



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

STATEMENT OF GAMBLING POLICY

(January 2019 – January 2022)

STATEMENT OF GAMBLING POLICY

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1 Introduction

- 1.1 The Gambling Act 2005 (the “Act”) requires this Licensing Authority to draft, consult on and publish a Statement of Licensing Policy in relation to its responsibilities under the Act. Once published, this Policy Statement, called the Statement of Gambling Policy, will be kept under constant review and, in any case, will be re-published after every three years. Before any revision of the Statement of Gambling Policy is published this Authority will carry out a full consultation exercise on the relevant sections. This version of the Statement of Gambling Policy has been revised following the 3 year review and is for the period 2019 – 2022.

Section 25 of the Gambling Act states that;

Section 25(1) - Guidance to local authorities

The (Gambling) Commission shall from time to time issue guidance as to-
(a) the manner in which local authorities are to exercise their functions under this Act, and
(b) in particular, the principles to be applied by local authorities in exercising functions under this Act.”

Section 25(2)

A local authority shall have regard to guidance issued under subsection (1).

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

‘The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions. It does not seek to impose a ‘one size fits all’ model across all licensing authorities. We recognise that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation. This Guidance does not, therefore, attempt to fetter the discretion that licensing authorities have under the Act and it is not intended to replace their judgement in individual cases. Moreover, this Guidance cannot anticipate every set of circumstances that may arise and, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. There should, however, be strong reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.’

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

The Gambling Act 2005 can be accessed via:

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

and the Gambling Commission’s Guidance to Licensing Authorities may be accessed via;

<http://www.gamblingcommission.gov.uk/PDF/GLA5.pdf>

Licensing objectives

1.4 The Act also requires this Authority to carry out its various licensing functions while having regard to, and being reasonably consistent with, the following three licensing objectives:

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

Under the Gambling Act 2005 'child' means an individual who is less than 16 years old and 'young person' means an individual who is not a child but who is less than 18 years old.

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

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the policy statement published by this Authority under section 349 of the Act

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

This Authority will endeavour to ensure that when considering applications under this legislation it will avoid duplication with other regulatory regimes so far as possible.

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

1.7 The Gambling Commission's guidance for local authorities states that moral objections to gambling are not a valid reason to reject applications for premises licences and that a licensing authority must not consider unmet demand when deciding an application. However, to have regard to, and be reasonably consistent with the licensing objectives we will have to consider whether a particular premises is appropriate for the intended activity.

1.8 All references to the Gambling Commission's Guidance relate to the 5th Edition (Published in September 2015 with Parts 17, 18 and 19 updated September 2016). These are liable to change as the Guidance is revised from time to time and, if

considered necessary, this Statement of Gambling Policy will be revised to comply with any future changes to the Guidance. A copy of the current Gambling Commission Guidance can be found on the Council's website.

2. A Profile of the Royal Borough of Kensington and Chelsea

2.1 While the Royal Borough is the smallest of the London boroughs, covering 1,213 hectares (2,997.32 acres), it is also one of the most densely populated local authority areas in this country with 131 people per hectare (53 per acre).

(Size of local authority and density of population information obtained from the national census of 2011 at the Office of National Statistics)

2.2 The Royal Borough is situated in west London with Westminster City Council to the east, Brent Council to the north, Hammersmith and Fulham Council to the west and the river Thames to the south. The borough has a large number of nationally and internationally famous buildings, shopping streets, restaurants and museums and attracts a significant number of visitors and tourists daily in addition to the resident population.

2.3 Because of the small size of the Royal Borough and the density of its residential population there are very few areas within its boundaries that could be described as solely commercial or shopping areas. Even those that could be described as commercial or shopping areas have significant numbers of residential dwellings above and adjacent to commercial premises, and residential areas in close proximity.

3. Consultation on the Statement of Gambling Policy

3.1 Before publishing this Statement of Gambling Policy the Licensing Authority consulted with the Police, the Fire Authority and other Responsible Authorities, representatives of local residents, representatives of local businesses and representatives of those persons carrying on gambling businesses in this Authority's area. This Licensing Authority has also consulted with relevant departments within the Council and neighbouring boroughs.

4. Declaration

4.1 In producing this Statement of Gambling Policy, 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 Statement.

5. Responsible Authorities and Interested Parties

5.1 The Gambling Act 2005 allows for two different types of groups to make representations regarding applications to the Licensing Authority, and also to apply to have existing licences reviewed by the Authority. These groups are "Responsible Authorities" and "Interested Parties"

5.2 The Act defines Responsible Authorities as:

- (a) a licensing authority in England and Wales in whose area the premises are wholly or partly situated,

- (b) the Gambling Commission,
- (c) the chief officer of police for a police area in which the premises are wholly or partly situated,
- (d) the fire and rescue authority for an area in which the premises are wholly or partly situated,
- (e) the local planning authority, in accordance with Part I of the Town and Country Planning Act 1990 (c. 8), for an area in which the premises are wholly or partly situated,
- (f) an authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated,
- (g) a body which is designated in writing for the purposes of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm,
- (h) Her Majesty's Commissioners of Customs and Excise, and
- (i) any other person prescribed for the purposes of this section by regulations made by the Secretary of State.

5.3 Under the Children Act 2004, Area Child Protection Committees (ACPC) have been replaced by Local Safeguarding Children Boards (LSCBs).

The Royal Borough's LSCB meets once every three months but applications relating to Gambling Licences require any comments from the 'responsible authorities' within 28 days. Therefore, it would clearly not be appropriate to designate the LSCB as the 'responsible authority' in this area.

The policy of the Licensing Authority is that the 'responsible authority' in relation to the protection of children from harm (see 5.2 'g' above) will be the Council's Family and Children's Services Department and, in particular, the LSCB Manager in that Department.

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

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

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

5.6 The Licensing Authority is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party.

The principles for this Authority are that each case will be decided upon its own merits and rigid rules will not be applied to its decision making. It will consider the examples

provided in the Gambling Commission's Guidance for Licensing Authorities at paragraph 6.21. In accordance with the Commission's Guidance "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.7 Section 158 of the Gambling Act states that an "interested party" must (a) "live sufficiently close to the premises to be likely to be affected by the authorised activities", or (b) "has business interests that might be affected by the authorised activities", or represents persons who satisfy (a) or (b). The Gambling Commission recommends in its Guidance to Licensing Authorities that Interested Parties could include trade associations and trade unions, and residents' and tenants' associations. However, it fails to mention that those bodies should represent persons or businesses sufficiently close to be likely to be affected by the operation of the premises. (Gambling Commission Guidance for Local Authorities paragraph 6.21). This Authority will follow section 158 of the Act and will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. they live sufficiently close or carry on a business so that they will be likely to be affected by the activities being applied for.

6. Exchange of Information

- 6.1 Licensing Authorities are required to include in their Statement of Gambling Policy the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that Data Protection legislation will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. When the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about gambling premises to help target resources and activities and minimise duplication.

7. Enforcement

- 7.1 Licensing Authorities are required by regulation under the Act to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for Local Authorities. We will comply with the 'Regulators Code' and to support or enable economic growth for compliant businesses we will endeavour to:
- understand and minimise negative economic impacts of our regulatory activities;

- minimise the costs of compliance for those we regulate;
- improve confidence in compliance for those we regulate, by providing greater certainty; and
- choose proportionate, transparent and effective approaches to encourage and promote compliance.

