



Haringey Council

**STATEMENT
OF
GAMBLING
POLICY
DRAFT 2013**

LONDON BOROUGH OF HARINGEY

Statement of Gambling Principles

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1 Statement of Gambling Principles

1.1 Introduction

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

Haringey Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

- The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
- 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 Gambling Act 2005.

List of persons this authority consulted:

- The Metropolitan police service
- Haringey Social Services
- Betting Industry trade association
- Local residents association

Our consultation took place between 10th August 12 to 12 September 12 and we followed the HM Government Code of Practice on Consultation (published July 2012).

The full list of comments made and the consideration by the Council of those comments is available by request to: Licensing@haringey.gov.uk / via the Council’s website at: www.haringey.gov.uk/licensing

The policy was approved at a meeting of the Full Council on TBC date and was published via our website on *[x date]*. Copies were placed in the public libraries of the area as well as being available in the Civic Centre.

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

Licensing Team

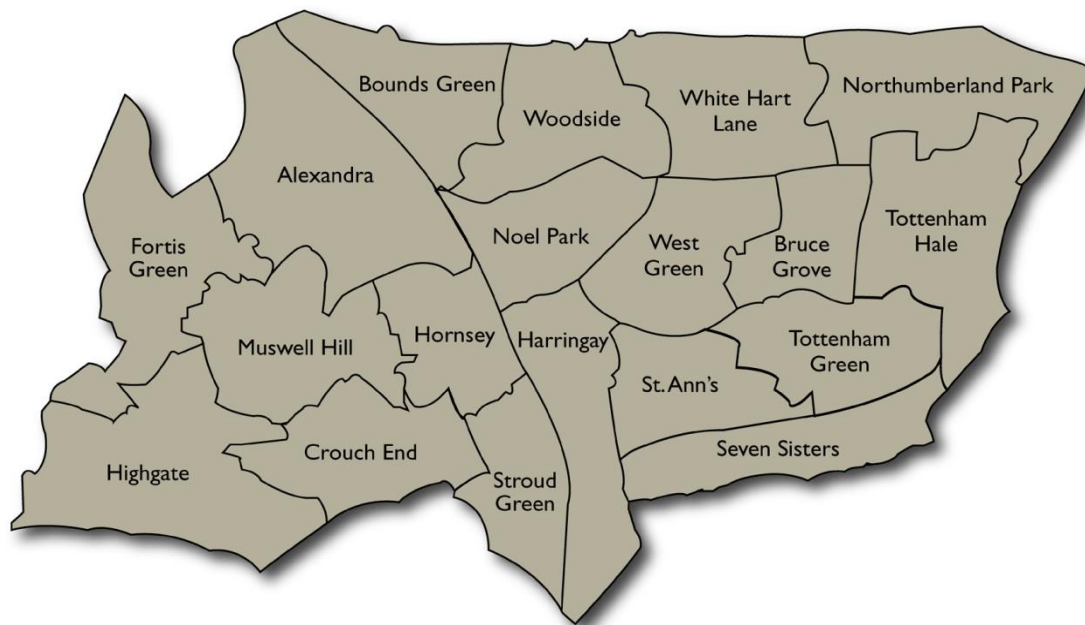
Regulatory Services, Unit 271 Techno Park, Ashley Road, Tottenham N17 9LN

[E-mail:] Licensing@haringey.gov.uk

It should be noted that this statement of licensing 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 will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

1.2 The London Borough of Haringey

Map of the London borough of Haringey



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Haringey is one of London's 32 Boroughs. It is located in the north of the capital and is more than 11 square miles in area. According to the 2001 Census nearly half of its 224,300 people come from ethnic minority backgrounds. It is often said that Haringey is an outer London Borough with inner London challenges.

There are approximately 100,000 dwellings and approximately 8,200 businesses employing 64,700 people.

There are a number of Bingo Premises, Betting Shops and Adult Gaming Centres

List of persons this authority consulted: A full list of consultees is available on the website, www.haringey.gov.uk/licensing

The key provided identifies the urban / rural areas. The following areas are also noted as being residential areas / areas of deprivation / regeneration etc.

