

London Borough of Hillingdon  
Gambling Act 2005  
Statement of Principles

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Preface

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## **Preface**

London Borough of Hillingdon Council recognises that gambling today has become part of the mainstream of leisure activity and the potential impact it has on the community within the Borough, including the valuable cultural, social and economic importance of the leisure industry and the benefits it brings to the area and its citizens. We also recognise some of the downsides, such as gambling presenting particular risks to children and the vulnerable that other forms of leisure do not.

We are aware that the three licensing objectives underpinning the legislation highlight an important need for businesses offering commercial gambling to operate in a socially responsible manner and we endorse this as a central principle in our Statement of Principles and decision-making responsibilities.

Our principles statement also aims to reflect that everyone in the community has a stake in the licensing decisions made by us, the licensing policies and strategies applied and how competing needs and aspirations will be met to achieve a fair balance between local stakeholders. Ultimately, this will involve striking a balance between the different aspirations and needs of local businesses, residents and visitors to the borough.

In adopting this policy, we seek to address the needs and concerns of residents and businesses to ensure a safe and healthy environment in which to live and work, together with safe and well-run entertainment premises that will promote and sustain a forward-looking and prosperous local economy.

## **PART 1 THE GAMBLING ACT 2005**

### **INTRODUCTION**

- 1.1 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 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 are required to 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
  - 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

## The Policy

- 1.4 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.
- 1.5 **Part 1** of the principles document gives a summarised overview of the statutory framework within which most of our decisions will be made. It also includes a short profile of the Borough of Hillingdon, which is intended to set the scene from a local perspective.
- 1.6 The Council's approach to addressing the licensing objectives is discussed in detail in **Part 2**, but will be referred to, where relevant, throughout this document.
- 1.7 **Part 3** reflects that we have taken an integrated approach, as far as is possible, to ensure that the key objectives of the Act are met as well as provide important support to the Council's Community Strategy, "*Working together for a better future*" and various other core council objectives, initiatives and strategies. It also addresses the principle of non-duplication with other regulatory regimes.
- 1.8 **Parts 4 - 7** inclusive, sets out in detail the main principles this authority intends to apply when making decisions in respect of Premises Licences, Gaming and Gaming Machine Permits, Notices and Lottery Registrations.
- 1.9 **Part 8** describes our decision-making responsibilities and the allocation of those responsibilities and Part 9 comprises the various appendices referred to within the document.
- 1.10 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.
- 1.11 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.
- 1.12 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 licences 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 Hillingdon Licensing Service.

## **CONSULTATION**

~~1.13 Consultation on Hillingdon's Statement of Licensing Principles lasted 12 weeks, commencing on 30<sup>th</sup> June 2006 and ending on 25<sup>th</sup> September 2006.~~

**1.13 Consultation on Hillingdon's Statement of Licensing Principles lasted 6 weeks, commencing on 17<sup>th</sup> July 2009 and ending on 28<sup>th</sup> August 2009.**

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

- (i) The Chief Officer of Police for the London Borough of Hillingdon
- (ii) Persons who appear to this authority to represent the interests of persons carrying on gambling businesses in the borough of Hillingdon and neighbouring boroughs
- (iii) 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

1.15 A comprehensive list of the persons and/or bodies we have consulted is attached at 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 Team.

## **DECLARATION**

1.16 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.

## **PROFILE OF HILLINGDON**

- 1.17 Hillingdon is a vibrant outer London Borough. Its 42 square miles make it London's second largest borough. Buckinghamshire, Hertfordshire, Surrey and the London Boroughs of Hounslow, Harrow and Ealing are our neighbours. It is home to approximately 248,000 people, representing a vast range of cultures and nationalities. Hillingdon contributes greatly to the economic success of the capital, yet it remains one of London's greenest boroughs. As the home of Heathrow airport it is also London's foremost gateway to the world. The 2001 UK census suggested that Hillingdon was a relatively affluent area. Unemployment overall was lower than the national average with 2.7% of 16 to 74 year olds registered unemployed compared to a national average of 3.4%. 26% of Hillingdon's population is children and young people aged 0-19 years.
- 1.18 A Map of Hillingdon is attached at Appendix B showing the geographical area covered by this Policy.

