



WEST OXFORDSHIRE
DISTRICT COUNCIL

GAMBLING ACT 2005

Statement of Principles

**This Statement of Principles applies from 31 Jan 2022
until 30 Jan 2025
(unless revised sooner)**

CONTENTS

GLOSSARY

PART A: GENERAL MATTERS

| | | |
|------|--|---|
| 1. | The Licensing Objectives | 2 |
| 2. | Introduction | 2 |
| 3. | The Local Area | |
| 3.1 | The West Oxfordshire District | 3 |
| 4. | Consultees | 4 |
| 5. | Declaration | 4 |
| 6. | Effective period | 4 |
| 7. | Responsible Authorities | 4 |
| 7.1 | Protection of children from harm | 4 |
| 7.2 | Contact details | 5 |
| 8. | Interested parties | 5 |
| 9. | Information Exchange | 6 |
| 10. | Enforcement | 6 |
| 11. | Functions under the 2005 Act | 7 |
| 11.1 | Functions of the Licensing Authority | 7 |
| 11.2 | Others' functions | 7 |

PART B: PREMISES LICENCES

| | | |
|-------|--|----|
| 1. | Premises Licence | 8 |
| 2. | Applications | 8 |
| 3. | Local Risk Assessments | 9 |
| 4. | Local Area Profile | 10 |
| 5. | Plans of the Premises | 10 |
| 6. | Decision Making | 11 |
| 7. | Other Mechanisms to address unruly behaviour | 11 |
| 8. | Location | 11 |
| 9. | Primary Activity | 12 |
| 10. | Meaning of "Premises" | 12 |
| 11. | Premises "ready for gambling" | 13 |
| 12. | Planning | 14 |
| 13. | Duplication with other regulatory regimes | 14 |
| 14. | Licensing Objectives | 15 |
| 14.1 | Prevention of crime and disorder objective..... | 15 |
| 14.2 | Ensuring that gambling is conducted in a fair and open way objective | 15 |
| 14.3 | Protection of children and other vulnerable persons objective..... | 15 |
| 14.4 | Vulnerable Persons..... | 16 |
| 14.5 | Door Supervisors | 17 |
| 14.6 | Adult Gaming Centres..... | 17 |
| 14.7 | (Licensed) Family Entertainment Centres:..... | 18 |
| 14.8 | Casinos | 18 |
| 14.9 | Bingo Premises | 18 |
| 14.10 | Betting Premises..... | 19 |
| 14.11 | Tracks | 19 |
| 14.12 | Travelling Fairs..... | 20 |
| 14.13 | Provisional Statements | 21 |
| 14.14 | Reviews | 22 |
| 14.15 | Complaints against Licensed Premises..... | 23 |

PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

| | | |
|----|--|----|
| 1. | Unlicensed Family Entertainment Centre gaming machine permits | 23 |
| 2. | (Alcohol) Licensed Premises - Gaming Machine Permits | 24 |
| 3. | Prize Gaming Permits | 25 |
| 4. | Club Gaming and Club Machines Permits | 26 |

| | | |
|-----------|---|-----------|
| 5. | Temporary Use Notices | 27 |
| 6. | Occasional Use Notices | 27 |
| 7. | Small Society Lotteries | 28 |
| | Appendix 1 – Licensing Authority delegations – West Oxfordshire District | 29 |
| | Appendix 2 - Responsible Authorities | 30 |

GLOSSARY

| | |
|----------------------------|---|
| Council | West Oxfordshire District Council |
| Guidance | The Gambling Commission's "Guidance to Licensing Authorities" Latest edition |
| Licensing Authority | The Licensing Authority of West Oxfordshire District Council |
| The 2005 Act | Gambling Act 2005 |
| The 2003 Act | Licensing Act 2003 |

PART A: GENERAL MATTERS

1. The Licensing Objectives

The Gambling Act 2005 (“the Act”) requires that in exercising its functions under the Act, the Licensing Authority must have regard to the licensing objectives set out in Section 1.

