

# ST ALBANS CITY AND DISTRICT COUNCIL

## GAMBLING POLICY

2019-2021

## STATEMENT OF PRINCIPLES

**St Albans City & District Council  
Statement of Principles Gambling**

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All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities (subject to consultation and confirmation before going to Council). Our consultation took place between **21<sup>st</sup> September and 12<sup>th</sup> October 2018**.

The revised policy was approved at a meeting of the Full Council on **5<sup>th</sup> December 2018**] and was published via our website on **5<sup>th</sup> April 2019**].

## Definitions

Within this Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives	As defined in section 2
Licensing Authority	St Albans City & District Council
Adult Gaming Centres (AGC)	Commercial premises offering a variety of games and gaming machines. Category B, C and D gaming machines available
Area Map	The area St Albans City & District Council (map appended at Appendix A)
Betting Premises	Currently known as a betting office
Bingo Premises	A commercial club which promotes equal chance gaming in the form of cash or prize bingo
Casinos	A commercial gaming club whereby people are given an opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming.
Code of Practice	Any relevant code of practice under section 24 of the Act
Club Gaming Permits	Members clubs (not commercial clubs) permits which authorise the establishment to provide gaming machines, equal chance gaming and games of chance
Default condition	A specified condition provided by regulations to be attached to a licence, unless excluded by St Albans City and District Council
Family Entertainment Centres	A centre with a variety of rides and games including amusement machines and skills games. Typically found at the seaside. Licensed family entertainment centres provide category C and D machines. Unlicensed family entertainment centres

	provide category D machines only and are regulated through FEC gaming machine permits
Gaming	A game of chance machine which requires coins or tokens for the machine to be activated
Interested Party	For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; b) Has business interests that might be affected by the authorised activities; c) Represents persons who satisfy a) or b) above.
Licences	As defined in section 3 (introduction)
Applications	Applications for licences and permits as defined in section 3
Act	The Gambling Act 2005
Mandatory condition	A specified condition provided by regulations to be attached to a licence
Notifications	Means notification of temporary and occasional use notices
Premises	Any place including a vehicle, vessel or moveable structure
Prize gaming permit	A permit issued to authorise the provision of facilities for gaming with prizes
Regulations	Regulations made under the Gambling Act 2005
Responsible Authority	For the purposes of this Act, the following are responsible authorities in relation to premises:

	<ul style="list-style-type: none"> <li>• The Licensing Authority</li> <li>• The Gambling Commission</li> <li>• The Police</li> <li>• The Fire Service</li> <li>• The Local Planning Authority</li> <li>• Environmental Health</li> <li>• Child Protection Committee</li> <li>• HM Revenue and Customs</li> </ul>
Small Society Lotteries - registration	A small society lottery is a lottery promoted on behalf of a non-commercial society and is registered by the Licensing Authority
Temporary Use Notices (TUN)	These allow the use of a premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling
Tracks	Tracks are sites that include horse racecourses and dog tracks

## **PART A - STATEMENT OF PRINCIPLES**

### **1. St Albans City & District**

St Albans City & District Council is situated in the centre of the County of Hertfordshire and is 20 miles from central London with excellent train routes directly into the City. Hertfordshire is the most densely populated county in the UK and St Albans City & District reflects the county trend. The District covers 16,000 hectares, the most populated area in the District is the city of St Albans but there are other significant populations at Harpenden, Wheathampstead, Colney Heath, London Colney and Redbourn. St Albans is Hertfordshire's oldest town, a modern city shaped by over 2000 years of human occupation. The town first appeared as Verlamion. After the Roman conquest of Britain in AD 43, it developed as Verulamium and became one of the largest towns in Roman Britain.

In 1877 it received a Royal Charter giving the town City status and the Abbey Church became a Cathedral. The 20th century has seen St Albans continue to develop as a commuter town while maintaining a distinctive character. The District is now encircled by the M1, M25 and A1 motorways and continues to attract commuters and tourists. The Council area has a population of 140,600 (Office of National Statistics, Census 2011). The District is one of the least deprived in the country and is ranked 286 (out of 326) on the deprivation index (Department of Communities and Local Government, Index of Local Deprivation 2010). St Albans City & District has a reputation as being an affluent, prosperous and highly qualified area and house prices are among the highest in the UK. The Council area is semi-rural comprising twenty wards and covers 62 square miles. These areas are shown in the map at Appendix A.

### **2. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, St Albans City & District Council the licensing authority must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- 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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

### **3. Introduction**

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and then any amended parts re-consulted upon. The statement must be then re-published.