## **AUTHORISED ACTIVITIES**

- 1.19 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.
- 1.20 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.
- 1.21 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 Team where appropriate.

## **LICENSING AUTHORITY FUNCTIONS**

1.22 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 Licences issued (see section on Information Exchange)
- Maintaining Register of Licences 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.

## **RESPONSIBLE AUTHORITIES**

1.23 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.

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

- i) London Borough of Hillingdon Council Licensing Authority
- ii) The Gambling Commission
- iii) The Chief Officer of Police for the London Borough of Hillingdon (where relevant, Chief Officer of Police for Heathrow)
- iv) London Fire & Emergency Planning Authority, Hillingdon Fire Station
- v) London Borough of Hillingdon Council Planning Authority
- vi) London Borough of Hillingdon Council Environmental Protection Unit (*i.e. authority responsible for pollution and harm to human health*)

- vii) Hillingdon Local Safeguarding Board
- viii) HM Revenue and Customs
- ix) Authority for Vulnerable Adults
- x) A Licensing Authority in whose area the premises is situated (*i.e. the Council itself and also any adjoining Council where premises straddle the boundaries between the two*).

For Vessels only:

- (xi) 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 Culture, Media and Sport (DCMS)

1.25 Subject to any other person being prescribed in Regulations by the Secretary of State. The contact addresses for these authorities are illustrated at Appendix C, or available via the Council's website.

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

1.26 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.

1.27 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.

1.28 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board (~~formally Hillingdon's Area Child Protection Committee~~) for this purpose.

1.29 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**

1.30 Interested parties can make representations about licence applications, or apply for a review of an existing licence. 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

1.31 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:

### **Statement Of Principles**

1.32 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.

1.33 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.

1.34 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:

#### **1.35 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.

1.36 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

**1.37 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 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); and
- 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.

**1.38 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.

1.39 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.

1.40 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 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**

- 1.41 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.
- 1.42 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 the respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act.

### **Statement of Principles**

- 1.43 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 Data Protection Act 1998 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.
- 1.44 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.
- 1.45 The Licensing Authority will work closely with the Gambling Commission, Local Police Enforcement in Hillingdon; and with other Responsible Authorities where there is a need to determine whether there is a need for exchange of information on specific premises.
- 1.46 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.

## ENFORCEMENT

1.47 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.

1.48 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.

(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 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.

- 1.49 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.
150. 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 Gambling Commission. This authority also understands from LACORS that the Gambling Commission will be responsible for compliance as regards unlicensed premises.
- 1.51 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.
- 1.52 Any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.

## **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, 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.

- 2.6 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 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.
- 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 Operators 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 persons 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 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. 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 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 18
- ii) Bingo Clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines
- iii) Adult Entertainment Centres cannot admit those under 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 18
- v) Clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 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.

2.18 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. 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.

- 2.19 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.
- 2.20 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 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.
- 2.21 The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings carefully if they seek to develop multi purpose 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.
- 2.22 The Licensing Authority recommends that all staff is 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.
- 2.23 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.
- 2.24 When determining the location of proposed gambling facilities, this Licensing Authority in appropriate circumstances, 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
- iv) Proximity of premises to places of worship, particularly where Sunday Schools are in operation

**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.**

~~3.3 The following sub-sections outlines some of the Councils related strategies and how the Council intends to seek to meet the aim of integrating its licensing functions with them as far as possible:~~

#### **~~Community Strategy 2005–2015~~**

~~3.4 The Community Strategy for Hillingdon, entitled "*Working together for a better future*", describes the sort of place we would like Hillingdon to be in the future based on how local residents, community groups and businesses have told us Hillingdon should develop over the ten years of the Strategy's life. It is a collaborative piece of work developed by a group of leading figures in the council, police and health services; business and educational institutions and community groups. The partnership is called "*Hillingdon Partners*".~~