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

- 7.3 As per the Gambling Commission's Guidance for Licensing Authorities, this Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This Authority will also, as recommended by the Gambling Commission's Guidance for Licensing Authorities, adopt a risk-based inspection programme. In accordance with the Regulators' Code only those premises identified as being 'high risk' premises will be routinely inspected. Officers will only visit premises where there is a reason to do so, e.g. as part of a complaint investigation.
- 7.5 The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with the terms and conditions of premises licences and other permissions that they authorise. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will also be dealt with by the Gambling Commission.
- 7.6 This Licensing Authority also keeps itself informed of developments as regards the work of the Department for Business, Energy & Industrial Strategy in its consideration of the regulatory functions of local authorities. Bearing in mind the principle of transparency, this Licensing Authority's enforcement policy is available on our website.
- 7.7 It should be noted that if annual fees for premises licences are not paid when required the Licensing Authority may revoke the premises licence under section 193 Gambling Act 2005.

8. Protecting Children and other Vulnerable Persons from being harmed or exploited by Gambling

- 8.1 As per the Gambling Commission's Guidance for Licensing Authorities, this Licensing Authority expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.
- 8.2 The efficiency of such policies and procedures will be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truanting school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems.

8.3 This Authority will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres. Such measures may include, but would not be limited to, the following:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Specific opening hours
- Self-barring schemes
- Notices/signage
- Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation
- clear policies that outline the steps to be taken to protect children from harm;
- Provision of information leaflets/helpline numbers for organisations such as GamCare and GambleAware. Additionally, the provision of details on how to access the National Programme Gambling Clinic and provision of the relevant information leaflet once it becomes available.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. This Authority will expect operators to fully comply with the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP), the Social Responsibility Codes in relation to access for children into Gambling premises, their policies and procedures designed to prevent underage gambling, and how they monitor the effectiveness of these. The Social Responsibility Codes, part of the Gambling Commission's LCCP, can be found on the Gambling Commission's website.

8.4 The Gambling Commission advises in its Guidance for Licensing Authorities that Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling. In appropriate circumstances this Authority will consider the imposition of conditions requiring door supervisors at particular premises.

8.5 To assist the Licensing Authority in considering safeguarding concerns, we welcome any information from operators relating to details of where a child or young person repeatedly attempts to gamble on their premises. The Licensing Authority continues to raise awareness, in cooperation with the Metropolitan Police, of child sexual exploitation amongst the business community via Operation Makesafe. To date, efforts have been focussed on providing awareness to hotels, taxi companies and licensed premises.

8.6 Larger operators are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. Operators are encouraged to also make the results available to licensing authorities, as far as is practicable.

8.7 As mentioned in paragraph 5.3, the policy of this Licensing Authority is that the 'responsible authority' in relation to the protection of children from harm will be the Council's Family and Children's Services Department and, in particular, the LSCB Manager in that Department.

9. Licensing Authority Functions

9.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issuing *Provisional Statements* where premises are intended to provide gambling activities
- Regulating *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing *Club Machine Permits* to *Commercial Clubs*
- Granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issuing *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Registering *small society lotteries* below prescribed thresholds
- Issuing *Prize Gaming Permits*
- Receiving and Endorse *Temporary Use Notices*
- Receiving *Occasional Use Notices*
- Providing information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintaining registers of the permits and licences that are issued under these functions

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

10. Premises Licences

10.1 Premises licences will be 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 (The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007). Licensing Authorities are able to exclude default conditions where appropriate and also attach additional conditions where relevant.

10.2 In accordance with section 193 of the Gambling Act 2005, 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 is;

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority's statement of gambling policy.

Multiple licences and separation of different premises

- 10.3 This Authority takes particular note of the Gambling Commission's Guidance for Licensing Authorities, which states that Authorities should pay particular attention when considering applications for multiple licences for a building, and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, this Authority is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed)
- 10.4 Clearly, there will be specific issues that the Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 10.5 This Authority takes particular note of paragraphs 7.7 to 7.8 and 7.26, 7.31 – 7.35 of the Gambling Commission's Guidance to Licensing Authorities relating to the artificial subdivision of premises. It also takes note of section 152 (1) of the Act and Regulation 12(2) of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 and will look very carefully at any application that may appear to breach any of these provisions.

This Authority also takes particular note of the Gambling Commission's Guidance, contained in paragraphs 19.21 – 19.25, regarding the "the appropriate licensing environment" for a premises licence. For example, where a premises is licensed to provide bingo facilities then the primary activity must be the provision of bingo, with gaming machines being an ancillary offering in the premises. This Authority also notes the Gambling Commission's Codes of Practice Consolidated for all forms of Gambling that came into effect in April 2018.

Plans

- 10.6 The Licensing Authority will expect compliance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) in relation to the submission of plans with applications.
- 10.7 The Regulations state that plans shall contain the following information:
- the extent of the boundary or perimeter of the premises
 - where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
 - where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
 - where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises

- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

Planning considerations

- 10.8 The Licensing Authority is aware that in May 2015 the Government introduced additional planning controls in relation to betting offices, removing them from Class A2 use to a 'sui generis' use. This means that Betting Shops have been taken out of the planning 'use' classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority recommends that applicants for new Gambling Premises Licences should already have been granted permission to use prospective premises for the proposed operation subject of the licence application. Further information can be obtained from the Council's Planning Department
- 10.9 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for Licensing Authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This would include incidents or suspected incidents of child sexual exploitation. Should any specific policy be decided upon regarding areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how potential concerns can be overcome.
- 10.10 This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it.
- 10.11 Planning: The Gambling Commission Guidance to Licensing Authorities states:
- '7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...'

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

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

or prevent any action that may be appropriate under the law relating to planning or building.’

- 10.12 Premises licences granted **must be reasonably consistent with** the licensing objectives. This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions, such as the provision of door supervisors, may be relevant.
- 10.13 Where gambling premises are located in sensitive areas, e.g. near schools, this Licensing Authority will consider imposing restrictions on advertising the gambling facilities on such premises where it is felt relevant and reasonably consistent with the Licensing Objectives.
- 10.14 **Local Area Profile** – a map of this Local Authority's area has been attached as a separate document to this policy, at Appendix F. This document may be reviewed and updated from time to time. The map contains the location of all schools, hostels and homes for vulnerable people, hotspots of anti-social behaviour (ASB), and centres for people with gambling addictions. This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of schools, ASB, hostels/homes for vulnerable people and centres for people with a gambling addiction.
- 10.15 Where paragraph 10.13 applies this Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, particularly in relation to children, young persons and vulnerable people. Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business.

Local Risk Assessments

- 10.16 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their Local Risk Assessment (LRA) how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people or proximity to churches, mosques, temples or any other place of worship. Religious premises and places of worship are often focal points for a percentage of vulnerable members of the local community, including the homeless community and youth population, and have therefore been included in this policy, rather than for any moral or ethical reasons.
- 10.17 Some publicly available sources of information to assist in operators completing a LRA include:
- (a) the Crime Mapping website;
 - (b) Neighbourhood Statistics websites;
 - (c) websites or publications by local responsible authorities;

- (d) websites or publications by local voluntary schemes and initiatives; and
- (e) on-line mapping tools.