The original policy came into force on 31<sup>st</sup> January 2007, both it and subsequent policies including this policy set out the policies that the Licensing Authority will apply when making decisions upon applications or notifications made for the applications listed below :-

- Premises Licences
- Temporary Use Notices



- Permits as required under the Act
- Registrations as required under the Act

This policy relates to all those licensable premises, licences, notices, permits and registrations identified as falling within the provisions of the Act :-

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Family Entertainment Centres
- Club Gaming Permits
- Prize Gaming Permits
- Temporary Use Notices
- Registration of Small Society Lotteries

Definitions of the above are contained within the Definitions on pages 4 and 5

St Albans City & District Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below:-

- Hertfordshire Fire service
- British Casino Association
- The Association of British Bookmakers
- The Bingo Association
- BACTA – British Amusement Catering Trade Association
- St Albans Crime & Disorder Reduction Partnership
- Existing Gambling Permit holders
- Local Resident Groups
- Parish & Town Councils in the District
- St Albans DC Departments
- HM Revenues & Customs
- Area Child Protection Board
- St Albans and Harpenden Primary Care Trust
- St Albans District Councillors
- Trading Standards

- St Albans DC Local Strategic Partnership
- GamCare
- BALPPA (The British Association of Leisure Parks, Piers & Attractions Ltd)
- St Albans BID

The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police [Hertfordshire Constabulary]
- One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Our consultation took place between 21<sup>st</sup> September 2018 and 12<sup>th</sup> October 2018 and we followed the Government Consultation Principles (published November 2013), which is available at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>. The full list of comments made and the consideration by the Council of those comments is available by request to: Licensing Team, Regulatory Services, Community Services on 01727 819406 or via the Council's website at:

<http://www.stalbans.gov.uk/business/Business-in-St-Albans/StAlbans-Council-Services-for-Businesses/BusinessLicences/gambling-and-lottery-licences/gamblingact2005.aspx>

The policy was approved at a meeting of the Full Council on 5<sup>th</sup> December 2018 and was published via our website on 5<sup>th</sup> April 2019.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Business Compliance

Licensing Team

Regulatory Services

St Albans City & District Council

Civic Centre

St Peters Street

St Albans

AL1 3JE

[licensing@stalbans.gov.uk](mailto:licensing@stalbans.gov.uk)

### **Regulated gambling activities**

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

Gaming means the playing of a game of chance for a prize.

Betting means:

- the making or accepting of a bet on the outcome of a race, competition or any other event
- the likelihood of anything occurring or not occurring
- whether anything is true or not true.

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 reliant wholly on chance.

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration provided that:

- no charge is made for participation
- only equal chance gaming takes place
- it takes place at a premises to which the public have no right of access

Domestic betting between inhabitants of the same household or between employees of the same employer is also exempt.

Non-commercial gaming and betting (where no part of the proceeds, including proceeds from ancillary activities such as alcohol sales, is for private gain) may be exempt under certain circumstances. As this is a complex area of the Act, further advice should be sought from council licensing officers.

## **Authorisations under the Act**

The Act provides for three categories of licence; operating licences, personal licences and premises licences. The Council will be responsible for the determination and issuing of premises licences. The responsibility for operating and personal licences rests with the Gambling Commission.

Premises licences issued by the Council cover the following types of premises:

- casinos
- bingo premises
- betting premises
- track betting
- adult gaming centres (AGC)
- family entertainment centres (FEC)

The Council will be responsible for the determination and issuing of five categories of permit:

- unlicensed family entertainment centre (uFEC) gaming machine permits
- (alcohol) licensed premises gaming machine permits
- prize gaming permits
- club gaming permits
- club gaming machine permits

The Council will be responsible for the determination and issuing of two categories of temporary authorisations:

- temporary use notices (TUN)
- occasional use notices (OUN)

The Council will be responsible for the determination and registration of applications for small society lotteries.

## **The Gambling Commission**

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted in affair and open way and by protecting children and vulnerable people.

### **The Commission:**

- provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally
- issues guidance pursuant to section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the

principles to be applied.

- issues Codes of Practice pursuant to section 24 of the Act about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities

#### **4. Declaration**

In producing the final statement of principles, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

#### **5. Responsible Authorities**

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

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

In accordance with the suggestions in the Gambling Commission's Guidance for licensing authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at:

<http://www.stalbans.gov.uk/business/Business-in-St-Albans/StAlbans-Council-Services-for-Businesses/BusinessLicences/gambling-and-lottery-licences/gamblingact2005.aspx>

## **Responsible Authorities:-**

- The Licensing Authority
- The Gambling Commission
- The Police
- The Fire Service
- The local Planning Authority
- Environmental Health Authority
- Children's Safeguarding Board
- HM Revenue and Customs

## **6. Interested parties**

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

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to licensing authorities at 8.9 to 8.17 (if the authority does not wish to follow the Gambling Commission's guidance in any respect it is advised to state this in its policy statement. Note though that decisions on Premises Licences and Temporary Use Notices must be “in accordance” with Gambling Commission Guidance (Section 153 of the

Act). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department 01727 819406.