The licensing objectives are:-

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

The Licensing Authority is aware that, as required by section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling:

- in accordance with any relevant Codes of Practice under section 24;
- in accordance with any relevant Guidance issued by the Commission under section 25;
- in accordance with this Statement of Principles, and reasonably consistent with the licensing objectives.

2. Introduction

The Act requires the Licensing Authority to prepare and publish a Statement that sets out the principles that the Licensing Authority proposes to apply when exercising its functions.

The Statement must be published at least every three years. This Statement will come into effect from the 31 January 2022 and will continue until 30 January 2025. It must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement must be then re-published before any revision is given effect.

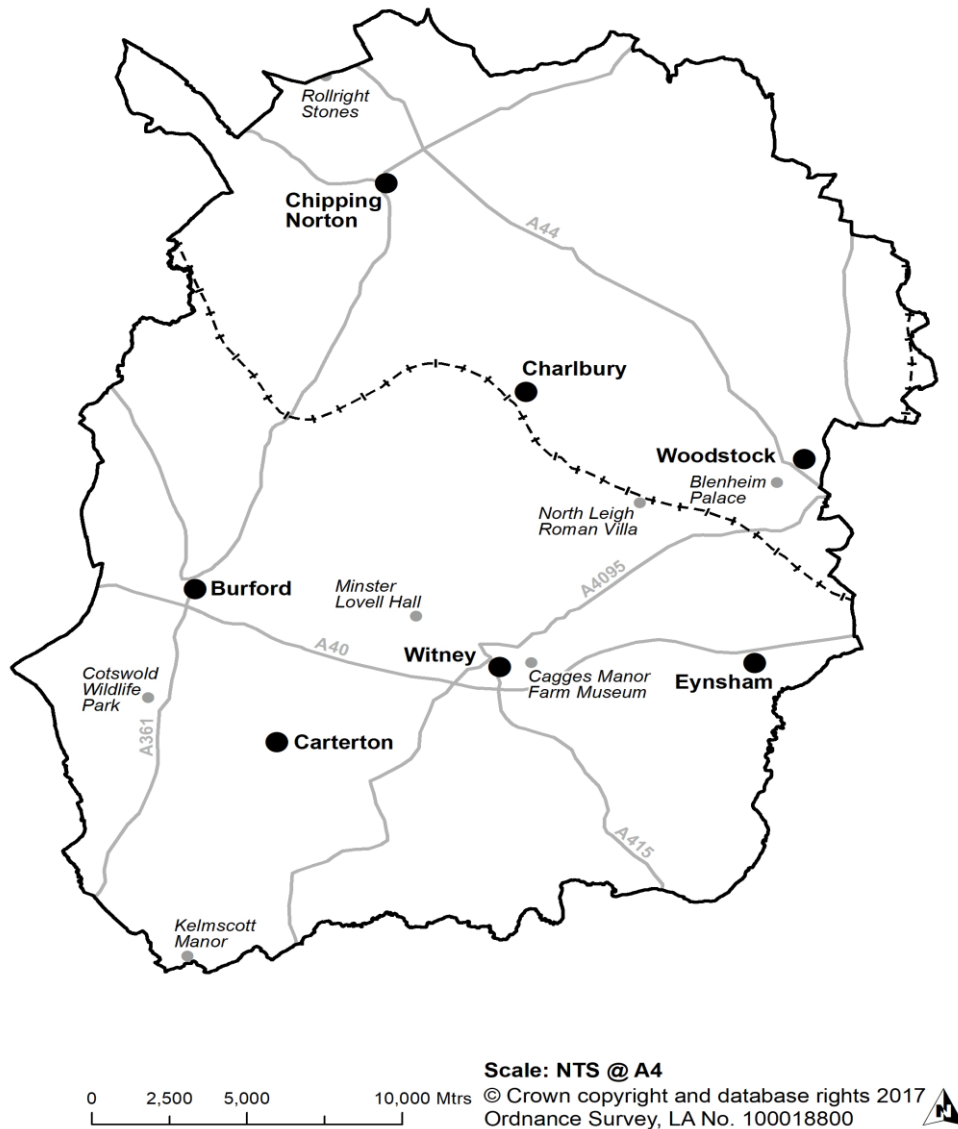
This document was approved by Full Council on 27th October 2021