This Authority will expect applicants for the new grant of, or variation to an existing, licence to also submit their LRA to comply with Social Responsibility (SR) code 10.1.1 and Ordinary Code provision 10.1.2. We strongly recommend that operators of licensed premises keep their LRA on the individual licensed premises and ensure that it is available for inspection.

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

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

The Authority will expect the local risk assessment to consider:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children and young people will congregate such as youth clubs, parks, bus stops, cafés, shops, entertainment venues such as cinemas, bowling allies and any other place where children are attracted.
- the demographics of the area in relation to vulnerable groups
- whether the premises is in an area subject to high levels of crime and/or disorder.
- how vulnerable people, including people with gambling dependencies are protected.
- assessing staffing levels when a local college closes and the students begin to vacate the grounds.
- age verification policies such as 'Challenge 25'.
- line of sight from the counter to gambling machines.
- information held regarding self-exclusions and incidences of underage gambling.
- gaming trends that may mirror days for financial payments such as pay days or benefit payments
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

10.18 **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 has noted that the Gambling Commission has stated that:

'when considering an application for a premises licence or permit that is in an area noted for particular problems with disorder, organised criminal activity etc, the licensing authority should think about what, if any, controls might be appropriate to prevent those premises being associated with or used to support crime. This may include conditions on the premises licence, such as a requirement for door supervisors.'

'In the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.'

'In relation to preventing disorder, licensing authorities have the ability under s.169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in s.178 of the Act.'

- 10.19 Where alcohol is sold after 11pm in premises licensed under the Gambling Act 2005 we would expect that there would be the appropriate number of door supervisors employed at the premises.
- 10.20 However, this Authority will only impose additional conditions on licences where there is clear evidence that such conditions are necessary in order to promote the licensing objectives.
- 10.21 **Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 10.22 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted that the Gambling Commission's Guidance for Licensing Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children), or at risk of child sexual exploitation. The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.
- 10.23 As regards the term "**vulnerable persons**" it is noted that the Gambling Commission is not seeking to offer a definition but states that '... it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.' This Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision. This Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues in relation to this licensing objective regarding specific premises such as casinos. In particular, this Authority is aware of SR code 3.5.1 and Ordinary Code 3.5.2 relating to self-exclusion from gambling premises. We expect licence holders to fully comply with these Codes.

10.24 Whilst there may be evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties, public health is not a licensing objective and therefore cannot be taken into account when deciding on applications. The Licensing Authority will however continue to liaise with public health colleagues about new and variation applications within the borough, so that we can both continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.

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

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

The Gambling Act 2005 imposes a number of mandatory and default conditions on the different types of gambling licences. Decisions upon additional, individual conditions will be made on a case by case basis and only where there is clear evidence to support the need for additional conditions. There will be a number of measures this Licensing Authority will consider utilising should there be evidence to support the imposition of conditions, such as the use of door supervisors, appropriate signage for adult only areas etc. This 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.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

10.27 It is noted that because of restrictions imposed by the Gambling Act 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.

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

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

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

10.31 In relation to Adult Gaming Centres, this Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It is recommended that applicants provide means to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises. Such measures may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation.

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

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

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas

- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare and GambleAware.
- Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation.

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

10.33 **No Casinos resolution** – At this time this Licensing Authority has not passed a ‘no casino/no additional casinos’ resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, this Statement of Gambling Policy will be updated with details of that resolution. Any such decision will be made by the Full Council.

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

This Authority notes that the Gambling Commission’s Guidance states in Paragraph 7.27 that:

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

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

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

10.35 **Betting machines in Betting Premises** - This Licensing Authority will, as per 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 (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number and nature of betting machines an operator wants to offer. This Authority will consider limiting the number of machines only where there is evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence this Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

10.36 **Betting Offices** – This Licensing Authority will look closely at applications to re-site betting offices in the same locality or to extend premises in order to enhance the quality

of facilities offered to the public who may wish to use them. The Authority will look at those applications sympathetically where there are no concerns that the Licensing Objectives will be adversely affected. The Authority will also take any complaints relating to the use of Fixed Odds Betting Machines (FOBTs) within Betting Shops extremely seriously and will expect operators to be fully compliant with Social Responsibility Codes 3.5, 3.7.1, 3.7.2 and Ordinary Code Provision 3.5.2.

- 10.37 This Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, the Licensing Authority will contact the Primary Authority for the business. Where there is no Primary Authority Partnership in place, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.
- 10.38 **Travelling Fairs** - It will fall to this Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

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

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

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

This Authority has noted the Gambling Commission’s Guidance that “A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter

would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

10.40 **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 application is valid and/or whether it is appropriate to carry out the review, given the circumstances. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious or 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 unless there is a material change in circumstances.

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

The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate in relation to the use of the premises.

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

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

11.1 Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7 to the Gambling Act 2005)

Where an operator does not hold a premises licence but wishes to provide gaming machines, an applicant may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

11.2 The Act states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives, and shall have regard to any relevant guidance issued by the Commission under section 25(1). The Gambling Commission's Guidance for Licensing Authorities also states: "In its policy statement, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. ..., licensing authorities may wish to give weight to matters relating to protection of children from being harmed, exploited by gambling or at risk of child sexual exploitation, and to ensure that staff supervision adequately reflects the level of risk to this group." (24.8)

11.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family

Entertainment Centre (FEC), and if the chief officer of police has been consulted on the application. The Licensing Authority may also consider asking applicants to demonstrate:

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

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

11.4 Statement of Principles – This Licensing Authority has not yet adopted a formal “Statement of Principles” but will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truanting school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

11.5 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1) to the Gambling Act 2005)

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the 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.

11.6 If a premises wishes to have more than 2 machines then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from

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

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

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

11.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

11.8 Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3) to the Gambling Act 2005)

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”.

This Licensing Authority has prepared a Statement of Principles in relation to Prize Gaming Permits which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm;
- that they have measures in place to prevent child sexual exploitation
- that they meet the objective of carrying out gambling openly and fairly; and,
- that the premises are mainly or wholly used for gambling purposes.

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

11.10 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the Licensing Authority cannot attach any further 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.

11.11 Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

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

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

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

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

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

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

11.15 Temporary Use Notices (TUN)

There are a number of statutory limits as regards temporary use notices. It is noted that the Gambling Commission Guidance states that 'The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. The definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition, licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. For example, a large exhibition centre with a number of exhibition halls may come within the definition of 'premises'. A TUN should not then be granted for 21 days in respect of each of its exhibition halls. In relation to other covered areas, such as shopping centres, the licensing authority will need to consider whether different units are in fact different 'sets of premises', given that they may be occupied and controlled by different people.' This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a number of sections of one building so that the whole place that could be described as one set of premises.

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (Statutory Instrument number 2007/3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

11.16 Occasional Use Notices:

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

12. Small Society Lotteries

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

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

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

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

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

<http://www.rbkc.gov.uk/environmentandtransport/licensing/applicantsandbusinesses/lotteryregistration.aspx>

or by contacting the Licensing Team on 020 7341 5152 or by email at licensing@rbkc.gov.uk.