## **7. Exchange of Information**

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

The Council may exercise its powers under section 115 of the Crime and Disorder Act 1998

to exchange data and information with the police and other partner agencies in order to fulfil its statutory responsibility of reducing crime in St Albans and District.

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 (names and full addresses) of persons making representations will be disclosed to applicants and will only be withheld from publicly available reports in exceptional circumstances on the grounds of personal safety. Email addresses and telephone numbers will not be disclosed to the applicant or published in publicly available reports.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **8. Enforcement**

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.

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to licensing authorities and will endeavour to be:

- o Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- o Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- o Consistent: rules and standards must be joined up and implemented fairly;
- o Transparent: regulators should be open, and keep regulations simple and user friendly; and
- o Targeted: regulation should be focused on the problem, and minimise side effects

As per the Gambling Commission's Guidance to licensing authorities, this licensing



authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

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

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available on request to the licensing department – [licensing@stalbans.gov.uk](mailto:licensing@stalbans.gov.uk) or 01727 819406.

## **9. Licensing Authority functions**

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*

- Grant permits for the use of certain lower stake gaming machines *at unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

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

## 10. Local Area Profiles

The updated guidance for licensing authorities recommends that licensing authorities complete and map their own assessment of local risks. The local area profiles (LAP) will set out what the District is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing authority and operators.

We will use the LAP in assessing premises licence applications and the risk assessments supplied. We have published our Local Area Profiles for the District separately and they are on [our website](#). You should consult the LAP for the area your premises will operate in when submitting your application and assessment.

You will find the Local Area Profiles (LAP) guidance on our website [here](#). You will also need to consider the Ward profiles information set out on our website [here](#).

The LAP will show maps for St Albans, Harpenden, Wheathampstead, Redbourn, Bricket

Wood/Park Street and London Colney with the location of all schools, hostels and homes for vulnerable people or any centres for people with gambling addictions. We will give specific consideration to the way operators applying for applications for the new grant of, or variations to existing, premises licences intended to address risks where those premises lie within areas with a concentration of schools or homes for vulnerable people/people with a gambling addiction.

We will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity. You will be expected to tailor your application to show your procedures to mitigate any risks. These will include but will not be limited to ensuring you have an appropriate numbers of trained staff, and propose licence conditions, to address the specific needs of the local area in which they propose to operate.

We will expect applicants for the new grant of, or variation to an existing, licence to include full details of their risk assessment in compliance with Social Responsibility (SR) code 10.1.1 and Ordinary code provision 10.1.2 (both effective as from 6 April 2016).

## **PART B**

### **PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

#### **1. General Principles**

Premises Licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

#### **2. Decision Making:**

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;

- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy

It is appreciated that as per the Gambling Commission's Guidance to licensing authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' – see section on Casinos – page 35) and also that unmet demand is not a criterion for a licensing authority.

### **3. Definition of "Premises":**

In the Act premises is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities (September 2015) at paragraphs 7.5, 7.6 and 7.7 that:

**"7.5** In the Act, 'premises' is defined as including 'any place'. S.152 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks, or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

**7.6** In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority.

**7.7** The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit.”

This licensing authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that: 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 of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

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

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

**The Gambling Commission's relevant access provisions for each premises type are reproduced below. These can be found in Part 7 of the Gambling Commission Guidance to Licensing Authorities [here](#).**

Paragraph 7.23 of the Guidance:

The relevant access provisions for each premises type is as follows:

Type of premises	Access provisions
Casinos	<ul style="list-style-type: none"> <li>• the principal entrance to the premises must be from a 'street'</li> <li>• no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons</li> <li>• no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.</li> </ul>
AGCs	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from any other licensed gambling premises.</li> </ul>
Betting shops	<ul style="list-style-type: none"> <li>• access must be from a 'street' or from other premises with a betting premises licence</li> <li>• no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.</li> </ul>
Tracks	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a casino or AGC.</li> </ul>
Bingo premises	<ul style="list-style-type: none"> <li>• no customer must be able to access the premises directly from a</li> </ul>

casino, an AGC or a betting premises, other than a track.

FECs

- no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track.

[Part 7](#) contains further guidance on this issue, which this authority will also take into account in its decision-making.

#### **4. Premises “ready for gambling”:**

The Revised Guidance states that a licence to use premises for gambling can be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

Following the decision in *The Queen (on the application of) Betting Shop Services Limited v Southend on Sea Borough Council [2008] EWHC 105 (Admin)* if the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a licence can be made. This means operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and we will determine the application on its merits.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59 & 7.60 of the Guidance.

## **5. Location:**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's Guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

This licensing authority considers that gambling premises should be located away from premises frequented by children, young people and families i.e. schools, public swimming pools, leisure centres, shopping malls, sports fields, parks, recreational areas. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

## **6. Planning:**

The Gambling Commission Guidance to Licensing Authorities states at 7.58:

**7.58** In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. [Part 11](#) of this guidance gives more information about provisional statements.