~~3.5 Of these partners, our borough's Police Service, in particular, have a statutory and key role to play in assisting the Council to deliver its licensing service and the licensing objectives under the Act, and so we are committed to develop this relationship specific to this service area. We are already building on local policing initiatives to develop stronger neighbourhoods, where the police and their partners can share information with local businesses and the rest of Hillingdon.~~

~~3.6 Our Community Strategy identifies a series of short, medium and long-term targets and goals for our community. Namely, we want to make Hillingdon:~~

- ~~● A borough of learning and culture~~
- ~~● A safe borough~~
- ~~● A clean and attractive borough~~
- ~~● A borough with improving health, housing and social care~~
- ~~● A prosperous borough~~
- ~~● A borough where opportunities are open to all; and~~
- ~~● A borough where children and young people are healthy, safe and supported~~

~~3.7 We, as Licensing Authority, share and support the hopes, concerns and desires of the local peoples as expressed in the strategy. The Licensing Authority also shares and supports the aim of Hillingdon becoming a diverse, attractive and successful borough. This includes, amongst other things, a place where our children and young people will be well educated~~

~~and better equipped to prosper in their adult lives; and where enterprise is encouraged, businesses supported and new jobs created for local people. Insofar as is consistent with the promotion of the licensing objectives, we will seek to exercise our powers so as to achieve these aims.~~

### **Community Safety Strategy 2005 – 2008**

~~3.8 Again, this strategy is the result of collaborative work of the Hillingdon Community Safety Partnership, which was formed following the introduction of the Crime and Disorder Act 1998. In brief, this strategy outlines 6 key priorities for successful crime and disorder reduction in Hillingdon:~~

- ~~• Feeling safer~~
- ~~• Anti-social behaviour~~
- ~~• Hate crime~~
- ~~• Motor vehicle crime~~
- ~~• Residential burglary; and~~
- ~~• Violent crime~~

~~3.9 The strategy also recognises that business crime, amongst others that did not emerge as a priority for the borough, could have a major impact on crime and disorder and anti-social behaviour in Hillingdon. This may include gambling-related crime. The strategy recognises that the cost of business crime can be considerable and that improved dialogue with businesses will enable resources and projects to be better targeted to specific business needs and problem areas. Hillingdon Community Partnership encourages the development of a Business Crime Reduction Partnership, which the Licensing Authority fully supports.~~

~~3.10 Similarly, with one of the licensing objectives being "preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime" this policy clearly supports the priorities of the Community Safety Strategy. We also endorse the partnerships pledge not to treat the identified target areas as set in stone, since circumstances can change as new crimes or community concerns emerge. It is our view that responsible licence holders can significantly contribute towards these aims directly and indirectly through the proper management of their premises and by supporting the police in their efforts to detect crimes and their perpetrators.~~

~~3.11 In the same connection, local authorities must fulfil obligations under Section 17 of the Crime and Disorder Act 1998 which places a duty on them to do all they can to reasonably prevent crime and disorder in their area when carrying out their various functions. This obligation applies~~

~~equally when carrying out our licensing functions under the Gambling Act. The purpose behind the Section 17 obligation is that the level of crime and its impact is influenced by decisions and activities taken in the day to day business of local bodies and organisations like us. It is aimed at giving the vital work of crime and disorder reduction focus across the wide range of local services and putting it at the heart of decision-making.~~

#### ~~Children And Young People's Plan 2006-2009~~

~~3.12 Hillingdon's Children and Young People's Partnership Board (CYPSPB) have developed a plan for creating a better life for Hillingdon's children and young people, with the aim of being a borough where children and young people are healthy, safe and supported, valued, properly educated and given the opportunity to thrive. It is a comprehensive strategic document, which sets out the Council's vision for children and young people and a strategy for achieving it. It also complements other developments currently underway, all aimed at improving the outcomes for children and young people of Hillingdon so that they can fulfil their full potential in the community and society at large.~~