3. The Local Area

3.1 The West Oxfordshire District

West Oxfordshire has a rich architectural and historic heritage ranging from the Cotswold stone houses to the splendour of Blenheim Palace, a World Heritage Site. The business sector is made up of a mixture of 'high technology' small and medium enterprises. The area faces no major social problems and crime figures are amongst the lowest in the country. It is a rural district covering 714 km² with a population of 105,000 and is spread across 83 parishes. Situated in a prime central location, there are excellent communications to most parts of the country via the A40/M40 and the A34. There are railway stations at Charlbury, Hanborough and Kingham with regular services to London and Birmingham.

WEST OXFORDSHIRE DISTRICT



4. Consultees

The 2005 Act requires the Licensing Authority to consult the following parties:

- the chief officer of police for the authority's area
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act

Before finalising and publishing this policy statement, the Council consulted the following:

- Thames Valley Police
- County Safeguarding Children Board
- Individual licensed bookmakers
- Parish and Town Councils
- Elected Members
- Representatives of the Gaming Machine Trade and Betting Industry
- Public Health Body
- The Gambling Commission
- H M Revenues and Customs
- Planning Authority
- Environmental Health department
- Fire Service
- Consultation took place from 5 July to 26 September 2021.

This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each matter will be considered on its own merits and according to the statutory requirements of the 2005 Act.

5. Declaration

In producing this Statement of Principles, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, Guidance, and any responses from those consulted on the policy statement.

6. Effective period

This Statement of Principles becomes effective on 31 January 2022.

It will remain effective for three years (or any longer period in accordance with the 2005 Act) unless replaced sooner by a revised version that the Council adopts. At the date of publication, this licensing policy is expected to last until 30 Jan 2025.

7. Responsible Authorities

7.1 Protection of children from harm

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers (2005 Act, s.157(h)) to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

In accordance with the suggestion in the Guidance the Licensing Authority has designated the County Safeguarding Children Board for this purpose.

7.2 Contact details

Appendix 3 lists details for all the Responsible Authorities under the 2005 Act that have a role in the Licensing Authority's area.

8. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. The 2005 Act (s.158) defines interested parties as follows:

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

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

Regulations require the Licensing Authority to state the principles it will apply in exercising its powers under the 2005 Act to determine whether a person is an interested party. Those principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.9 to 8.17 (*if the authority does not wish to follow the Gambling Commission's guidance in any respect it is advised to state this in its statement. Note though that decisions on premises licences and temporary use notices must be “in accordance” with Gambling Commission Guidance (Section 153)*). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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

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

9. Information Exchange

Licensing Authorities are required to include in their Statement the principles to be applied by the Licensing 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 in relation to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

This Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

The Licensing Authority does not currently have any established protocols regarding the exchange of information with other bodies, however, should any such protocol be adopted, it will be published.

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.

10. Enforcement

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.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance (the Guidance) to Licensing Authorities and will endeavour to be:

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

As per the Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority has adopted and implemented an intelligence based inspection programme, based on;

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

The main enforcement and compliance role for this Licensing Authority in terms of the Act 5 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments relating to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department.

11. Functions under the 2005 Act

11.1 Functions of the Licensing Authority

The 2005 Act gives Licensing Authorities the following functions:

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, by 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 of the use of two or fewer gaming machines, from premises licensed (under the 2003 Act) to sell/supply of alcohol (for consumption on the premises other than with a meal).
- Issuing Licensed Premises Gaming Machine Permits where more than two machines are required for premises licensed (under the 2003 Act) to sell/supply alcohol (for consumption on the premises other than with a meal).
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission on details of licences issued (see section above on 'information exchange')
- Maintaining registers of permits and licences issued under these functions.