This authority will not take into account irrelevant matters as per the above Guidance. In addition this authority notes the following paragraph from the Guidance:

**7.65** When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building consent.

## **7. Duplication with other regulatory regimes**

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

## **8.Licensing objectives**

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the licensing authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**– This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission’s Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors for example whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way**- This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission’s Guidance that this objective means preventing children from taking part in gambling (as well as a restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission’s Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider

this licensing objective on a case by case basis.

## **9. Licence Conditions**

### **Mandatory conditions**

Mandatory conditions may be attached to premises licences by the Secretary of State under section 167 of the Act. They can either be attached generally to all premises licences, to all premises licences of a specific type, or to a specific type of premises licence under certain circumstances. The Council are aware that once mandatory conditions are attached to a premises licence they can only be removed by further regulations from the Secretary of State; the Council has no discretion to decide not to include them or to modify them.

### **Default conditions**

The Secretary of State has a further power under section 168 of the Act to specify default licence conditions that may be attached to premises licences. Default conditions are most appropriate where the Secretary of State considers a general industry or sector wide approach is desirable in order to assist with national consistency but where licensing authorities have discretion to respond to local circumstances where necessary.

The Council is aware that section 169 of the Act gives licensing authorities the ability to exclude any default condition imposed under section 168 from a premises licence. As default conditions are considered to be the national industry standard, the Council will only remove them where appropriate having regard to any Codes of Practice and/or Guidance issued by the Gambling Commission, the licensing objectives and this Statement of Principles.

The Council expects applicants seeking to remove or amend default conditions to demonstrate that there will be no risk to the licensing objectives or this Statement of Principles if any conditions are removed or amended.

### **Conditions attached by the Licensing Authority**

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

- relevant to the need to make the proposed building suitable as a gambling facility

- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

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

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in a premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised to ensure children cannot gain access;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder, either within direct sight of staff or by monitoring CCTV; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

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

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

## **10. Risk Assessments**

The Gambling Commission has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), requiring operators to assess the risks to the licensing objectives created by the provision of gambling facilities at a premises. They are required to consider the risks and set out how they will address the risks. This change will come into effect from April 2016 when we will expect operators to submit the risk assessment with any premises licence application. We will publish a risk assessment template and guidance before the requirements come into effect and this Policy should be read in conjunction with that guidance.

## **11. Staffing and Security**

**Staffing** – General best practice applies with an expectation that premises will have a minimum of two members of staff working on site at any one time.

**Door Supervisors** - The Gambling Commission advises in its Guidance to licensing

authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## **12. Hearings**

A Licensing Sub-Committee hearing will be arranged to deal with any application that cannot be dealt with under delegated powers or otherwise resolved by agreement between the applicant and responsible authorities and/or interested parties. The Licensing Sub-Committee will be convened on the earliest possible date, having regard to legislative requirements, and will conduct a quasi-judicial consideration of the application and representations.

The Council may attach conditions to premises licences where relevant representations are received. Any condition attached to a premises licence must relate to one or more of the licensing objectives and will not ordinarily relate to matters that are subject to other existing legislative requirements.

## **13. Review of licences**

Requests for a review of a premises licence can be made by interested parties and/or responsible authorities however it is for the Council to decide whether or not the review is to be carried out. This will be decided on the basis of whether the request for the review is relevant to the following matters:

- it is in accordance with any relevant Code of Practice issued by the Gambling Commission
- it is in accordance with any relevant guidance issued by the Gambling Commission
- it is reasonably consistent with the licensing objectives and conditions attached to the authorisation
- it is in accordance with this Statement of Principles.

The request for the review will also be subject to consideration by the Council as to whether the request is:

- frivolous
- vexatious
- whether it will certainly not cause the Council to alter/revoke/suspend the licence
- whether it is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate. The Council will consider the principles set out in section 153 of the Gambling Act 2005 in respect to complaints received and any changes to the locality that are relevant to the Gambling regime, as well as any representations received.

Once a valid application for a review has been received by the Council representations can be made by responsible authorities and interested parties during a twenty-eight day period beginning seven days after the application was received by the Council who will publish a notice of the application within seven days of receipt.

The Council will carry out the review as soon as practicable after the twenty-eight day period for making representations has passed.

The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is necessary, the options available to the Council are:

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

The Council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Council must, as soon as practicable, notify its decision to:

- the licence holder
- the applicant for review and any person who made representations
- the Gambling Commission
- the Chief Officer of Hertfordshire Constabulary
- Her Majesty's Commissioners for Revenues and Customs

### **Safeguarding against Child Sexual exploitation (CSE)**

The Council acknowledges that CSE awareness doesn't just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.

Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE. Measures may include, but are not limited to:

- awareness training for staff;
- regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
- close monitoring of patrons as they leave the premises;
- recording and reporting concerns to the police.