12.4 Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

12.5 Lotteries will be regulated through; a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, codes of practice and any guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's guidance.

12.6 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of his registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept society lottery returns either manually but preferably electronically by emailing: licensing@rbkc.gov.uk

12.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.

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

- the applicant is not a non-commercial society;

- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- information provided in or with the application for registration is false or misleading.

12.9 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may also seek further information from the Society.

12.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.

12.11 The Licensing Authority may revoke the registered status of a Society if it thinks that it would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

12.12 Where a Society employs an external lottery manager, it will need to satisfy itself that the manager holds an operator's licence issued by the Gambling Commission, and the Licensing Authority will expect this to be verified by the Society.

13. OTHER INFORMATION

13.1 Equalities - The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Royal Borough has an Equal Opportunities Policy and this revised Statement of Licensing Policy will be monitored for any adverse impact on the promotion of opportunities for all.

13.2 Under the Gambling Act 2005, the Licensing Authority must carry out a review of its Licensing Policy Gambling Act 2005 every three years. In accordance with the Act, the Licensing Authority intends to carry out a further full review of its policy no later than 2021 and, prior to publishing the revised version, it intends to consult fully with those groups and individuals consulted on this version.

In addition, within the three year period the Licensing Authority will review its Statement of Gambling Policy whenever it feels that relevant issues have arisen - for example, if any further significant amendments are made to the Gambling Act 2005, Guidance or Codes of Practice.

Any website links within this document that do not work will be updated or removed.

Appendix A: Glossary of Terms

Default Conditions - Conditions that will apply through Statute unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Casino Premises Licence Categories - a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements.

Child - Individual who is less than 16 years old.

Code of Practice: Means any relevant code of practice under section 24 of the Gambling Act 2005

Lottery - An arrangement where 1) persons are required to pay to participate in the arrangement 2) in the course of the arrangement, one or more prizes are allocated to one or more members of a class 3) the prizes are allocated by a series of processes, and 4) the first of those processes relies wholly on chance.

Exempt Lotteries - Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:

- Small Society Lottery (required to register with Licensing Authorities.
- Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair
- Private Lotteries e.g. Raffle at a student hall of residence
- Customer Lotteries e.g. Supermarket holding a hamper raffle

External Lottery Manager - An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

Large Lottery - Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.

Licensing Committee - A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority in Gambling matters.

Licensing Sub Committee - A sub-committee of members appointed from the Licensing Committee to whom the functions of the licensing committee can be delegated under the Act to determine applications.

Mandatory Conditions - Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.

Operating Licences - Licences to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.

Personal Licence - Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.

Premises Licence - Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and some family entertainment centers.

Premises - Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

Primary Authority – Where a chain of businesses and a specific Local Authority agree, that Authority becomes the ‘Primary Authority’ for those businesses. The authority will ensure consistent regulation, improving the professionalism of front-line regulators, and giving businesses a say in their regulation. Where another Local Authority has concerns about compliance issues, it must refer to the Primary Authority for directions.

Private Lotteries - 3 Types of Private Lotteries:

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents’ Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;
- Prize Gaming - Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

Provisional Statement - Where an applicant can make an application to the Licensing Authority in respect of premises that he:

- Expects to be constructed
- Expects to be altered
- Expects to acquire a right to occupy.

Small Lottery - Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

Small Society Lottery - A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Temporary Use Notice - To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

Vehicles - Defined as trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.

Appendix B: Delegation of Functions

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

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

Appendix C: Categories of Gaming Machines

CATEGORIES OF GAMING MACHINE

CATEGORY MAXIMUM STAKE MAXIMUM PRIZE

These stakes and prizes are subject to change by Central Government

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act Casino and Regional Casinos
B2	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
D non-money prize (other than crane grab machine)	30p	£8	All of the above.
D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

Appendix D: USEFUL CONTACTS

If you wish to make any comments on the Royal Borough of Kensington and Chelsea's Gambling Policy or if you want further information regarding the Gambling Act 2005 please contact:

The Licensing Team Manager
The Royal Borough of Kensington and Chelsea
37 Pembroke Road
London
W8 6PW

Telephone: 020 7341 5601
Email: licensing@rbkc.gov.uk

Information is also available from:

The Department for Digital, Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Telephone: 020 7211 6200
Internet: www.culture.gov.uk
Email: gambling@culture.gov.uk
The Gambling Act can be viewed at:

<http://www.legislation.gov.uk/all?title=Gambling%20Act%202005>

The Gambling Commission's Guidance can be viewed at:

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

The Metropolitan Police Licensing Officer can be contacted regarding gambling issues within the Royal Borough of Kensington and Chelsea on:

Telephone: 020 7370 6065
Email: AWMailbox.licensing@met.police.uk

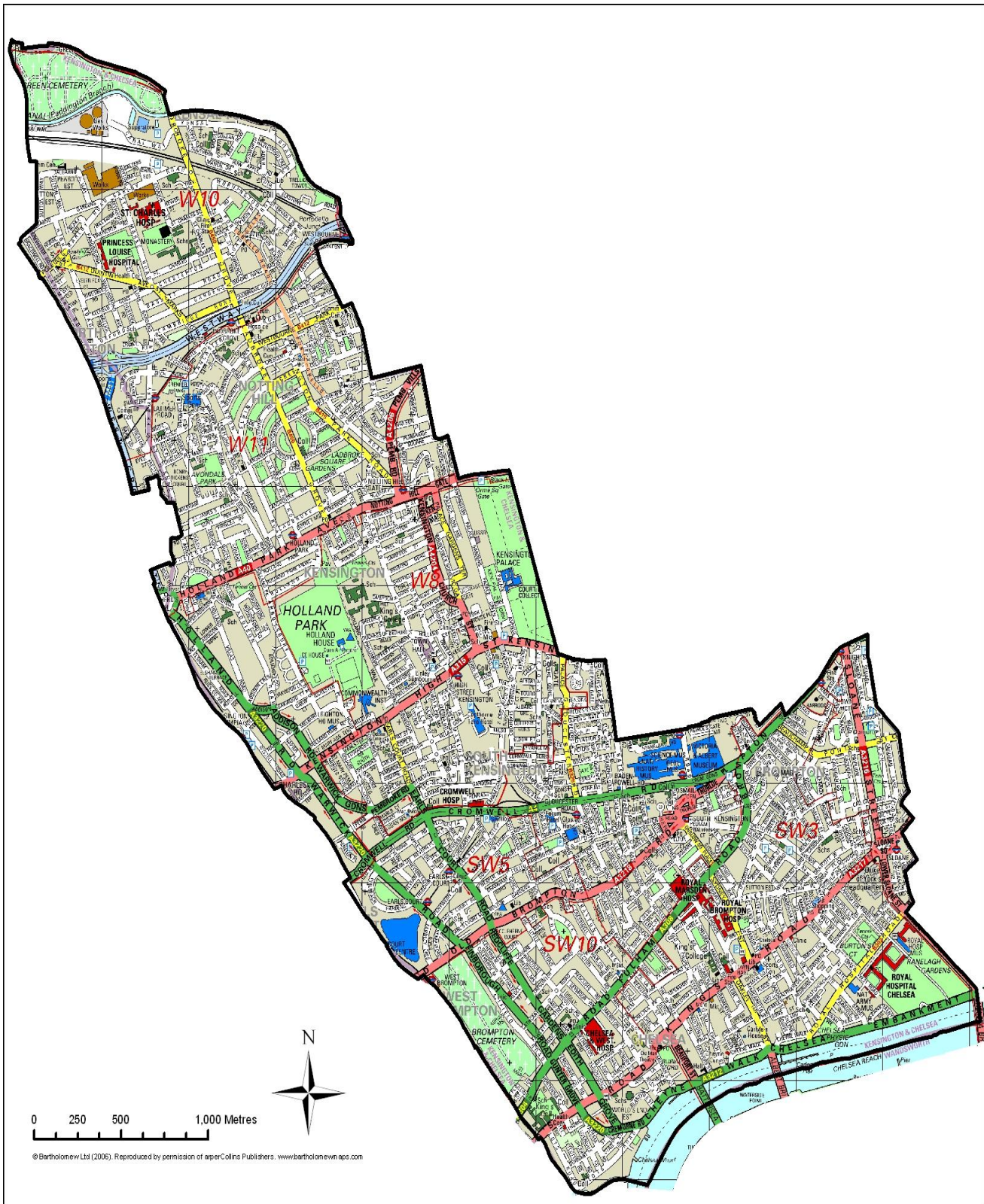
RESPONSIBLE AUTHORITY CONTACTS

- 1) The Licensing Authority
Royal Borough of Kensington and Chelsea
The Licensing Team
37 Pembroke Road
London W8 6PW
Licensing@rbkc.gov.uk
- 2) The Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP
info@gamblingcommission.gov.uk
- 3) Metropolitan Police Licensing Office
C/o Council Offices
37 Pembroke Road
London W8 6PW
AWMailbox.licensing@met.police.uk
Please note that Council staff do not have authority to accept service on behalf of the Metropolitan Police
- 4) The Fire Authority:
Licensing Administrator
LFEPA, Fire Safety Regulation
South West Area 4
169 Union Street
London SE1 0LL

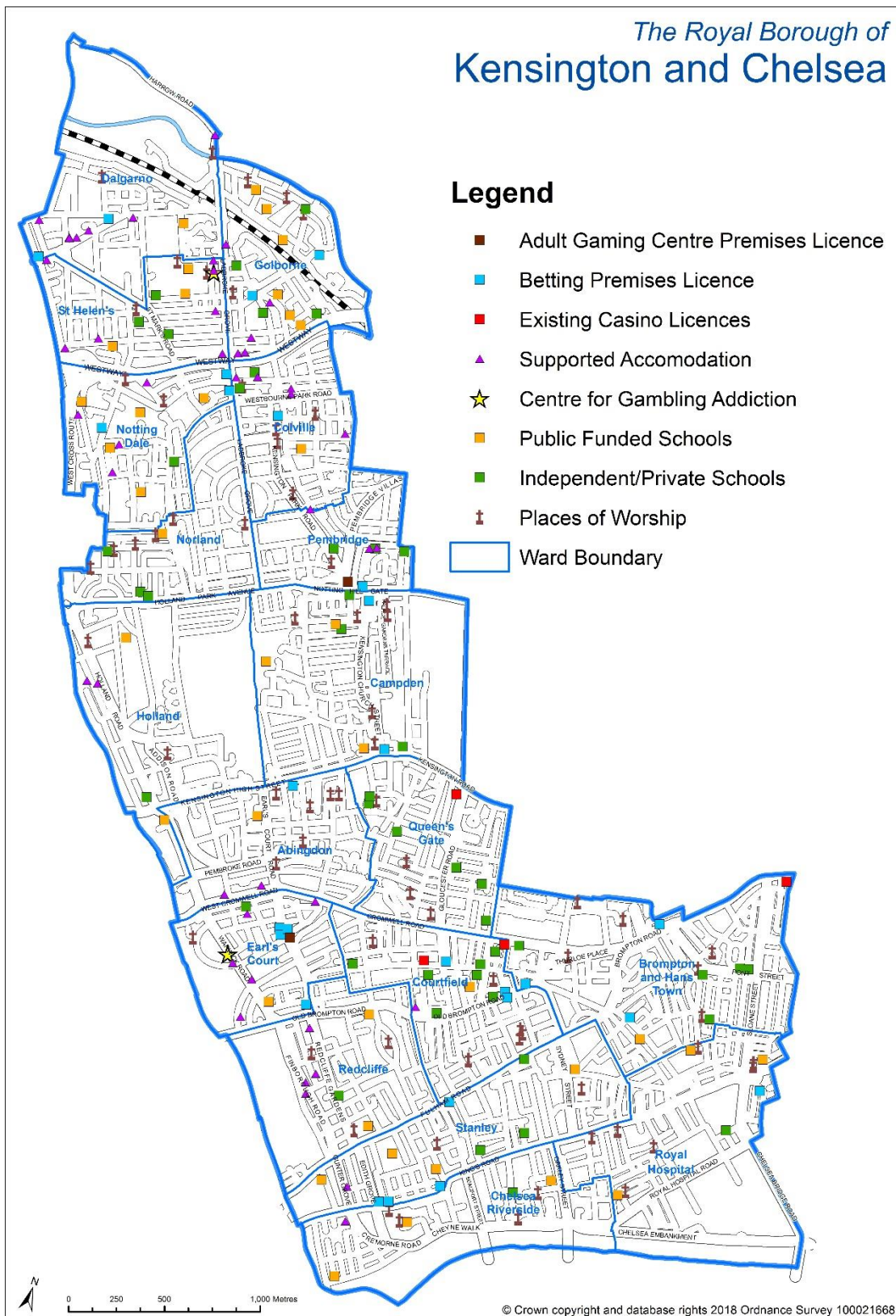
fsrsw@london-fire.gov.uk
or
FSR-AdminSupport@london-fire.gov.uk
- 5) The Planning Authority:
Royal Borough of Kensington and Chelsea
Team Leader
Planning Enforcement
Planning Department
The Town Hall
Hornton Street
London W8 7NX
planning@rbkc.gov.uk
- 6) The Authority which has functions in relation to pollution to the environment:
The Team Manager
Noise and Nuisance Team
Royal Borough of Kensington and Chelsea
37 Pembroke Road
London W8 6PW
noise@rbkc.gov.uk

- 7) The Authority which has functions in relation to harm to human health:
The Team Manager
Health and Safety Team
Royal Borough of Kensington and Chelsea
37 Pembroke Road
London W8 6PW
Health.safety.atwork@rbkc.gov.uk
- 8) Officer competent to advise about the protection of children from harm:
The LSCB Manager,
Safeguarding Review and Participation Manager,
Room 242, Kensington Town Hall,
Hornton Street, London W8 7NX
angela.flahive@rbkc.gov.uk
- 9) HM Revenue and Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ
nru.betting&gaming@hmrc.gsi.gov.uk

