorities within seven (7) days of the date of the notice.
- 7.6 On receipt of a TUN the Licensing Authority will send a written acknowledgement as soon as is reasonably practicable and this may be by way of email.
- 7.7 If no objections are made within 14 days of the date of the temporary use notice, the Licensing Authority will grant and return the notice with an endorsement of validity.
- 7.8 If objections are received within 14 days of the date of notice, a hearing will be held to consider the issue of a TUN. Those who raise objections may offer modifications to the notice that will resolve their objections. If all participants to a hearing agree that a hearing is unnecessary, the hearing may be dispensed with.

7.9 The Licensing Authority may 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 and other bodies to which the notice is copied may give notice of objection but they must have regard to the Licensing Objectives and where there are such objections, they must give a notice of objection to the person who gave the TUN, such notice will be copied to the Licensing Authority.

#### **OCCASIONAL USE NOTICES (OUN)**

7.10 An Occasional Use Notice may be used where there is betting on a track on 8 days or less in a calendar year. The OUN dispenses with the need for a Betting Premises Licence for a track and the Licensing Authority will maintain a register of all applications.

7.11 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 need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

7.12 Tracks are normally thought of as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify.

**PART 8**  
**REGISTRATION OF SMALL SOCIETY LOTTERIES**

**DEFINITION OF SMALL SOCIETY LOTTERY**

8.1 The Gambling Act repeals the Lotteries and Amusements Act 1976. The Licensing Authority will register and administer smaller non-commercial lotteries. Promoting or facilitating a lottery will fall within 2 categories:

- i) Licensed Lotteries (requiring an Operating Licence from the Gambling Commission); and
- ii) Exempt Lotteries (registered by the Licensing Authority).

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

- i) Small Society Lotteries;
- ii) Incidental Non-Commercial Lotteries;
- iii) Private Lotteries;
- iv) Private Society Lottery;
- v) Work Lottery;
- vi) Residents' Lottery;
- vii) Customer Lotteries.

8.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category, and therefore registered by the Licensing Authority, because their proceeds are below specified levels. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits will be made available on the Council's website or by contacting the Licensing Authority.

**THE LICENSING AND REGISTRATION SCHEME**

8.4 Applicants for lottery licences 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.

8.5 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.

8.6 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/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.

8.7 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.

8.8 The Licensing Authority may refuse an application for registration if in their opinion:

- i) The applicant is not a non-commercial society;
- ii) A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- iii) Information provided in or with the application for registration is false or misleading.

8.9 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, however, seek further information from the Society.

8.10 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. In any event, the Licensing Authority will make available on its website its procedures on how it handles representations.

8.11 The Licensing Authority may revoke the registered status of a society if it thinks that they 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.

- 8.12 Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an Operator's Licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.
- 8.13 The Licensing Authority will expect registered small society lottery societies to renew their registrations each year. It is not the responsibility of the Licensing Authority to issue reminders to small society lottery societies to advice of renewals. Registrations will expire if they are not renewed in a timely way. Cancellation of a small society lottery will be confirmed in writing by the Licensing Authority.

## **PART 9** **DECISION MAKING**

### **THE LICENSING COMMITTEE**

- 9.1 The Licensing Committee will consist of at least 10 Members. Licensing Sub-committees consisting of 3 Committee Members will hear any relevant representations from Responsible Authorities and interested parties. Any of these individuals or groups may specifically request a representative to make representations on the applicant's behalf. This could be a legal representative, a friend, an MP or a Ward Councillor.
- 9.2 Where a Councillor who is a member of the Licensing Sub-Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.
- 9.3 Licensing Authorities must have regard to the licensing objectives when exercising their functions in relation to premises licences, temporary use notices and some permits.
- 9.4 The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to being reasonably consistent with the Licensing Objectives; the Human Rights Act 1998; any relevant code of practice under Section 24 of the Gambling Act 2005; any relevant guidance issued by the Commission under Section 25 of the Gambling Act 2005; and this Statement of Policy. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable.

### **DELEGATION OF DECISION MAKING RESPONSIBILITIES**

- 9.5 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 9.6 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at [Appendix D. Annex C.](#)
- 9.7 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, will be delegated to Council Officers.