The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:

- developing relationships between a child and an older person
- children in the company of a group of older persons
- children regularly attending premises and meeting with a number of different older persons, particularly where older persons may be facilitating gambling for children
- children outside of licensed premises developing relationships with an older person, particularly an older person facilitating gambling for children
- children leaving the locality of the premises with older persons, particularly with a group of older persons
- children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons

Whilst the Council does not wish to create the impression that all contact between children



and older persons is inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

The Hertfordshire Safeguarding Children Board (HSCB) have dual role in respect of preventing CSE within licensed premises. The HSCB is a responsible authority under the Act having been nominated by the Council to undertake this function. The HSCB also monitor compliance with the statutory requirements under section 11 of the Children Act 2004 to safeguard and promote the welfare of children. Applicants are encouraged to visit the HSCB website for advice [www.hertssafeguarding.org.uk](http://www.hertssafeguarding.org.uk)

The Council expects applicants to demonstrate the measures they will take to safeguard against CSE in the operating schedule.

## **PART C**

### **PREMISES AND GAMING APPLICATIONS**

#### **1. Adult Gaming Centres (AGC)**

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 authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes

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

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

## **2. Licensed Family Entertainment Centres (FEC)**

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 authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

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

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

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

### 3. Casinos

**No Casinos resolution** – Section 166(1) of the Gambling Act 2005 states a licensing authority may resolve not to issue casino premises licences. St Albans City and District Council has passed a 'no casino' resolution under Section 166 of the Act on the 22<sup>d</sup> November 2006; on 28<sup>th</sup> November 2012; and on the 22<sup>nd</sup> January 2015 at the full Council meetings.

The consultation resulted in the Licensing and Regulatory Committee deciding on the [23<sup>d</sup> October 2018] recommending to full Council to pass a 'no casino' resolution. A further decision was taken by full council on 5<sup>th</sup> December 2018 to continue with a no casino resolution.

Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place. The resolution has been effective from 31<sup>st</sup> January 2007 subject to renewal as set out above.

### 4. Bingo Premises:

We are aware that bingo constitutes equal chance gaming and is permitted in alcohol licensed premises and in clubs up to specific limits. Otherwise it will be subject to a bingo operating licence administered and regulated by the Gambling Commission. Premises providing commercial bingo will need a bingo premises licence from us. Amusement arcades providing prize bingo will need a prize gaming permit from us.

Where children are allowed to enter premises providing bingo under a premises licence or prize gaming permit, it is important that they are not allowed to participate in any bingo gaming other than on a category D gaming machine. When considering applications of this type, we will consider the following matters, but this list is not exhaustive:

- the location of the games or machines
- access to areas providing bingo
- supervisory requirements for different parts of the premises
- the displaying of suitable notices in relation to age restricted areas and gaming

Where a premises licence permitting bingo exists, gaming machines may be made available (subject to prescribed limits). Where any gaming machines other than category D are made available on premises where children are permitted access, we will ensure that:

- (i) all gaming machines other than category D are located in a separated part of the premises controlled by physical barriers preventing access other than through a designated entrance point;
- (ii) only persons eighteen years of age or above are admitted to the separated gaming machine area;
- (iii) the designated entrance point to the gaming machine area is supervised;
- (iv) the gaming machine area is designed and located so that it can be continually observed by staff employed by the premises licence holder; and at the entrance to and within the gaming machine area, there are prominent notices displayed indicating that access to the area is prohibited to persons under eighteen years of age.

We note that the Gambling Commission's Guidance states at paragraph 18.5:

**18.5** Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

The Guidance at paragraph 18.9 provides advice regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted. In particular it states that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded:

**18.9** The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to

which each of the licences brings an entitlement to be grouped together within one of the licensed premises.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo. If category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

## **5. Betting premises:**

We have power to restrict the number of betting machines that are available in licensed betting premises. We will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It is an offence for those under 18 to bet.

## **6. Travelling Fairs:**

Where category D machines and/or equal chance prize gaming without a permit are going to be available for use at travelling fairs, we are responsible for ensuring that the facilities for gambling amount to no more than an ancillary amusement at the fair.

We will also consider whether the applicant falls within the statutory definition of a travelling fair.

There is a 27-day statutory maximum for the land being used as a fair on a per calendar year basis, and this 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. We will work with our neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **7. Provisional Statements:**

Developers may wish to apply to this authority for provisional statements before entering into

a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;

- which in our opinion reflect a change in the operator's circumstances; or where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and we note that we can discuss any concerns we have with the applicant before making a decision.

## **8. Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

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

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

We can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate. Once a valid application for a review has been received by us, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by us, who will publish notice of the application within 7 days of receipt.

We must carry out the review as soon as possible after the 28 day period for making representations has ended.