11.2 Others' functions

Spread betting is regulated by The Financial Services Authority.

The National Lottery is regulated by The National Lottery Commission.

PART B: PREMISES LICENCES

1. Premises Licence

A premises licence can authorise the provision of facilities at the following:

- casino premises;
- bingo premises;
- betting premises, including betting tracks;
- adult gaming centres;
- family entertainment centres

Other than an application for a betting premises licence in respect of a track, the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

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

2. Applications

Other than an application for a premises licence in respect of a track, applications for a premises licence can only be made by a person who either holds;

- an operating licence authorising them to carry on the activity in respect of which a premises licence is sought, or
- has made an application for an operating licence which has not yet been determined.

Anyone wishing to make an objection to an application must do so by writing to the Licensing Authority and would normally be expected to relate their objection to one or more of the Licensing Objectives, or to issues raised within this Statement of Principles, the Guidance or Codes of Practice before the Licensing Authority will be able to consider it.

Where an application attracts an objection conditions will only be considered where they are necessary to promote the Acts objectives and proportionate to the circumstances.

Where it is necessary to attach conditions to a licence in order to promote the Act's objectives such conditions will not be overly onerous and will be proportionate to the risks involved.

The Licensing Authority will not, as a general rule, seek to attach conditions to a licence to mitigate concerns that are already adequately covered by other legislation.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and promote equality and good relations between persons of different ethnic groups.

3. Local Risk Assessments

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their local risk assessments, they must take into account relevant matters identified in this policy statement.

The LCCP state that licensees must review (and update as necessary) their local risk assessments:

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

The Licensing Authority will expect the local risk assessment to consider as a minimum:

- the location of institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, leisure/community centres, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc
- locations where children may congregate such as bus stops, cafes, shops etc
- areas prone to issues of youths participating in anti-social behaviour, including under age drinking, drug taking, graffiti etc;
- the demographics of the area in relation to vulnerable groups;
- local 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, doctors surgeries, addiction clinics or help centres
- other facilities in the proximity such as other gambling outlets, banks, public houses etc
- proximity to places where alcohol and drug dependant persons may congregate
- whether the premises is in an area subject to high levels of crime and/or disorder.
- known problems in the area such as those arising from street drinkers, and drug dealing activities etc
- policies in place at the premises to ensure that children and vulnerable person, including people with gambling dependencies are protected. This could include training records for staff such as how to recognise excessive gambling or vulnerable persons and actions that will be taken, the layout of the premises so that staff have unobstructed view of customers, location of CCTV and numbers of staff available at the premises at any one time.
- records held of the numbers of self exclusions, and underage refusals at the premises
- results of any in house underage test purchasing at the premises

A significant change in local circumstances that would require a licensee to review their local risk assessment could include:

- A substantial residential building development which could lead to an increase in children or vulnerable persons in the area
- A development of new or change to existing education establishments
- New venues in the local area that may lead to an increase in vulnerable persons such as homeless hostels, support care facilities or medical facilities
- Increase in anti-social behaviour or drug/alcohol dependency issues in the local area

The Licensing Authority will expect that the local risk assessment is kept at the individual premises. Staff at the premises should be aware of the content of the local risk assessment and be able to locate it for inspection on request by a Police Officer or an Authorised Officer of the Local Authority or the Gambling Commission

4. Local Area Profile

The Licensing Authority has not undertaken a local area profile at this stage as there are a very low number of premises licensed under the Gambling Act 2005 in the district. However, if a profile is produced in the future it will be a separate document to this Statement of Principles and will be circulated to all licensed premises and available on the Local Authority's website. If a local area profile is produced it is expected that local risk assessments will take account of the local area profile.

5. Plans of the Premises

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc. The plans become part of the premises licence and the Licensing Authority expects the plans to be available for inspection by an authorised officer at the premises.

If there are major changes to the layout of a premises a variation application must be made and new plans submitted. If there is a minor change to the layout the licence holder should contact the Licensing Authority for advice. If the minor change has no impact on the Licensing Objectives the Licensing Authority may accept an updated plan. However, if there is a possibility that the change will impact on a Licensing Objective the licence holder must make a variation application. This could include the moving of gaming machines which impacts on the line of sight for staff.