## PART 10

### APPENDIX ANNEX A

#### SCHEDULE OF CONSULTEES TO DRAFT POLICY

<u>PERSONS OR BODIES REPRESENTING THE INTERESTS OF THOSE CARRYING ON GAMBLING BUSINESSES IN THE BOROUGH</u>	<u>OF THE AUTHORITY'S FUNCTIONS</u>
Association of British Bookmakers	All Elected (Ward) Councillors, London Borough of Hillingdon Council
Association of Licensed Multiple Retailers	All "Responsible Authorities" as defined under the Gambling Act (see <i>Appendix C for list and contact details</i> )
British Amusement Catering Association	Alcoholics Anonymous (AA)
British Beer and Pub Association	Gamblers Anonymous
National Casino Industry Forum	Government Organisations: (LGA, ODPM, LACORS)
British Holiday & Home Parks Association	Hillingdon Action Group for Addiction Management (HAGAM)
Greyhound Board of Great Britain	Hillingdon Association of Voluntary Services
British Institute of Inn keeping	Hillingdon's Children and Young People's Partnership Board (CYPSPB)
Business in Sport and Leisure Ltd	Hillingdon Community and Police Consultative Group
Casino Operators Association, UK	Hillingdon Drug and Alcohol Services
Community Trade Union	Hillingdon Law Centre
Federation of Licensed Victuallers	Hillingdon Mind
Gamcare	Hillingdon NHS
AGE UK	Hillingdon Salvation Army
Hillingdon Chamber of Commerce	Hillingdon Samaritans
Remote Gambling Association	Hillingdon Youth Offending Service
Responsibility in Gambling Trust	Hillingdon Tenants and Residents Associations
Rugby Football Union	Hillingdon Federation of Community Associations & similar bodies
The Bingo Association	Local Licensing Solicitors in Hillingdon
The Football Association	Local Strategic Partnership Uxbridge Initiative
The Lotteries Council	Uxbridge Magistrates Court
The Working Men's Club & Institute Union	
<u>PERSONS OR BODIES REPRESENTING THE INTERESTS OF THOSE WHO ARE LIKELY TO BE AFFECTED BY THE EXERCISE</u>	

NEIGHBOURING LONDON,  
COUNTY AND DISTRICT  
COUNCIL'S

And:  
Slough Borough Council  
Spelthorne Borough Council  
Hertfordshire County Council  
South Bucks District Council  
Three Rivers District Council

London Boroughs of: Brent, Ealing,  
Hammersmith & Fulham, Harrow  
and Hounslow  
(*West London Alliance Members*)

Note: This list was not intended to be exhaustive. Comments and observations were welcomed from anyone affected by this policy.

APPENDIX ANNEX B

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SCHEDULE OF RESPONSIBLE AUTHORITIES

*For the purposes of the Act, Responsible Authorities are public bodies that must be notified of all applications and who are entitled to make representation in relation to Premises*

Hillingdon Licensing Authority *e/o*  
The Licensing Service Residents  
Services  
London Borough of Hillingdon  
Civic Centre, Uxbridge  
UB8 1UW  
[licensing@hillingdon.gov.uk](mailto:licensing@hillingdon.gov.uk)

Hillingdon Planning Authority  
Head of Planning and Enforcement Residents  
Services  
London Borough of Hillingdon Civic Centre,  
Uxbridge  
UB8 1UW  
Head of Planning Development Planning  
London Borough Of Hillingdon  
Civic Centre  
Uxbridge  
UB8 1UW

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The Gambling Commission  
*4<sup>th</sup> Floor*  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

[Planning@hillingdon.gov.uk](mailto:Planning@hillingdon.gov.uk)

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Police Licensing Chief Officer of  
Police, London Borough of  
Hillingdon  
*e/o* Licensing Sergeant  
Uxbridge Police Station 4  
1 Warwick Place  
Uxbridge  
UB8 1PG  
[xh@met.pnn.police.uk](mailto:xh@met.pnn.police.uk)

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London Fire Brigade and  
Emergency Planning Authority  
169 Union Street  
London Hillingdon Fire  
SE1 0LL Safety Team  
Hillingdon Fire Station  
Uxbridge Road  
Hillingdon UB10 0PH  
Attn: North West Area Team

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[FSR-AdminSupport@london-](mailto:FSR-AdminSupport@london-fire.gov.uk)  
[fire.gov.uk](mailto:fire.gov.uk)

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London Borough of  
Hillingdon Civic Centre,  
Uxbridge  
UB8 1UW

Authority for Pollution &  
Harm to Human Health  
c/o Antisocial Behaviour  
& Environment Team  
London Borough of  
Hillingdon Civic Centre,  
Uxbridge  
UB8 1UW  
[asbinvestigations@hillingdon.gov.uk](mailto:asbinvestigations@hillingdon.gov.uk)