The purpose of the review will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to us are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers

- (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, we must have regard to the principles set out in section 153 of the Act, as well as any relevant representations. In particular, we may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, we must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

## **PART D**

### **Permits/Temporary & Occasional Use Notice**

#### **1. Unlicensed Family Entertainment Centre gaming machine permits (uFEC) (Statement of Principles on Permits – Schedule 10 para 7)**

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to us for this permit. We expect an applicant to show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that we may prepare a *statement of principles* that we propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, we do not need to have regard to the licensing objectives (but we may) and we must have regard to any relevant guidance issued by the Commission under section 25.



The Gambling Commission's Guidance to licensing authorities also states in paragraph 24.8: **24.8** In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group. Licensing authorities are also encouraged to also specify in their statement of policy that a plan for the uFEC must be submitted.

Guidance also states at paragraph 24.9: "... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application. In considering the application, the licensing authority shall have regard to this guidance and may have regard to the licensing objectives (Schedule 10, paragraph 7 of the Act). The licensing authority may also consider asking applicants to demonstrate:

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

It should be noted that we cannot attach conditions to this type of permit.

The Council expects the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their own merits, however, they may include appropriate measures such as but not limited to:

- training for staff as regards suspected truant school children on the premises
- training covering how staff would deal with unsupervised very young children being on the

premises or children causing perceived problems on/around the premises

- background checks on staff

We expect applicants to demonstrate:

- a full understanding of the maximum stakes and prizes in relation to gambling that is permitted in unlicensed FECs
- that the applicant has no relevant convictions as defined within the Act
- that staff are suitably trained and have a full understanding of the maximum stakes and prizes
- an awareness of local educational establishments' holiday times
- an awareness of how to notify the local education authority of any unauthorised absences

Compliance with the Code of Practice for FECs issued by the British Amusement Catering Association (BACTA), or any similar trade association codes, may be accepted by the Council as evidence that, save for the criminal convictions criteria, the applicant has met the requirements of the above paragraph.

Applicants must submit with their application two copies of plans of the premises to a scale of 1:100, showing the entrances/exits to the premises, location of gaming machines, and the location of safety equipment such as fire fighting equipment.

The Council may refuse an application for renewal of a permit only on the grounds that:

- (i) an authorised officer of the Council has been refused access to the premises without reasonable excuse, or
- (ii) renewal would not be reasonably consistent with the pursuit of the licensing objectives

## **2. (Alcohol) Licensed Premises Gaming Machine Permits - (Schedule 13 paragraph 4(1))**

Automatic entitlement to two machines:

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises [without a restriction requiring alcohol sales to be made with food], to automatically have 2 gaming machines, of categories C and/or D. The premises need to notify the licensing authority.

We can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the 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);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

**Entitlement to 3 or more machines:**

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and we must consider the 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 (we) think relevant*

The Council has delegated the ability to grant up to 4 machines per premises to officers of the licensing authority. Applications for more than 4 machines would be referred to a Licensing Sub-Committee for determination.

We considers that “such matters” will be decided on a case by case basis. Generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling. We will expect the applicant to satisfy us that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy us that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor the machines to ensure that they are not being used by those under 18. Notices and signage may also be helpful. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

Where an application is made for gaming machines in premises licensed under the Licensing Act 2003 the applicant is required to apply for an Adult Gaming Centre premises licence for areas where alcohol is sold.

We can decide to grant the application for a smaller number of machines and/or a different category of machines than that applied for. We cannot attach any other conditions.

We expect you as the holder of a permit to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

If the person ceases to be the holder of the on-premises alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. In order to retain the entitlement to gaming machines, whoever applies for the new premises alcohol licence would also need to apply under section 282(2), notifying us of their intention to make the gaming machines available for use and paying the prescribed fee.

### **3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))**

Prize gaming may be provided in licensed bingo premises as an entitlement of their bingo operating licence. Any type of prize gaming may be provided in licensed 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 that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young persons may participate in equal chance gaming only.

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

We have prepared a Statement of Principles which states that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm

We must have regard to any Gambling Commission guidance [Gambling Act 2005, Schedule 14 paragraph 8(3)].

We expect you as a permit holder to comply with any conditions attached to your permit. We cannot attach additional conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- 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;
- 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
- participation in the gaming must not entitle the player to take part in any other gambling.

#### **4. Club Gaming and Club Machines Permits:**

Members' clubs and miners' welfare institutes, but not commercial clubs, may apply for a Club Gaming Permit. The automatic entitlement to two gaming machines permitted by section 282 does not apply to clubs. Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in the regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Regulations state that category B machines for club machines permits are restricted to sub-category B3A and/or B4 machines, depending on the class of club. Commercial clubs are restricted to B4 machines only whereas members' clubs and miners' welfare institutes may site sub-category B3A and/or B4 machines.

##### Members' Clubs

CORCA, the trade association representing the majority of members' clubs, has entered into a voluntary agreement to site only one B3A machine as part of the allowance of three

machines in each of their clubs. CORCA will be responsible for ensuring that its 11 member associations and their clubs abide by the agreement.