~~3.13 Although the strategy recognises the importance of leisure and recreation, it also clearly underlines the need to prevent harm and provide support for our children and young people. This policy clearly supports this priority and it is in the Licensing Authority's view an important one that we take very seriously. Not least, the third objective under the Gambling Act is "protecting children and other vulnerable persons from being harmed or exploited by gambling". We are aware that the Gambling Commission has stated that: "the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling". In this context we expect licence holders to work with the local community and the police to decrease the risk of harm to children and young people that may be caused by the activities taking place in their premises. This includes protecting them from falling victim to gambling-related crime or being tempted into criminal activity. We will in turn consider whether or not specific measures are necessary to protect children and young people at particular premises.~~

#### ~~Planning And Building Control Policies~~

~~3.14 When determining an application, the Hillingdon Licensing Authority cannot take into account the likelihood of the applicant obtaining planning permission, listed building consent or building regulations approval. This policy seeks to stress that the planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency.~~

~~3.15 Licence applicants need to know that if a premises licence is granted in the absence of planning permission, this does not make consent from the Planning Authority a formality. Equally, having obtained planning permission beforehand does not guarantee a successful licence application. Consequently, licensing applications should not be seen as a re-run of previous planning applications and should not cut across decisions taken by other committees of the Council or following appeals against decisions taken by those committees.~~

~~3.16 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Planning Committee, where appropriate, on the situation regarding premises licensed for gambling in the area, including the general impact of gambling-related crime and disorder to enable the Planning Committee to have regard to such matters when making its decisions and avoid unnecessary overlap.~~

#### ~~AVOIDING DUPLICATION WITH OTHER REGULATORY REGIMES~~

~~3.17 In addition to planning and building control, the Council enforces many other statutory requirements that relate to licensed premises. These include health and safety, food safety, control of nuisances and anti-social behaviour etc, each enshrined in separate pieces of legislation. When exercising its licensing functions the licensing authority will, so far as is possible, seek to avoid duplication of other regulatory regimes.~~

~~3.18 The non-duplication principle should also be taken to mean that, as far as possible, the Council 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.~~

## **PART 4**

### **PREMISES LICENCES**

#### **GENERAL PRINCIPLES**

- 4.1 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
- 4.2 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.
- 4.3 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.
- 4.4 We as the Licensing Authority will be able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.
- 4.5 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:
- 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 this Statement of Licensing Principles
- 4.6 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.

- 4.7 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 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 AWP's* in Family Entertainment Centres and Adult Gaming Centres.
- 4.8 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*.
- 4.9 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**

- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 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**

- 4.14 Under the Act an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. 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.
- 4.15 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.

### **Location**

- 4.16 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.
- 4.17 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.
- 4.18 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 and each application will be decided on its merits, with the onus upon the applicant showing how any potential concerns can be overcome.

### **Duplication with other regulatory regimes**

- 4.19 This authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including the statutory planning regime.
- 4.20 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.
- 4.21 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.

### **Conditions**

- 4.22 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.
- 4.23 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.

- 4.24 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) and
  - iv) Conditions in relation to stakes, fees, winning or prizes.

### **Door Supervisors**

- 4.25 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.
- 4.26 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.
- 4.27 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**

- 4.28 This Licensing Authority has not passed a '*no casino*' resolution, under Section 166 of the Gambling Act 2005, to prohibit casinos in the Borough at present, but is aware that it has the power to do so. The Council reserves its right to review this situation and may at some time in the future resolve not to permit casinos.
- 4.29 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**

- 4.30 Bingo is a class of equal chance gaming and will be 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.
- 4.31 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.
- 4.32 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.
- 4.33 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.
- 4.34 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.
- 4.35 A limited number of gaming machines may also be made available at Bingo licensed premises. Where 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 18.
- 4.36 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**

- 4.37 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.
- 4.38 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.
- 4.39 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**

- 4.40 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.
- 4.41 Children and young persons will not be able to enter premises with a betting premises licence.
- 4.42 Betting premises will be able to provide a limited number of gaming machines and some betting machines.

- 4.43 The Council has the power to restrict the number of betting 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.