Local Safeguarding

Children Board c/o Director of  
Childrens Services London Borough  
of Hillingdon Civic Centre, Uxbridge  
UB8 1UW  
[safeguardingchildrenadmin@hillingdon.gov.uk](mailto:safeguardingchildrenadmin@hillingdon.gov.uk)

HM Revenue & Customs  
Betting and Gambling Department Portcullis  
House  
21 India Street Glasgow  
G2 4PZ

**Authorities for Vessels: Navigation  
Authority**  
**The Enforcement Agency The  
Canal and River Trust The  
Secretary of State**

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#### Appendix ANNEX C

#### SUMMARY OF DELEGATION OF POWERS AS ALSO SET OUT IN THE COUNCIL'S CONSTITUTION

<b>FUNCTION</b>	<b>COUNCIL / CABINET</b>	<b>SUB- COMMITTEE</b>	<b>OFFICER</b>
<u>Approval of the three year Statement of Gambling Policy</u>	<u>Cabinet and Full Council</u>	-	-
<u>Policy not to permit casinos</u>	<u>Full Council</u>	-	-
<u>Fee Setting - when appropriate</u>	<u>Cabinet</u>	-	
<u>Application for premises licences</u>	-	<u>If representation made</u>	<u>If no representation made</u>
<u>Application for a variation to a licence</u>	-	<u>If representation made</u>	<u>If no representation made</u>
<u>Application for a transfer of a licence</u>	-	<u>Where representations have been received from the Commission</u>	<u>Where no representations received from the Commission</u>
<u>Application for a provisional statement</u>	-	<u>If representation made</u>	<u>If no representation made</u>

<u>Review of a premises licence</u>	-	X	-
<u>Application for club gaming /club machine permits</u>	-	<u>If representation made</u>	<u>If no representation made</u>
<u>Cancellation of club gaming/ club machine permits</u>	-	X	-
<u>Applications for other permits</u>	-	-	X
<u>Cancellation of licensed premises gaming machine permits</u>	-	-	X
<u>Consideration of temporary use notice</u>	-	-	X
<u>Notifications and applications for two or three gaming machines</u>	-	-	X
	<b>COUNCIL / CABINET</b>	<b>SUB-COMMITTEE</b>	<b>OFFICER</b>
<u>Applications for four to five gaming machines</u>	-	-	<u>Officers in consultation with the Chairman of the Licensing Sub-Committee</u>
<u>Applications for more than five gaming machines</u>	-	<u>By way of a report</u>	-
<u>Decision to give a counter notice to a temporary use notice</u>	-	X	-
<u>Section 284 Order to revoke the automatic entitlement for 2 gaming machine notifications</u>	-	X	-

**Annex-ANNEX D A**

**Ward Councillor Call-in**

Where a Ward Councillor makes representations upon an application within their ward, in writing, to the relevant Head of Service for Administrative, Licensing, Technical and Business Services within the appropriate statutory period of consultation for the application, and this representation has been forwarded to the Licensing Authority, that application shall be submitted scheduled to be heard by the Licensing Sub-Committee for determination. The Ward Councillor must include in their representations the reasons why they wish the application to be determined by the Sub-Committee and how the application adversely affects the licensing objectives..

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## Appendix C - Equality Impact Assessment

### STEP A) Description of what is to be assessed and its relevance to equality

What is being assessed? Please tick ✓

Review of a service  Staff restructure  Decommissioning a service

Changing a policy ✓ Tendering for a new service  A strategy or plan

**The review of the Council's Statement of Gambling Policy which takes place every 3 years and must be in place by the end of 2022.**

Who is accountable? E.g. Head of Service or Corporate Director

London Borough of Hillingdon – 'The Licensing Authority'

Date assessment completed and approved by accountable person

1<sup>st</sup> August 2022

Names and job titles of people carrying out the assessment

Daniel Ferrer, Licensing Team Manager

A.1) What are the main aims and intended benefits of what you are assessing?

Comprehensive review and consultation to implement the Council's new Statement of Gambling Policy. As a result, it is intended that this assessment will support effective and efficient delivery of licensing functions and the Council's objectives and allow for stakeholders views to be taken into account.

A.2) Who are the service users or staff affected by what you are assessing? What is their equality profile?

The main users of the service that will be affected will be the actual applicants. Looking at previous applications and licences granted for premises licence holders, it is clear that they are mainly limited companies such as William Hill, Ladbrokes and Jennings. Therefore, we do not foresee any issues as their relevant applications and documentation will be dealt with by agents or their solicitors.