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

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

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten

years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **5. Temporary Use Notices:**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

A TUN may only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single overall winner. There can be more than one competition with a single winner held at an event covered by a TUN. The facilities may not be provided in circumstances where any person participating in the gaming does so by means of a gaming machine. Equal chance gaming is defined by the Secretary of State as gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples include games such as backgammon, dominoes, cribbage, bingo and poker.

We can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", we will look at, amongst other things, the ownership/occupation and control of the premises. We will normally 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, as recommended in the Gambling Commission's

Guidance to Licensing Authorities.

## **6. Occasional Use Notices (OUN)**

OUNs permit the provision of betting facilities at tracks without the need for a premises licence, providing the betting is offered on no more than eight days within a calendar year. The track does not need to be a permanent racecourse, however races or sporting events must be taking place at the track during the OUN. The intention behind OUNs is to permit licensed betting operators to use tracks for short periods for conducting betting where the event is of a temporary nature, for example point-to-point meetings on agricultural land.

## **7. Small Society Lotteries**

Under the Act, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. We will register and administer small society lotteries as defined under the Act.

Promoting or facilitating a lottery will fall into two categories: (i) licensed lotteries (requiring an operating licence from the Gambling Commission); or (ii) exempt lotteries (including small society lotteries registered with the Council).

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- small society lotteries
- incidental non-commercial lotteries
- private lotteries
- private society lottery
- work lottery
- residents' lottery
- customers' lottery

Advice regarding the definitions of an exempt lottery is available from the Gambling Commission's website:

<http://www.gamblingcommission.gov.uk/Gambling-sectors/Lotteries/Lotteries-raffles.aspx>



Where your small society lottery principal office is located in our District you must apply to us for registration. We will not register a lottery where the principal office is not located within our District.

Lotteries will be regulated through a registration scheme with conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance issued by the Gambling Commission. In exercising our functions with regard to small society and exempt lotteries, we will have due regard to the Commission's Guidance.

The Council may refuse an application for a small society lottery registration if, in our opinion:

- the applicant is not a non-commercial society
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence as defined in Section 353 of the Act
- information provided in or with the application for registration is false or misleading

We will adopt a risk based approach towards our enforcement responsibilities for small society lotteries. We consider that the following list, although not exhaustive, could affect the risk status of the operator:

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

In assessing whether or not a society meets the requirement of being non-commercial, we will have regard to the non-submission of annual lottery returns as part of the renewal process. Failure to submit a return may be considered as evidence that the society does not meet the necessary criteria.

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

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

Charities and community groups should contact this licensing authority on 01727 819406 to seek further advice.

## **PART E**

### **Decision Making and Delegation**

#### **Committee Terms of Reference & allocation of decision making**

The Licensing Committee has delegated certain decisions and functions to a sub-committee or officers.

A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and or responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, concise reasons for the decision. 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. A summary of the decision shall also be posted on our website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by us.

The Council's Licensing Officers will deal with all other licensing applications where there have been no representations received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why. There is no right of appeal against a determination that representations are not admissible.

The table shown below sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

## TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Final approval of three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee Setting - when appropriate		All cases (if delegated by full council)	
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		All cases	
Application for club gaming /club machine permits		Where objections have been made and not withdrawn	Where no objections made/ objections have been withdrawn

Cancellation of club gaming/ club machine permits		All cases	
Applications for other permits			All cases
Cancellation of licensed premises gaming machine			All cases
Permits Registration of small lotteries			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