Appendix E: Map of the Royal Borough of Kensington and Chelsea

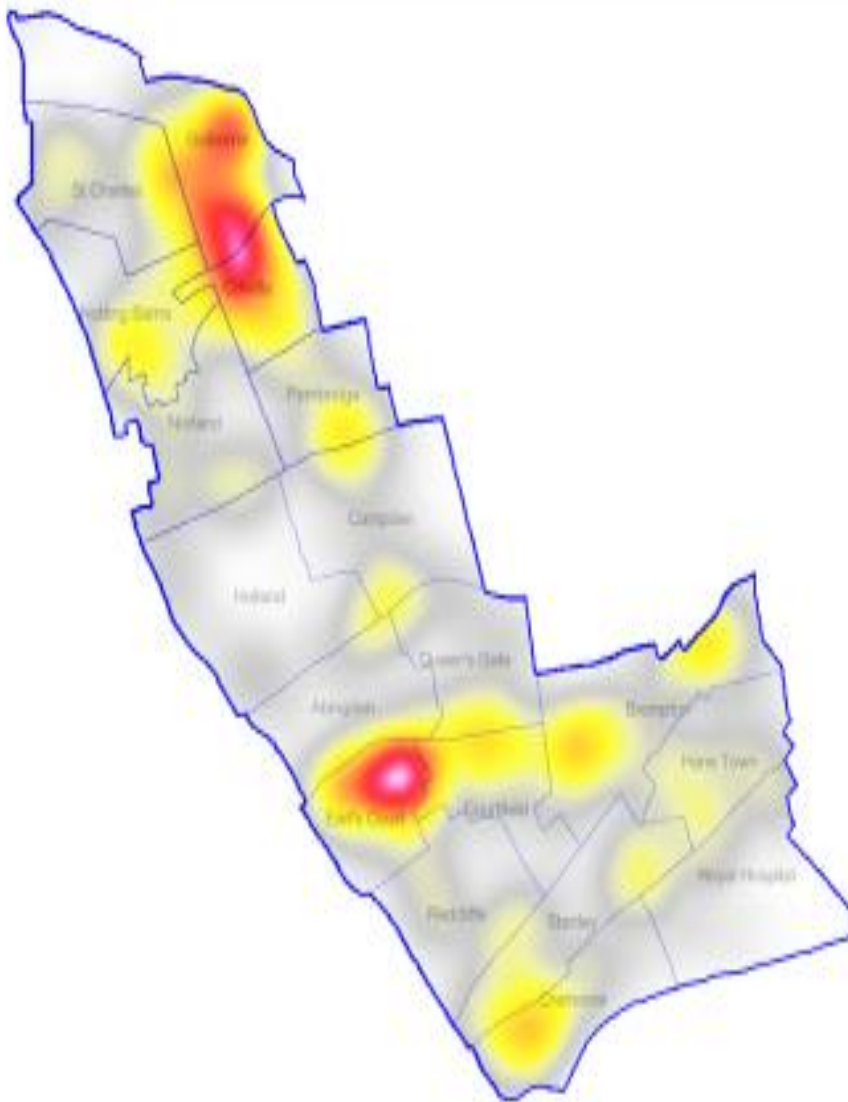


Appendix F: Maps of The Royal Borough of Kensington and Chelsea to assist with Local Area Profiles



BS ASB 12 Month Hotspot Map

from 05/05/2017 - 05/05/2018



Legend:

Red - High number of calls

Amber - Moderate number of calls

Yellow - Low number of calls

Source: MPS CAD data via MapInfo.



METROPOLITAN
POLICE

TOTAL POLICING

Met Intelligence

Kensington & Chelsea Borough (BS) - 03/05/2018

Appendix G: List of Consultees

In addition to various internal Council Departments and statutory consultees, the following individuals and organisations were sent the weblink to the Royal Borough of Kensington and Chelsea's Draft Statement of Gambling Policy and invited to comment on the contents.

NAME	ADDRESS
RBKC Website All Members of the Council RBKC Residents' Associations	Royal Borough of Kensington and Chelsea
Joelson Wilson Solicitors	30 Portland Place London W1B 1LZ
Bii	Infor House, 1 Lakeside Road, Farnborough, GU14 6XP
BACTA	29-30 Ely Place London EC1N 6TD
National Casino Industry Forum Association of British Bookmakers	Carlyle House 235 - 237 Vauxhall Bridge Road London SW1V 1EJ. Ground Floor, Warwick House, Buckingham Palace Road, London SW1W 0PP
BBPA	Ground Floor, Brewers' Hall, Aldermanbury Square, London EC2V 7HR
The Bingo Association	Lexham House 75 High Street North Dunstable Beds LU6 1JF
Grosvenor Casinos Limited	TOR, Saint-Cloud Way, Maidenhead, Berks SL6 8BN
Coastbright Ltd	Maxims Casino Club 1a Palace Gate London W8 5LS
Stanley Casinos Ltd	Cromwell Mint Casino 43-45 Cromwell Road London SW7 2EF
Gamcare	1st Floor, CAN Mezzanine Old Street, London, N1 6AH
Paddy Power	500 King's Road, London SW10 0LE
Paddy Power	Crowne House (5 th Floor) 56-58 Southwark Street London SE1 1UN (Sarah Gibson)
Coral	Ground Floor 145 Ladbroke Grove London W10 6HJ 327 Portobello Road London W10 5SA

Ladbrokes Plc
William Hill

6 Blenheim Crescent London W11
1NN
Imperial House Imperial Drive
Rayners Lane Harrow HA2 7JW
Greenside House, 50 Station Road,
Wood Green. London N22 7TP

The Chair of the RBKC Safeguarding Adults Executive Board

Director of Public Health



GOSCHALKS
SOLICITORS

BY EMAIL ONLY

SLPConsultation@rbkc.gov.uk

ROYAL BOROUGH OF KENSINGTON & CHELSEA COUNCIL

PATRICK CROWLEY

LICENSING TEAM MANAGER

Please ask for: Richard Taylor

Direct Tel: 01482 590216

Email: rjt@gosschalks.co.uk

Our ref: RJT / MJM / 097505.00005
#GS2091760

Your ref:

Date: 31 July 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the "*desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.*"

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board

on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral,

has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Other concerns

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Considerations specific to the Statement of Gambling Policy 2019 - 2022

Licensing objectives – paragraph 1.4 to 1.8

The first paragraph in this section (1.4) indicates that the Licensing Authority is to carry out its various licensing functions so as to be reasonably consistent with the three licensing objectives. We submit that this statement should be amended as the act requires Licensing Authorities to have regard to the licensing objectives when exercising most of their functions under the Gambling Act 2005. Applications and the operation of licensed premises are (inter alia) to be reasonably consistent with the licensing objectives as acknowledged within paragraph 1.5.

In addition, within paragraph 1.7 there is reference to the Licensing Authority seeking to “promote” the licensing objectives. The concept of the promotion of the licensing objectives is fundamental as far as Licensing Act 2003 is concerned but as far as Gambling Act 2005 is concerned, the only body upon whom there is a duty to promote the licensing objectives is the Gambling Commission. Accordingly, the reference to “promote” should be amended.

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

The second and third paragraphs in this section (8.2 and 8.3) should be redrafted as it is not clear whether or not the Licensing Authority is intending that operators provide the Licensing Authority with information with regards to young people attempting to gamble on the premises or whether or not the Licensing Authority is simply seeking to raise awareness of CSE issues among gambling operators.