1.3 Glossary of Terms

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

| | |
|-----------------------|---|
| Licensing Objectives: | As defined in section 4 below |
| Council: | Haringey Council The area of London administered by the London Borough of Haringey |
| Borough: | |
| Licences: | As defined in section 5 below |
| Applications: | Applications for licences and permits as defined in |

| | |
|------------------------|--|
| | section 5 below |
| Notifications: | Means notification of temporary and occasional use notices |
| Act: | The Gambling Act 2005 |
| Regulations: | Regulations made under the Gambling Act 2005 |
| Premises: | Any place, including a vehicle, vessel or moveable structure |
| Code of Practice: | Means any relevant code of practice under section 24 of the Gambling Act 2005 |
| Mandatory Condition: | Means a specified condition provided by regulations to be attached to a licence |
| Default Condition: | Means a specified condition provided by regulations to be attached to a licence, unless excluded by Haringey Council |
| | For the purposes of this Act, the following are responsible authorities in relation to premises: |
| | <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated (“Haringey Council”); 2. The Gambling Commission; 3. Metropolitan Police Constabulary 4. London Fire and Emergency Planning Authority 5. Building Control Manager, Assistant Director Planning , Haringey Council 6. Commercial and Environmental Protection Team, Haringey Council; 7. Policy & Performance Manager, Children’s Services Officer in Social Services, Haringey Council; 8. HM Customs and Excise. |
| Responsible Authority: | |
| | For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:- |
| Interested Party: | <ol style="list-style-type: none"> (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; (b) Has business interests that might be affected by the authorised activities; (c) Represents persons who satisfy (a) or (b) above. |

1.4 Declaration

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

PART A

2 Licensing Objectives

2.1 The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

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

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

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

2.2 Responsible Authorities

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

- the need for the body to be responsible for an area covering the whole of the licensing authority’s area; 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 Gambling Commission’s Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council’s website at: www.haringey.gov.uk/licensing

Engagement with the police and local crime prevention partnership schemes

In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police’s designing out crime unit at the design stage to ensure crime prevention and detection. We encourage that premises liaise with their Neighbourhood Policing Team to develop relationships at a local level and promote effective communication and co-operation. Additionally, operators are expected to actively support and participate in any local business partnership schemes, where any such schemes are in operation, and where such schemes are reasonably consistent with the licensing objectives.

2.3 Interested parties

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

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

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

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities at 8.11 to 8.19. 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.

2.4 Exchange of Information

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

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

2.5 Enforcement

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

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- 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 Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

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

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

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

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

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

2.6 Licensing authority functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds

- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on ‘information exchange’)
- Maintain registers of the permits and licences that are issued under these functions

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

2.7 Summary of license requirements and machine entitlements:

| Premises Type/ Activity | Type of authorisation you need | Overview of entitlements authorisation brings |
|---|--|---|
| Adult Gaming Centre | Premises Licence + Operating Licence + Personal Licence | 20% of the total number of gaming machines which are available for use on the premises as B3 or B4 gaming machines* + and any number of category C and D + prize gaming |
| Family Entertainment Centre (premise wholly/ mainly making gaming machines available) | OPTION 1: Premises licence + Operating Licence + Personal Licence | Any number of category C and D gaming machines + equal chance gaming + prize gaming |
| | OPTION 2: Gaming Machine Permit | Any number of category D gaming machines |
| Tracks (dog track, horse track) or other sporting venues | OPTION 1: Premises licence + Operating Licence | Maximum of 4 machines categories B2 to D (except B3A) + betting (type of betting dependent on type of operating licence) |
| | OPTION 2: Occasional Use Notice | Betting for 8 days or less in a calendar year |
| Casino Premises | Premises Licence + Operating Licence + Personal Licence | Casino games (i.e. games of chance), equal chance gaming, betting, bingo (regional/ large casinos only) + category B to D gaming machines (regional casino may also have cat. A machines) No. of machines as per casino size. |
| Bingo Premises | Premises Licence + Operating Licence + Personal Licence | Bingo + prize gaming + 20% of the total number of gaming machines which are available for use on the premises as B3 or B4 gaming machines* + any number of category C and D |
| Travelling Fair | Gaming machine permit | Any no. of category D gaming machines (as long as this amounts to no more than ancillary activity) + prize gaming |
| Betting Premises (makes or accepts bets) | Premises Licence + Operating Licence + Personal Licence | Maximum of 4 machines categories B2 to D (except B3A) + betting (type of betting dependent on type of operating licence) |
| Premises with consumption of alcohol on the premises | OPTION 1: Notify Licensing unit | Automatic entitlement to 2 category C or D machines |
| | OPTION 2: Licensed premises gaming machine permit | Any number if category C or D machines may be requested |