6. Decision Making

When making decisions about premises licences this Licensing Authority will permit the use of premises for gambling in so far as 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 Licensing Authority's Statement of Principles.

In determining an application, this Licensing Authority may not have regard to the expected demand for the facilities, which it is proposed to provide.

7. Other Mechanisms to address unruly behaviour

In carrying out its licensing functions the Licensing Authority also recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

- Planning controls;
- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of this Licensing Authority;
- Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
- The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

8. Location

In determining an application or a request to review a Premises Licence, the Licensing Authority will have regard to:

- Proximity to institutions, places or areas where the presence of young persons should be expected such as schools, youth clubs, parks, playgrounds etc.
- Proximity to residential area where there may a high concentration of families with children
- Proximity to premises frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors' surgeries, addiction clinics, help centres etc.

The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and if an applicant can effectively demonstrate how they might overcome Licensing Objectives concerns, this will be taken into account.

9. Primary Activity

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

The Licensing Authority will take account of the Gambling Commission's document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

10. Meaning of "Premises"

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

The Gambling Commission states in its Guidance to Licensing Authorities Part 7 that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. However, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This Licensing Authority takes particular note of the Guidance in Part 7 which states that: "Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes. In particular they should be aware of the following:

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

- Customers should be able to participate in the activity named on the premises licence.”

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

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

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

This authority will take account of the Guidance in Part 7 which details the relevant access provisions for each premises type. These include

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as per para 7.23 Guidance) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino;
 - an adult gaming centre;
 - a betting premises, other than a track.

11. Premises “ready for gambling”

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

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

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

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

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

More detailed examples of the circumstances in which such a licence may be granted can be found in Part 7 of the Guidance.

12. Planning

The Guidance to Licensing Authorities states in Part 7:

“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 Guidance. In addition this Authority notes the following excerpt from Part 7 Guidance:

“When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 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”.

13. Duplication with other regulatory regimes

This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise. When dealing with a premises licence application for finished buildings, this Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

14. Licensing Objectives

14.1 Prevention of crime and disorder objective

This Licensing Authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998. A high standard of control is, therefore, expected to be exercised over licensed premises.

This Licensing Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

In considering licence applications, this Licensing Authority will particularly take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, that procedures are in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

14.2 Ensuring that gambling is conducted in a fair and open way objective

Generally, the Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the remit of the Gambling Commission.

Where this Licensing Authority has concerns that gambling at any premises is not being conducted in a fair and open way this Licensing Authority will bring those concerns to the attention of the Gambling Commission.

14.3 Protection of children and other vulnerable persons objective

Access to Licensed Premises

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

This Licensing Authority may seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

This Licensing Authority may consult with the County's Safeguarding Children Board on any application that may give cause for concern over access for children or vulnerable persons.

This Licensing 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.

This Licensing Authority will judge each separate application on its own merits before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

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

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

14.4 Vulnerable Persons

This Licensing Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means; and
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

This Licensing Authority will expect, (if appropriate for the type of licence or permit being applied for), that an applicant will show that there are policies and procedures in place to protect vulnerable persons.

These may include:

- A training programme for staff to enable them to identify persons who may be vulnerable and where appropriate to take action to protect such vulnerable persons from being harmed or exploited by gambling
- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.”

14.5 Door Supervisors

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

This Licensing Authority will normally expect door supervisors employed at Gambling Premises to be Security Industry Authority (S.I.A.) registered (or any subsequent equivalent). It is noted though that ‘in house’ door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the S.I.A. (or any subsequent equivalent). Where applicants propose to employ door supervisors who are not S.I.A. registered this Licensing Authority will expect the Applicant to show that they (the door supervisors) are trained to S.I.A. standards (or any subsequent equivalent.)