In addition, the new paragraph 8.5 is unclear with regard to whether or not larger operators are routinely expected to provide test purchasing results to the Licensing Authority or whether or not this information is to be provided upon request. It is, of course, information that is already provided to the Gambling Commission. If it is the intention that operators are expected to provide this information to the Licensing Authority then this is unnecessary as this information forms part of the returns issued to the Gambling Commission.

Multiple licences and separation of different premises.

The final paragraph in this section (10.5) refers to the Gambling Commission’s Codes of Practice Consolidated for all Forms of Gambling that came into effect in August 2014. The most up to date version of this document is dated April 2018.

Planning conditions.

Paragraph 10.8 indicates that the Licensing Authority would expect applicants for new premises licences to have been granted planning permission to use prospective premises. Section 210 Gambling Act 2005 is clear that a Licensing Authority “*shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.*” This is then acknowledged in paragraphs 10.10 onwards.

It appears, therefore that paragraph 10.8 directly contradicts not only Gambling Act 2005 but the later paragraphs in the Policy. Accordingly the reference within paragraph 10.8 to the expectation that planning permission be granted should be removed.

Paragraph 10.9 refers to a potential policy relating to areas where gambling premises should not be located. This reference should be removed as any such policy is likely to be unlawful and is certainly contrary to the overriding principle in Section 153 Gambling Act 2005 that the Licensing Authority must “aim to permit” the use of premises for gambling and further the principle that each case will be determined on its own merits.

Paragraph 10.13 refers to premises “in sensitive areas” but does not offer any definition of “sensitive areas”. This should be made clear. Furthermore, this paragraph indicates that the Licensing Authority will consider imposing restrictions on advertising gambling facilities on such premises where it is felt relevant and consistent with the licensing objectives. Advertising and marketing the premises is already the subject of both ordinary code and social responsibility code provisions. These provide that all advertising of gambling products and services should be undertaken in a socially responsible manner and in particular, licensees should comply with the advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP). Licensees are also required to follow any relevant industry code of practice on advertising notably the gambling industry code for socially responsible advertising. On the basis that Gambling Commission and expert bodies relating to advertising practice have already issued codes of practice, this paragraph appears to indicate that the Licensing Authority may seek to go beyond that which is prescribed by the experts. Accordingly this paragraph should be removed.

Local area profile

Paragraph 10.5 indicates that the authority will expect applicants to fully explain in their applications how their proposal would not exacerbate any problems relating to individuals living in the vicinity or exacerbate any ASB problems within the vicinity. This sentence should be removed. Unlike Licensing Act 2003 applications, there is no requirement in the application process to address such matters and in any event, issues of ASB will largely be nuisance which is an irrelevant consideration as far as Gambling Act 2005 applications are concerned.

Local risk assessment.

Within paragraph 10.17 there is a list of bullet points of matters that the authority will expect the local risk assessment to consider. This list needs to be re-drafted as it contains matters that are irrelevant as far as a local risk assessment is concerned.

The purpose of a local risk assessment is to assess any risk to the licensing objectives posed by the provision of gambling facilities. The risk assessment is then required to detail how

such risks will be mitigated and to identify policies and procedures to ensure the mitigation of that risk. It follows, therefore, that as the risk assessment requires an assessment of risk to the licensing objectives, the bullet points within paragraph 10.7 must also be relevant considerations. One of the bullet points refers to antisocial behavior such as graffiti, tagging or underage drinking. This is nuisance rather than crime and disorder caused by gambling and therefore is not a relevant consideration as far as a Gambling Act 2005 risk assessment is concerned.

Conditions.

Paragraphs 10.25 to 10.32 explain the Licensing Authority's approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation that all Gambling Act 2005 premises licence are subject to mandatory and default conditions which are usually sufficient to ensure operation which is reasonably consistent with the licensing objectives. The Statement of Policy should also be very clear that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case which requires that the mandatory and default conditions be supplemented.

The need for evidence to support the imposition of additional conditions is important and is acknowledged within paragraph 10.30. It is important that this evidential basis is maintained and that the Statement of Policy is clear that conditions will only be imposed where there is evidence and not simply where there is a "perceived need" as stated in paragraph 10.25.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,

GOSSCHALKS

Draft Statement of Gambling Policy 2019 for RBKC & LBHF:
CNWL Addictions Comments

The policy statements proposed by the Royal Borough of Kensington & Chelsea and the London Borough of Hammersmith & Fulham, respectively have been reviewed by CNWL Addictions and the National Problem Gambling Clinic (NPGC). Each statement has been reviewed in conjunction with guidance published by the Gambling Commission.

CNWL Addictions welcomes the commitment of the respective London Boroughs in considering safeguarding needs in relation to gambling and local licencing authority obligations.

Regarding the statements on gambling, we have made the following recommendations for each London borough in response to sections on safeguarding adults and children:

Royal Borough of Kensington & Chelsea

- Section 8.4:

“ Provision of information leaflets/helpline numbers for organisations such as GamCare and GambleAware”

CNWL Addictions suggest: Ensuring that resources made available include details on how to access the National Programme Gambling Clinic. A patient information leaflet is currently being developed in conjunction with the communications team which includes referral criteria and key contact details.

- Section 10.6 on Local Risk Assessments (for gambling premises)

“The Authority will expect the local risk assessment to consider:.....

proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor’s surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.”

CNWL Addictions suggest: RBKC to support local risk assessments through provision of up to date information of local heat maps of vulnerable adults in the borough including locations of addiction services and NPGC.

- Section 10.22 under “Protecting children and other vulnerable persons from being harmed or exploited by gambling”

London Borough of Hammersmith and Fulham (LBHF)

- Section 5.12 States *“This Authority will expect applicants for the new grant of, or variation to an existing, licence to also submit their LRA to comply with the Licence Conditions and Codes of Practice(LCCP)..... The LCCP also states that a LRA must also be submitted when changes in the local environment or the premises warrant a LRA to be conducted again. This may be where: - proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor’s surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.*

CNWL Addictions suggest: LBHF to support local risk assessments through provision of up to date information of local heat maps of vulnerable adults in the borough including locations of addiction services and NPGC.

- *Section 5.8 States Provision of information leaflets/helpline numbers for organisations such as GamCare and GambleAware”*

CNWL Addictions suggest: Ensuring that resources made available include details on how to access the National Programme Gambling Clinic. A patient information leaflet is currently being developed in conjunction with the communications team which includes referral criteria and key contact details.



Click here to sign up to our free, monthly e-newsletter

Hello,

Thank you for your letter, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.

- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind
Catherine

regards,

Catherine Sweet
Head of Marketing and Communications

T: 020 7801 7028

E: catherine.sweet@gamcare.org.uk



Click here to sign up to our free, monthly e-newsletter

Local Resident

Dear Mr Crowley,

Thank you for seeking my views on the draft review of the Borough's Gambling Policy.

I have nothing to add other than to express my profound objection to gambling in principle.

Yours sincerely, XXXXXXXXXX

Queensdale Walk, W11

Metropolitan Police

Pat

In regard to the review of the Statement of Gambling Policy, applicable to Kensington and Chelsea, the Police are not making any representations at this time.

regards

Pc Ian Davis 420BS
Police Licensing Officer
Royal Borough of Kensington & Chelsea
0207 370 6065

The Council's Noise and Nuisance Team

Hi Pat,

Thank you for your email.