| Premises Type/ Activity | Type of authorisation you need | Overview of entitlements authorisation brings |
|---|---|---|
| Prize gaming | Prize gaming permit | Provision of any form of prize gaming (other than bingo) |
| Members' club or miners' welfare institute (and commercial clubs) | OPTION 1: Club <i>gaming</i> permit (not available to commercial clubs) | Maximum of 3 machines in categories B3A or B4 to D**, equal chance gaming + games of chance |
| | OPTION 2: Club <i>Machine</i> permit | Maximum of 3 machines in categories B4 to D |
| Small-society lottery | Must register with licensing unit | May run a small-society lottery (details upon request) |
| Any premises without premises licence | Temporary Use Notice | Permits gambling on the premises for no more than 21 days in any 12 month period |

* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

** It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

PART B

3. PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

3.1 General Principles

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

3.2 Decision-making

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

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

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos - page 12) and also that unmet demand is not a criterion for a licensing authority.

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

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities 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. But, 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 Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

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

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

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

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

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

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 to Licensing Authorities) 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.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

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

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

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) 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 at paragraphs 7.59-7.66 of the Guidance.

3.4 Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards 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 upon the applicant showing how potential concerns can be overcome.

Applicants are required to demonstrate the measures they intend to take to ensure the proposed operation of their premises meets this licensing objective. The Gambling Commission highlights that "disorder is intended to mean activity that is more serious and disruptive than mere nuisance." For example was police assistance required? How threatening was the behaviour to those who could see or hear it?

3.5 Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter 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:

7.66 - 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 regulations.

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

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

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

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

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. *For Local Authorities with tracks:* There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

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

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

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

3.8 Conditions - Any conditions attached to licences will be proportionate and will be:

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

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

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

This authority will also ensure that where category C or above machines are on offer in 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 is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

3.9 Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

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

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

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

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

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

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

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

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

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

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

3.12 Casinos

No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

3.13 Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

18.4 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 at paragraph 18.8 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.

18.7 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.

3.14 Betting premises

Betting machines - 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/nature/circumstances of betting machines an operator wants to offer.

3.15 Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children 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 authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

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

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

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.

Betting machines - This licensing authority will, as per Part 6 of the Gambling Commission's 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.

3.16 Applications and plans

The Gambling 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 to Licensing Authorities, 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 to Licensing Authorities, para 20.29).

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 to Licensing Authorities, para 20.31).

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 to Licensing Authorities, para 20.32).

This 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 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 to Licensing Authorities, para 20.33).

3.17 Travelling Fairs

This licensing authority is responsible for deciding 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 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 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.

3.18 Provisional Statements

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

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

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

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

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

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

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

In addition, 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:

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

3.19 Reviews:

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

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

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

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by 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 or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, 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

PART C

4. Permits / Temporary & Occasional Use Notice

4.1 Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

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

The Gambling Act 2005 states that 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. The Gambling Commission's Guidance to Licensing Authorities 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." (24.6)

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. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

4.2 Statement of Principles - PERMITS

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 appropriate measures / training for staff as regards suspected truant 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 / 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.

4.3 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

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.

Permit: 2 or more machines

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 harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. 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 help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

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.

4.4 Prize Gaming Permits

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 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

In making its decision on an application for this 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. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4.5 Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming 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.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

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 regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

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

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

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to 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:

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

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

4.6 Temporary Use Notices

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

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 Gambling Commission's Guidance to Licensing Authorities.

4.7 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. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

5. Legislation, Policies and Strategies

5.1 Legislation

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003;

6. The Race Relations Act 1976 (as amended);

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

5.2 National Strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

5.3 Local Strategies and Policies

Where appropriate, the Council will consider applications with reference to other adopted local strategies and policies, including the following:-

1. The Council's Community Strategy; 2003-2007
2. The Haringey Safer Communities Strategy: 2005-2008
3. Enforcement Policies.

6. Integrating Strategies

There are many stakeholders involved in the Leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

The Council considers that where appropriate and in so far as is consistent with the Gambling Act, Guidance and Codes of Practice issued under sections 24 and 25 of the Gambling Act 2005, it is desirable that this Policy complements other relevant plans and strategies aimed at the management of town centres and the night-time economy.