## **TRACKS**

- 4.44 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.
- 4.45 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.
- 4.46 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.
- 4.47 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.
- 4.48 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.

- 4.49 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 persons 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.
- 4.50 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.
- 4.51 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).
- 4.52 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**

- 4.53 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.
- 4.54 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**

- 4.55 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**

- 4.56 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.
- 4.57 As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets or helpline numbers for organisations such as GamCare.
- 4.58 Where the Adult Gaming Centre is situated in a complex such as an airport, shopping area or motorway services station, the Licensing

Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access.

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

4.59 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**

4.60 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.

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

4.62 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.

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

#### **Statement of Principles**

4.64 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 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**

- 4.65 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.
- 4.66 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 the neighbouring authorities to ensure that land that crosses joint boundaries is monitored so that the statutory limits are not exceeded.

## **REVIEW OF PREMISES LICENCES**

- 4.67 A Premises Licence may be reviewed by the Licensing Authority itself following an application or on its own volition. An Interested Party or Responsible Authority may also request that a premises licence be reviewed.
- 4.68 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.
- 4.69 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.
- 4.70 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.
- 4.71 The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate. This can extend to a review of a class of licences where it considers particular issues have arisen.

## **PART 5 GAMING PERMITS**

### **INTRODUCTION TO PERMITS**

- 5.1 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.
- 5.2 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
- 5.3 The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.
- 5.4 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**

- 5.5 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.
- 5.6 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.
- 5.7 There are four classes of gaming machines: Categories A, B, C and D, with category B further divided in sub-categories B1, B2, B3 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>	£2	£4,000
<b>B2</b>	£100 (in multiples of £10)	£500
<b>B3</b>	£1	£500
<b>B3A</b>	£1	£500
<b>B4</b>	£1	£250
<b>C</b>	£1	£70
<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	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)	10p	£15 (of which no more than £8 may be a money prize)

\* 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.

- 5.8 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 44 below):

**NUMBER OF GAMING MACHINES BY PREMISES TYPE**

TYPE	GAMING TABLES (MINIMUM)	GAMING MACHINES
REGIONAL CASINO	40	25 GAMING MACHINES CATEGORY A TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM OF 1,250 MACHINES
LARGE CASINO	1	5 GAMING MACHINES CATEGORY B TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM OF 150 MACHINES
SMALL CASINO	1	2 GAMING MACHINES CATEGORY B TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM 80 MACHINES
BINGO PREMISES	N/A	8 GAMING MACHINES CATEGORY B3 AND B4 UNLIMITED MACHINES CATEGORY C UNLIMITED CATEGORY D MACHINES
BETTING PREMISES	N/A	4 GAMING MACHINES CATEGORY B2 TO D
TRACK BETTING PREMISES WHERE POOL BETTING LICENCE HELD	N/A	4 GAMING MACHINES CATEGORY B2 TO D
ADULT GAMING CENTRE	N/A	4 GAMING MACHINES CATEGORY B3 TO D UNLIMITED CATEGORY C UNLIMITED CATEGORY D
FAMILY ENTERTAINMENT CENTRE WITH OPERATING LICENCE	N/A	UNLIMITED GAMING MACHINES CATEGORY C TO D
FAMILY ENTERTAINMENT CENTRE WITH GAMING PERMIT	N/A	UNLIMITED GAMING MACHINES CATEGORY D
MEMBERS CLUB PREMISES	N/A	3 GAMING MACHINES CATEGORY B4 TO D
ON SALES ALCOHOL LICENSED PREMISES WITHOUT FOOD RESTRICTION	N/A	2 GAMING MACHINES CATEGORY C TO D BY NOTIFICATION UNLIMITED CATEGORY C TO D WITH ALCOHOL PREMISES GAMING PERMIT

## **(UNLICENSED) FEC GAMING MACHINE PERMITS**

- 5.9 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.
- 5.10 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.
- 5.11 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**

- 5.12 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.
- 5.13 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.
- 5.14 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.

5.15 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, showing 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.

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

5.17 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.

5.18 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.

- 5.19 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.
- 5.20 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**

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

#### **5.22 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.

#### **5.23 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.

5.24 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.