I wanted to confirm that I have no observations to make on the draft gambling policy for RBKC in regard to Public Nuisance

Hope this is helpful

Keith

Keith Mehaffy
Bi Borough Area Senior Environmental Health Officer
Noise and Nuisance team
020 7341 5702

STATEMENT OF GAMBLING POLICY (SGP 2019 - 2022)

RECORD OF RESPONSES TO PUBLIC CONSULTATION 11 May 2018 – 03 August 2018

NAME/ORGANISATION	COMMENTS	RELEVANT TO SGP	SGP REVISED YES/NO	NEW/AMENDED PARAGRAPH
Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB)	1) Amend the wording of paragraph 1.4 from 'reasonably consistent' to 'have regard to' the licensing objectives as the Act requires Licensing Authorities to 'have regard to'.	Yes	Yes	1) It is correct that the Gambling Act 2005 requires Licensing Authorities (LAs) to 'have regard to' the licensing objectives. However, section 153 (1) (c) of the Gambling Act 2005 and paragraph 5.19 (c) the Gambling Commission's Guidance states that LAs shall permit the use of premises for gambling so long as it is 'reasonably consistent with' the licensing objectives. Paragraph amended to include 'have regard to' as an addition to 'reasonably consistent with' rather than a replacement.
	2) Delete the word 'promote' in paragraph 1.7 and amend the sentence as there is only a duty for the Gambling Commission to 'promote' the licensing objectives.	Yes	Yes	2) The word 'promote' is deleted and replaced with 'have regard to, and be reasonably consistent with, the licensing objectives'.

	<p>3) Re-draft paragraphs 8.2 and 8.3 as they are unclear as to what the Licensing Authority expects from operators.</p> <p>4) Paragraph 8.5 is unclear regarding what the LA expects from larger gambling operators in relation to test purchasing results.</p> <p>5) The latest version of the Gambling Commission's Codes of Practice Consolidated for all Forms of gambling is 2018 and not 2014 as stated in paragraph 10.5</p> <p>6) The use of the word 'expect' in paragraph 10.8 is contrary to section 210 Gambling Act 2005 and should be removed.</p> <p>7) Paragraph 10.9 refers to a potential policy relating</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>3) Paragraph 8.2 deleted and re-drafted as new paragraph 8.5. Paragraph 8.3 (now 8.2) is not amended as its intention is clear</p> <p>4) Paragraph 8.5 (now 8.6) appears to be clear that the LA encourages operators to share the results of test purchases where this is practicable. There is no expectation but it is clear that the LA would welcome this information. No changes made to this paragraph.</p> <p>5) Date change in paragraph 10.5 to April 2018.</p> <p>6) The word 'expect' in paragraph 10.8 has been deleted and replaced by 'recommends that'...</p> <p>7) Paragraph 10.9 is very clear that there is no such policy now and there is no</p>
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	<p>to areas where gambling premises should not be located. This should be removed as any such policy is likely to be unlawful and is contrary to the overriding principle in Section 153 Gambling Act 2005.</p> <p>8) Paragraph 10.13 should be removed. It refers to 'sensitive areas' but does not offer any definition. It also indicates that the LA may consider imposing restrictions relating to advertising where it is relevant and consistent with the licensing objectives. This indicates that the LA may go</p>	<p>Yes</p>	<p>Yes</p>	<p>intention to implement such a policy at this time. The paragraph goes on to say that should such a policy be introduced it would not preclude any application being made, and applications will be considered on their merits. The writer states that it would be 'likely' to be unlawful, but that would be a matter for the courts to decide. Section 153 does state that LAs should 'aim to permit the use of premises for gambling' but that statement is subject to being, amongst other matters, 'in accordance with the statement published by the authority under section 349'. Having considered all these matters paragraph 10.9 will not be amended at this time.</p> <p>8) Immediately following the words 'sensitive areas' the sentence continues with an example, e.g. schools. This gives the reader a good indication of what is meant by 'sensitive areas'. The LA accepts that the CAP and BCAP have drawn up codes of practice regarding advertising but these may never cover every single specific circumstance. As such, this LA will keep this paragraph in the SGP to cater for any future possibility where a restriction needs</p>
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	<p>beyond what has been prescribed in advertising codes of practice issued by the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP)</p> <p>9) The writer refers to paragraph 10.5 but it is believed that this was in error and should read 'paragraph 10.15'. The writer states that there is no requirement under the Gambling Act 2005 for applications to explain why their proposal would not exacerbate any problems relating to individuals living in the vicinity or ASB in the vicinity. This sentence should be removed.</p>	<p>Yes</p>	<p>Yes</p>	<p>to be imposed to control advertising in a specific circumstance.</p> <p>9) This paragraph states that the content is only applicable when the contents of paragraph 10.13 are relevant, i.e. premises in 'sensitive areas'. Additionally, the paragraph states that the LA will 'expect' applicants to explain why their proposals would not exacerbate any existing problems, it does not 'require' applicants to do this. Details of how their proposal will not exacerbate any relevant issues in sensitive areas will assist not only the Licensing Authority, local residents, local businesses, schools, community centres, centres for addiction sufferers, occupants of hostels/homes for vulnerable people, but will also assist the applicant in the progress of the application. However, reference to ASB has been removed and this sentence has been amended to focus on children, young persons, and vulnerable adults.</p>
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	<p>10) The bullet points contained within paragraph 10.17 needs to be re-drafted in relation to the following: <i>'including areas that are prone to youths participating in antisocial behaviour, e.g. graffiti/tagging or underage drinking'</i> as these relate to nuisance issues and not crime and disorder.</p> <p>11) Paragraphs 10.25 – 10.32 refer to the LAs approach to attaching additional conditions to licences. Need to mention the mandatory and default conditions that the Gambling Act 2005 already attaches to the different types of gambling licences. Also need to point out that there is a need for evidence to support the imposition of additional conditions.</p>	<p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p>	<p>10) The LA takes into account the observations of the writer and agrees that the examples given may not necessarily be required to be covered in Local Risk Assessments, although it may be sensible for operators to consider these issues. However, this part of the sentence will be deleted from the SGP.</p> <p>11) Paragraph 10.25 amended to identify the need for evidence to support the imposition of conditions and additional information inserted regarding the mandatory and default conditions that must be attached to the various types of gambling licences.</p>
Central and North West London NHS	1) Suggests that the final point in paragraph 8.4	Yes	Yes	1) Paragraph 8.4 (now 8.3) amended to include information re the NPGC

Foundation Trust (CNWL)	(now 8.3) include information regarding the National Programme Gambling Clinic (NPGC). 2) Suggests that local 'heat maps' be available in relation to vulnerable people in the borough, including locations of addiction services and the NPGC.	Yes	Already included	2) Local Area Profile Map included at Page 48
Gamcare	This response is a generic response to Licensing Authorities regarding their SGPs. The points raised are already covered in the SGP.	Yes	Already included	SGP not amended as the points raised in this response are already included in the SGP.
The Metropolitan Police	No additional comments	Not applicable	Not applicable	No additional comments
RBKC Environmental Health Dept	No additional comments	Not applicable	Not applicable	No additional comments
Local resident	No additional comments but objects to gambling in principle	Not applicable	Not applicable	No additional comments