However, service users who may be affected are potentially staff and customers who work and use certain licenced premises and their services. For example, there are a large number of betting shops in the south parts of the Borough such as Hayes. From inspections and visits to these premises, the equality profile of staff and customers come from a Black, Asian, Minority and Ethnic Background.

Furthermore, another relevant key service user will be residents. Again, residents who are generally based geographically in the south may be affected. They will be made from a Black, Asian, Minority and Ethnic background and have always played an important role when submitting representations/objections and therefore providing a voice for the local community.

A.3) Who are the stakeholders in this assessment and what is their interest in it?

Stakeholders	Interest
Applicants and licence holders	Ensure that they are supported by the Authority in making their applications and kept fully informed of the process and the implications of the reviewed Statement of Gambling Policy.
Residents and Businesses	Ensuring that specific requirements have been met by the applicant/licence holder and they are able to submit their objection/representation if it is valid under the legislation.
Licensing Committee, Cabinet & Council	Ensuring processes are followed in accordance with licensing legislation and that all information is presented to them in full so appropriate, reasonable and proportionate decisions can be made.
Chief Executive, Corporate Directors & Staff	Ensuring processes are followed in accordance with licensing legislation and that all information is presented to them in full so appropriate, reasonable and proportionate decisions can be made.

A.4) Which protected characteristics or community issues are relevant to the assessment?  in the box.

**Only tick the boxes which relate to the data you have in A2.**

Age	<input checked="" type="checkbox"/>	Religion or belief	<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	Sex	<input checked="" type="checkbox"/>
Gender reassignment	<input checked="" type="checkbox"/>	Sexual Orientation	<input checked="" type="checkbox"/>
Marriage or civil partnership	<input checked="" type="checkbox"/>	Community Cohesion	<input checked="" type="checkbox"/>
Pregnancy or maternity	<input checked="" type="checkbox"/>	Community Safety	<input checked="" type="checkbox"/>
Race/Ethnicity	<input checked="" type="checkbox"/>	Other – please state	

## **STEP B) Consideration of information; data, research, consultation, engagement**

B.1) Consideration of information and data - what have you got and what is it telling you?

The main source of data and information are the current records kept by the Licensing Authority such as applications for premises licences and gambling permits. In addition, there is the information and feedback received from officers who engage with applicants on the phone or with Management and staff face to face during site visits. It is noted that a number of staff and customers at licenced gambling premises in the geographical south of the borough are from a Black, Asian, Minority and Ethnic Background. This is particularly the case with premises in areas such as Hayes. This is evident when inspections have been carried out to premises such as betting shops.

## **Consultation**

B.2) Did you carry out any consultation or engagement as part of this assessment?

Please tick  NO  YES

**If no, explain why:**

It was not felt necessary to complete consultation as part of this assessment however, in the implementation of the policy, there will be ongoing engagement

with relevant parties during formal consultation.

B.3) Provide any other information to consider as part of the assessment

The new Statement of Gambling Policy is not anticipated to have a significant impact as there is a strong degree of consistency between the old and new document, it is merely reflecting minor updates to legislation and guidance.

On the whole, the amendments proposed have been drafted to clarify, formalise and, in some cases, simplify the processes in relation to applications under the Gambling Act 2005. The principles governing the Statement of Gambling Policy remain consistent with the previous policy statement and recognise the wider community impacts that the Licensing Authority, residents, business community and other stakeholders must be aware of when participating in the licensing process. The new Statement of Gambling Policy recognises the need for a balance between the rights of businesses and the community.

The Licensing Authority have a public sector equality duty to the following protected characteristics:

- Age
- Disability
- Sex, gender reassignment, sexual orientation
- Pregnancy and maternity
- Race, religion or belief
- Marriage and Civil Partnership

Under the Equality Act 2020 (S.149) a public authority must, in the exercise of its functions, have due regard to the need to:-

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the 2010 Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

.

## C) Assessment

What did you find in B1? Who is affected? Is there, or likely to be, an impact on certain groups?