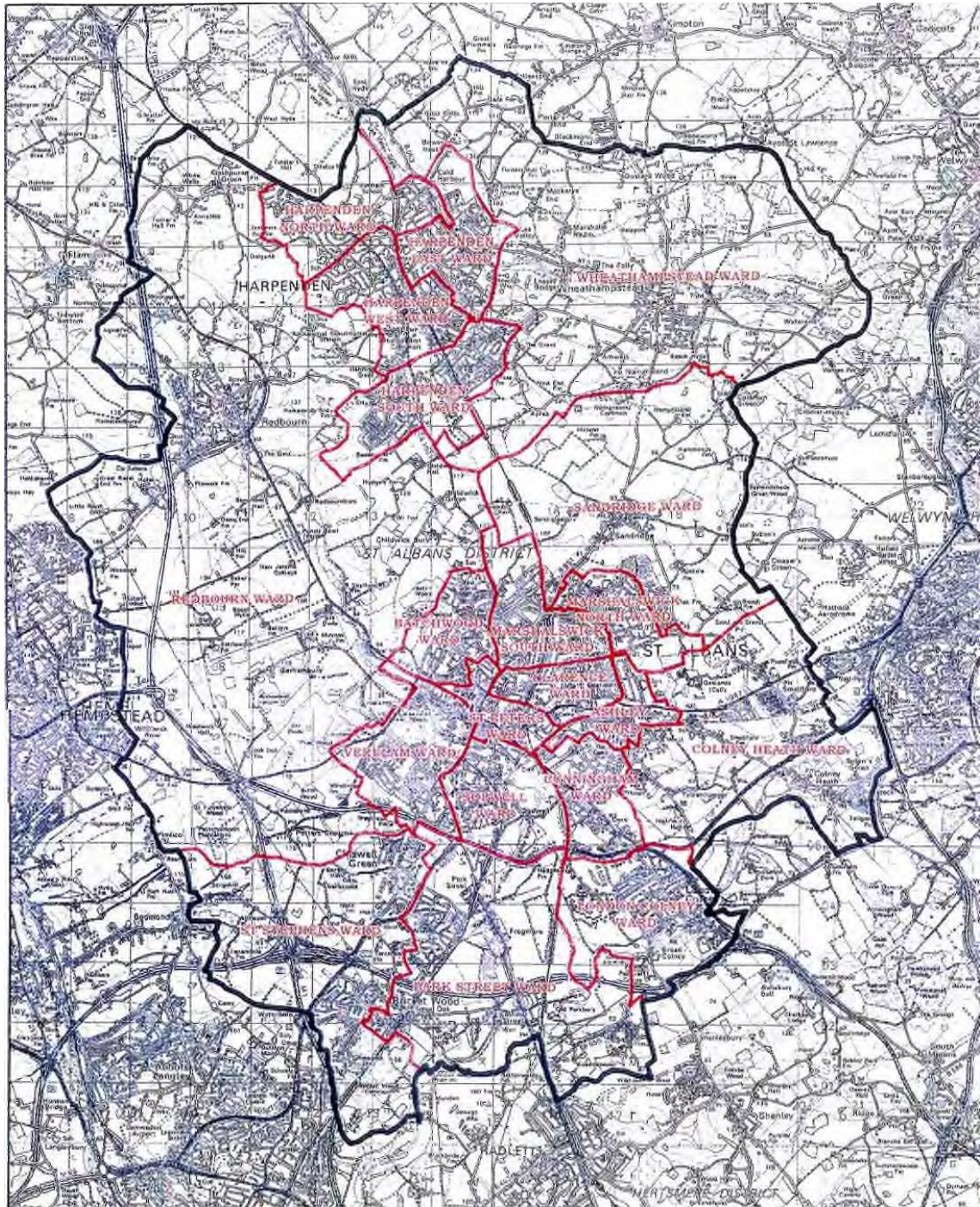
Name: Licensing Section, Regulatory Services

Address: Civic Centre, St Peter's Street, St Albans, Herts, AL1 3JE

E-mail: [licensing@stalbans.gov.uk](mailto:licensing@stalbans.gov.uk)

Tel: 01727 819406

APPENDIX  
A



## APPENDIX B

Machines Toolkit on the Gambling Commission website:

<https://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Machines/Machines-toolkit.aspx>

### CATEGORIES OF GAMING MACHINE

Summary of current gaming machine categories as updated January 2014

CATEGORY	MAXIMUM STAKE	MAXIMUM PRIZE
A	Unlimited	Unlimited
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£21	£500
B4	£2	£400
C	£1	£100
D	30p non-monetary prize (other than a crane grab Machine or coin pusher or penny falls machine)	£8
D	£1 non-monetary prize (crane grab machine)	£50
D	10p (money prize other than a coin pusher or penny falls machine)	£5
D	10p (combined money and non-money prize)	£8 (of which no more than £5 may be a

	other than a coin pusher or penny falls machine)	money prize)
D	20p (combined money and non – money prize coin pusher or penny falls machine)	£20 (of which no more than £10 may be a money prize)

\* with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

**Please check the Gambling Commission's website for the latest update on machine provisions.**

**Appendix C - Summary of machine provision by premises**

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
<b>Pre-2005 Act casino</b> (no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
<b>Betting premises and tracks occupied by pool betting</b>	Maximum of 4 machines categories B2 to D (except B3A machines)						
<b>Bingo premises</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
<b>Adult gaming centre</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
<b>Family entertainment centre</b> (with premises licence)						No limit on category C or D machines	
<b>Family entertainment centre</b> (with permit)						No limit on category D machines	
<b>Clubs or miners' welfare institute</b> (with permits)				Maximum of 3 machines in categories B3A or B4 to D*			



<b>Qualifying alcohol-licensed premises</b>						1 or 2 machines of category C or D automatic upon notification
<b>Qualifying alcohol-licensed premises</b> (with gaming machine permit)						Number of category C-D machines as specified on permit
<b>Travelling fair</b>						No limit on category D machines

\* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D. \*\* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only [not B3A machines].

**Please check the Gambling Commission's website for the latest update on machine provisions.**