14.6 Adult Gaming Centres

This Licensing Authority will have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it (the Licensing Authority) that there will be in place sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority will expect applicants to offer in their application appropriate measures that they propose to take that will promote the licensing objectives, measures which could cover issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific Opening hours;
- Self exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

14.7 (Licensed) Family Entertainment Centres:

This Licensing Authority will specifically have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, such measures cover issues such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Measures / training for staff on how to deal with suspected truant school children on the premises and how to recognise signs of child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm

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

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

14.8 Casinos

There are currently no casinos operating within the District.

At present this Licensing Authority has passed a resolution not to issue casino premises licences generally in the District. However, the Licensing Authority reserves the right to review this situation and may, at some time in the future, revoke that resolution. Any such revocation would be made by the Full Council and this Statement of Principles would be updated.

14.9 Bingo Premises

The Guidance in Part 18 states:

“Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas”.

This authority also notes the Guidance in Part 18 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular, that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

In Part 18 the Guidance states:

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

14.10 Betting Premises

Betting machines – This Licensing Authority will, in accordance with the Gambling 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/nature/circumstances of betting machines an operator wants to offer.

14.11 Tracks

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective i.e. the protection of children, young persons and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

This Licensing Authority also expects applicants to volunteer their own measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

a) Gaming machines –

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

b) Betting machines –

This Licensing Authority will, as per Part 6 of the Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

c) Applications and plans -

The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance, Part 20).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. (See Guidance, Part 20).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance, Part 20).

This Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Licensing Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance, Part 20)

14.12 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 consider whether the applicant falls within the statutory definition of a travelling fair and if it does will require all gaming machines at travelling fairs to acquire a permit.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether the same or different travelling fairs occupy 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.

14.13 Provisional Statements

Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

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

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

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

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

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

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

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

- which could not have been raised by objectors at the provisional statement stage;
- which in the Licensing Authority's opinion reflect a change in the operator's circumstances; or

- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

14.14 Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried-out. This Licensing Authority will consider requests for a review of a premises licence only where that request is relevant to the matters listed below.

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with one or more of the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

The Licensing Authority will take into consideration whether the request is frivolous or vexatious, or whether it is substantially the same as previous representations or requests for review. Where it considers this is the case it will certainly not cause this Licensing Authority to alter/revoke/suspend the licence,

This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

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

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

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

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

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

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

14.15 Complaints against Licensed Premises

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to decline to participate in a conciliation meeting.

PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

15. Unlicensed Family Entertainment Centre gaming machine permits

Premises that do not hold a premises licence but wish to provide gaming machines may apply to the Licensing Authority for an Unlicensed Family Entertainment Centres permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of The Act).

The Act 2005 states that a Licensing Authority may prepare a Statement of Principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this Statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Part 24. The Guidance also states: "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., Licensing Authorities will want to give weight to child protection issues."

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 FEC, and if the chief officer of police has been consulted on the application....Licensing Authorities might wish to consider asking applications 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 staff are trained to have a full understanding of the maximum stakes and prizes.

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

Statement of Principles - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- training for staff as regards suspected truant school children on the premises,
- training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- training for staff for identifying and how to report safeguarding and child sexual exploitation concerns

This Licensing Authority will also expect applicants to:

- Provide a detailed plan with the application showing the boundaries of the unlicensed FEC, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant. There must be no direct access from an unlicensed FEC and an Adult Gaming Centre
- 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);
- staff are trained to have a full understanding of the maximum stakes and prizes.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted.

16. (Alcohol) Licensed Premises - Gaming Machine Permits

The Act allows 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 expects alcohol licensed premises with gaming machines to adhere to the Codes of Practice. In particular there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines and all gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

The Licensing Authority would consider the removal of the automatic authorisation in respect of any particular premises if:

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

Any premises wishing to have more than 2 machines must apply for a permit. Where the Licensing Authority receives such an application the Licensing Authority will consider that application based upon the licensing objectives, any guidance by the Gambling Commission issued under Section 25 of The Act, and such matters as it may think relevant. Such matters will be determined on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines are in sight of any bar, or that the machines are capable of continuous monitoring 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 organisations such as GamCare.