5.25 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**

5.26 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.

5.27 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.

5.28 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.

5.29 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**

5.30 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. ~~The Licensing authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.~~

5.31 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 help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

~~5.32 A plan must accompany applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.~~

- 5.32 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.**
- 5.33 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.
- 5.34 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 these) cannot be attached.
- 5.35 It should also be noted that the holder of a permit to must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 5.36 Notifications and applications for two or three machines will be determined by Licensing Officers. Those for four to five machines will be determined by Licensing Officers' in consultation with the Chairman of the Licensing (Licensing Act 2003) Committee. Applications for more than five machines will be referred to a Licensing sub-Committee for determination.

## **PRIZE GAMING PERMITS**

- 5.37 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 propose to consider in determining the suitability of the applicant for a permit.
- 5.38 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.
- 5.39 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.

5.40 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.

5.41 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.

5.42 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**

5.43 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. ~~The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.~~

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

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

5.46 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 6 TEMPORARY AND OCCASIONAL USE NOTICES

### TEMPORARY USE NOTICES (TUN)

~~6.1 A Temporary Use Notice may only be granted to a person or company holding a relevant Operating Licence and there are 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 notice.~~

**6.1 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.**

6.2 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.

6.3 The Licensing Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site.

6.4 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.

**6.5 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.**

6.6 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 e-mail.

- 6.7 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.**
- 6.8 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.**
- 6.9 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)**

- 6.7 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.
- 6.8 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.
- 6.9 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 7 REGISTRATION OF SMALL SOCIETY LOTTERIES**

### **DEFINITION OF SMALL SOCIETY LOTTERY**

7.1 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)

7.2 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

7.3 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**

7.4 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.

7.5 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.

- 7.6 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.
- 7.7 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.
- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 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.

- 7.12 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.

## **PART 8 DECISION MAKING**

### **THE LICENSING COMMITTEE**

- 8.1 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.
- 8.2 Where a councillor who is a member of the licensing 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.
- 8.3 The Licensing Committee will not place themselves in situations where their honesty or integrity may be questioned, will make decisions on their merit and will reach their own conclusions on the issues laid before them and will act in accordance with those conclusions taking into account as necessary and proper, the views of others.
- ~~8.4 The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other legislation. 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.~~
- 8.4 Licensing Authorities must have regard to the licensing objectives when exercising their functions in relations to premises licences, temporary use notices and some permits.**
- 8.5 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**

- 8.5 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 8.6 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.
- 8.7 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 9

### APPENDIX A

#### SCHEDULE OF CONSULTEES TO DRAFT POLICY

PERSONS OR BODIES  
REPRESENTING THE  
INTERESTS OF THOSE  
CARRYING ON GAMBLING  
BUSINESSES IN THE BOROUGH

Association of British Bookmakers  
Association of Licensed Multiple Retailers  
British Amusement Catering Association  
British Beer and Pub Association  
British Casino Association  
British Holiday & Home Parks Association  
British Greyhound Racing Board  
British Institute of Innkeeping  
Business in Sport and Leisure Ltd  
Casino Operators Association, UK  
Community Trade Union  
Federation of Licensed Victuallers  
Gamcare  
Help the Aged  
Hillingdon Chamber of Commerce  
Leisure Link Group  
Remote Gambling Association  
Responsibility in Gambling Trust  
Rugby Football Union  
Society of Independent Brewers  
The Bingo Association  
The Football Association  
The Lotteries Council x 2  
The Racecourse Association  
The Working Men's Club & Institute Union

PERSONS OR BODIES  
REPRESENTING THE  
INTERESTS OF THOSE WHO  
ARE LIKELY TO BE AFFECTED  
BY THE EXERCISE OF THE  
AUTHORITY'S FUNCTIONS