C.1) Describe any **NEGATIVE** impacts (actual or potential):

<b>Equality Group</b>	<b>Impact on this group and actions you need to take</b>
<b>Applications from a Black, Asian, Minority and Ethnic background</b>	<p>There will be some staff at Gambling premises from a Black, Asian and Minority Ethnic background whose first language may not be English and who will therefore require some assistance and clarification when Licensing Officers are carrying out their enforcement role. For example, this could mean Officers taking their time and carefully explaining what requirements they are checking, what documents are to be produced and any follow up measures that are needed to comply.</p> <p>In regards to residents and potential difficulties with submitting representations, the Licensing Team will offer advice on the telephone and will accommodate appointments during office hours. In addition, consideration will be given to officers carrying out site visits to meet potential objectors so they are able to gain a better understanding of any proposed application.</p>

#### C.2) Describe any **POSITIVE** impacts

<b>Equality Group</b>	<b>Impact on this group and actions you need to take</b>
<b>Applications from a Black, Asian, Minority and Ethnic background</b>	<p>Better quality of applications and reports being submitted and as a result residents, responsible authorities and members of the Licensing Committee being well informed to make decisions in considering applications. Residents will feel valued and felt heard when they will be able to communicate their views on behalf of their community. Furthermore, better relationships will be formed with Council Officers and staff and so there will be higher standards of compliance when the applicants operate.</p>

#### D) Conclusions

The Licensing Team has identified that there are a number of gambling premises that have staff and customers from a Black, Asian, Minority and Ethnic background. This will be particularly the case where premises are located in the south of the Borough. In addition, residents in this geographical area will be of a similar background.

Literacy issues may be an issue within these communities and will therefore need to be considered. Local residents will require some assistance with applications, supporting documentation and explanation of Government guidance and the Council's Statement of Gambling Policy.

Licensing Officers will take appropriate steps to explain their enforcement role whilst carrying out inspections and compliance visits to staff and all management. There is already a requirement for authorised officers to leave a formal notice after their inspection fully explaining the reason for their visit and information to full access to records of any inspection. The Licensing Team will offer telephone advice to residents and consideration will be given to meeting residents at Council Offices to assist them in clarifying relevant application forms.



**Signed and dated: 01.08.22**

**Name and position:** Daniel Ferrer, Licensing Team Manager

# Agenda Item 6

## LICENSING COMMITTEE FORWARD PLANNER 2022/2023

Committee name	Licensing Committee
Officer reporting	Mark Braddock, Democratic Services
Ward	All

### HEADLINES

This standard report provides an opportunity for the Committee to schedule topical presentations, comment on key policy issues and receive general information and updates relevant to the discharge of their regulatory duties via the licensing sub-committee.

### RECOMMENDATIONS:

**That the Committee note the Forward Planner and suggest any alterations to, or additional items, as set out.**

Tuesday 4 October 2022	Proposed Agenda / Reports	Lead Officer
10am Committee Room 5	<b>Presentation:</b>  Trading Standards including counterfeit goods presentation.	KY
<b>Report deadline:</b> 23 September 2022	<b>Policies</b>  Statement of Gambling Policy (draft for consultation)	DF
	<b>Informatics:</b>  <ul style="list-style-type: none"><li>Legislative and Industry Update</li></ul>	GE
	<b>Business Review:</b>  <ul style="list-style-type: none"><li>Meeting Forward Planner</li><li>Recent Licensing sub-committee decisions and ratification of past sub-committee Minutes</li></ul>	MB MB

<b>Wednesday 25 January 2023</b>	<b>Proposed Agenda / Reports</b>	<b>Lead Officer</b>
10am Committee Room 5	<b>Presentation:</b> Anti-social behaviour and environment team	SW
<b>Report deadline:</b> 13 January 2023	<b>Reports</b> TBC	
	<b>Informatives:</b> <ul style="list-style-type: none"><li>• Legislative and Industry Update</li></ul>	GE
	<b>Business Review:</b> <ul style="list-style-type: none"><li>• Meeting Forward Planner</li><li>• Recent Licensing sub-committee decisions and ratification of past sub-committee Minutes</li></ul>	MB MB

<b>Tuesday 4 April 2023</b>	<b>Proposed Agenda / Reports</b>	<b>Lead Officer</b>
10am Committee Room 5	<b>Presentation:</b> TBC	
<b>Report deadline:</b> 24 March 2023	<b>Reports</b> TBC	
	<b>Informatives:</b> <ul style="list-style-type: none"><li>• Legislative and Industry Update</li></ul>	GE
	<b>Business Review:</b> <ul style="list-style-type: none"><li>• Meeting Forward Planner</li><li>• Recent Licensing sub-committee decisions and ratification of past sub-committee Minutes</li></ul>	MB MB

### **Implications on related Council policies**

This planner supports the application of and review of relevant licensing and regulatory policies to the decision-making Cabinet / Council, as well as informative matters to support sound decision-making at the Licensing Sub-Committee.

### **Financial Implications**

None.

### **Legal Implications**

None.

### **BACKGROUND PAPERS**

NIL

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# Agenda Item 7

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# Agenda Item 8

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