The Licensing Authority will expect the applicant for a permit to provide a detailed plan with the application showing the boundaries of the area to be covered by the permit, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted

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.

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

17. Prize Gaming Permits

The Act 2003 states that a Licensing Authority can decide to 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.

Statement of Principles - This Licensing Authority requires applicants to set out the types of gaming that they are intending to offer and that the applicant should be able to demonstrate:

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

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

18. 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, equal chance gaming and games of chance as set-out in Regulations. A Club Gaming machine permit will enable the premises to provide gaming machines. Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit,

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs,. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

This Licensing Authority will only refuse such an application if:

- 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.

When considering whether the applicant fulfills the requirements for a members' or commercial club or miners' welfare institute it will take account of the factors listed in section 25 of the Guidance.

The Act also provides for a 'fast-track' procedure for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Guidance for local authorities states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which a Licensing Authority can refuse a permit are reduced."

This Licensing Authority will refuse such applications if:

- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- 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.

When considering whether the club is established primarily for gaming the Licensing Authority will take account of the factors listed in section 25 of the Guidance.

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 of such a permit complies with any relevant provision of a Code of Practice regarding the location and operation of gaming machines.

19. Temporary Use Notices

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

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 (SI no 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 or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

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

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

20. Occasional Use Notices

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.

When receiving such notices this Licensing Authority will consider the definition of a 'track' and whether the notice giver is permitted to avail him/herself of the notice.

21. Small Society Lotteries

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

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

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

by, or on behalf of, a charity or for charitable purposes
to enable participation in, or support of, sporting, athletic or cultural activities.
Charities and community groups should contact this Licensing Authority for further advice.

APPENDICES

Appendix 1 – Licensing Authority delegations for West Oxfordshire District

Appendix 2 – Responsible Authorities for each Council area

Appendix 1 – Licensing Authority delegations – West Oxfordshire District

| Matter to be dealt with | Full Council | Sub-committee of licensing committee | Officers |
|---|--------------|--|--|
| Final approval of three 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 or all have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received or all have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received from the Commission | Where no representations received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received or all have been withdrawn |
| Review of a premises licence | | X | |
| Application for club gaming/ club machine permits | | Where objections have been made (and not withdrawn) | Where no representations received or all have been withdrawn |
| Cancellation of club gaming/ club machine permits | | X | |
| Applications for other permits | | | X |
| Cancellation of licensed premises gaming machine permits | | | X |
| Consideration of temporary use notice | | | X |
| Decision to give a counter notice to a temporary use notice | | X | |

Appendix 2 - Responsible Authorities

The Responsible Authorities under the 2005 Act and their contact details are as follows.

West Oxfordshire District Council:

| Responsible Authority | Address | Telephone number and email address |
|--|---|--|
| Gambling Commission | Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP | 0121 230 6666 info@gamblingcommission.gov.uk |
| Thames Valley Police | Thames Valley Police Licensing Office 165 Oxford Road Kidlington OX5 2NX | 01865 266109 licensing@thamesvalley.pnn.police.uk |
| Oxfordshire Fire and Rescue Service | Oxfordshire Fire and Rescue Service Sterling Road Kidlington OX5 2DU | 01865 842999 fire.service@oxfordshire.gov.uk |
| Oxfordshire Safeguarding Children Board | Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor County Hall New Road Oxford OX1 1ND | 01865 810628 |
| Environmental Services - Public Protection | Operations Team Environmental and Regulatory Services Woodgreen Witney OX28 1NB | 01993 861000 ers@publicagroup.uk |
| Planning and Regulatory Services | Planning Services West Oxfordshire District Council Elmfield Witney OX28 1PB | 01993 861000 planning@westoxon.gov.uk |
| Public Health | Merlyn Mistry, Health Improvement Practitioner Public Health Team Oxfordshire County Council County Hall New Road Oxford OX1 1ND | merlyn.mistry@oxfordshire.gov.uk |