All Elected (Ward) Councillors, London Borough of Hillingdon Council  
All "Responsible Authorities" as defined under the Gambling Act (*see Appendix 3 for list and contact details*)  
All six Directorates within London Borough of Hillingdon Council  
Alcoholics Anonymous (AA)  
Community Safety and Strategic Partnership; and /or  
Crime and Disorder Reduction Partnership  
Gamblers Anonymous  
Government Organisations: (LGA, ODPM, LACORS)  
Hillingdon Action Group for Addiction Management (HAGAM)  
Hillingdon Association of Voluntary Services  
Hillingdon's Children and Young People's Partnership Board (CYPSPB)  
Hillingdon Community and Police Consultative Group  
Hillingdon Drug and Alcohol Services  
Hillingdon and Ealing Citizens Advice Bureau (HECA): Hayes, Ruislip & Uxbridge Bureaus  
Hillingdon Law Centre  
Hillingdon Mind  
Hillingdon Primary Care Trust  
Hillingdon Public Libraries (*for members of the public*)  
Hillingdon Salvation Army  
Hillingdon Samaritans  
Hillingdon Youth Offending Service  
Hillingdon Tenants and Residents Associations

Hillingdon Federation of  
Community Associations & similar  
bodies  
Local Licensing Solicitors in  
Hillingdon  
Local Strategic Partnership  
(*Hillingdon Partners*) – (*See  
Council website for list of  
members*)  
Uxbridge Initiative  
Uxbridge Magistrates Court

London Boroughs of: Brent, Ealing,  
Hammersmith & Fulham, Harrow  
and Hounslow  
(*West London Alliance Members*)  
And:  
Slough Borough Council  
Spelthorne Borough Council  
Hertfordshire County Council  
South Bucks District Council  
Three Rivers District Council

NEIGHBOURING LONDON,  
COUNTY AND DISTRICT  
COUNCILS

CURRENT HOLDERS OF  
LICENCES, PERMITS etc. IN  
HILLINGDON:

Persons holding Amusement  
Arcade Permits  
Persons holding bingo licences or  
bingo certificates  
Persons holding betting and  
bookmakers permits  
Representatives of Premises  
Licence holders with section 34  
gaming permits (including  
Breweries that hold Premises

Licences for premises that sell  
alcohol)  
Gaming Machine suppliers who  
regularly apply for Gaming Permits  
in Hillingdon  
Representatives of Qualifying  
Clubs with Club Premises  
Certificates  
Persons/representatives who hold  
Society Lottery Registrations in  
Hillingdon

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



## APPENDIX C

### 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  
c/o The Licensing Service Manager  
Dept of Environment & Consumer  
Protection London Borough of  
Hillingdon  
Civic Centre, Uxbridge  
UB8 1UW

The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Chief Officer of Police, London  
Borough of Hillingdon  
c/o Licensing Sergeant  
Northwood Police Station  
2 Murray Road  
Northwood  
HA6 2YW

Chief Officer of Police, Heathrow  
Metropolitan Police, East Ramp  
London Heathrow Airport  
TW6 2DG

London Fire and Emergency  
Planning Authority  
Hillingdon Fire Station  
Uxbridge Road  
Hillingdon  
UB10 0PH

Hillingdon Planning Authority  
c/o The Development Control  
Manager  
Department of Planning &  
Transportation  
London Borough of Hillingdon

Civic Centre, Uxbridge  
UB8 1UW

Authority for Pollution & Harm to  
Human Health  
c/o Divisional Environmental Health  
Officer  
Environmental Protection Unit  
London Borough of Hillingdon  
Civic Centre, Uxbridge  
UB8 1UW

Local Safeguarding Children Board

c/o Director of Children Services  
London Borough of Hillingdon  
Civic Centre, Uxbridge  
UB8 1UW

HM Revenue & Customs  
Greenock Accounting Centre  
Custom House  
Custom Quay, Greenock  
PA15 1EQ

Authority for Vulnerable Adults  
*(Yet to be decided by the Secretary  
of State)*

Authorities for Vessels:  
Navigation Authority  
The Enforcement Agency  
The British Waterways Board  
The Secretary of State

APPENDIX D

## SUMMARY OF DELEGATION OF POWERS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be proposed by officers and then approved by Cabinet)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X

Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	