Relevant plans and strategies include:-

- ❖ Crime and Disorder Strategy – The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences and certificates will reflect local crime prevention strategies.
- ❖ Safer Communities Strategy

The Community Safety Strategy is committed to tackling the key areas of crime and building prevention initiatives into neighbourhoods. The licensing authority will support the work of the Safer Communities Strategy within the scope of the licensing objectives under the Act
- ❖ Haringey Council – A Community Plan – As far as possible, any licensing decisions will be in line with the aspirations of this community plan.
- ❖ Local Transport Plan – the Council aims to work with the local transport authority and will consider ways in which the public can be dispersed from licensed premises and events so as to avoid disturbance, crime and disorder. The Police will be

encouraged to report on matters related to the swift and safe dispersal of people from licensed premises.

- ❖ Racial Equality – The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact on these issues of the Gambling Policy will be monitored and amendments will be made as necessary.
- ❖ Domestic Violence Strategy – The Council will ensure consultation to ensure that any correlation between gambling and domestic violence can be detected at the earliest opportunity.
- ❖ Alcohol Strategy – The Council will as far as possible have regard to this strategy and conditions attached to licences and certificates will reflect the key elements of this strategy.
- ❖ Children and Young Persons Strategy – The Council will have regard to the impact on this strategy and the criteria for safeguarding children from becoming addicted.
- ❖ Anti-Poverty Strategy – As far as possible, any licensing decisions will have regard to this strategy. It will support the work of the Anti Poverty Strategy as they are developed within the scope of the licensing objectives under the Act.
- ❖ Human Rights – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-
 - Article 6 that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 that everyone has the right to respect for his home and private and family life;
 - Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
- ❖ Proper integration will be assured by the Licensing Authority's Licensing Committee providing reports, when appropriate, to its Planning Committee on the situation regarding licensed premises in the area, including the general impact of gambling related crime and disorder, to enable the Planning Committee to have regard to such matters when taking its decisions.
- ❖ The Council will ensure that the Licensing Committee receives reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations.
- ❖ Economic Strategies – The Council will ensure that the Licensing Committee is appraised of the employment situation in the area and the need for new investment and employment where appropriate.
- ❖ Enforcement Policy – All licensing enforcement will be conducted in accordance with the Enforcement Concordat, and the Haringey Enforcement Policy.

These links to other corporate strategies will be formulated in detail as a result of the consultation process.

7. Decision Making

7.1 Committee Terms of Reference

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

The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

7.2 Allocation of Decision Making Responsibilities

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

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.

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

This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

8. Local Standards

8.1 Enforcement

The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.

The Enforcement Concordat (available upon request) proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Sub-Committee, the issue of a Formal Caution or a referral for prosecution.

The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises.

The Council will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with the Metropolitan Police and, Haringey Trading Standards Department and London Fire and Emergency Planning Authority on enforcement issues to ensure an efficient deployment of police and council officers.

9. Complaints Against Licensed Premises

The Council 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, the Council may initially 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 committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all relevant representations unless they fit the exceptions in 3.3 above.

10. Further Information

Further information about the Gambling Act 2005, this Statement of Gambling Policy or the application process can be obtained from:-

Licensing Team
Unit 271 Lee Valley Technopark
Ashley Road, Tottenham
LONDON
N17 9LN
Tel: 020 8489 8232 Fax: 020 8489 5528
E-mail: licensing@haringey.gov.uk

Information is also available from:-

Gambling Commission
Berkshire House
168-173 High Holborn
LONDON
WC1V 7AA

Tel:020 7306 6219
Website: www.gamblingcommission.gov.uk

11 APPENDIX A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

| MATTER TO BE DEALT WITH | FULL COUNCIL | SUB-COMMITTEE | OFFICERS |
|---|--------------|--|---|
| Three year licensing policy | X | | |
| Policy not to permit casinos | X | | |
| Fee Setting - when appropriate | | | If the Council has any discretion under the Regs, then it will be for officers to propose and for Licensing Committee to approve. |
| Application for premises licences | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received from the Commission | Where no representations received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Review of a premises licence | | | The initial grounds for review will be for officers to validate. Licensing Sub Committee will then hear the review if the grounds are valid under s.198 |
| Application for club gaming /club machine permits | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Cancellation of club gaming/ club machine permits | | | Cancellation of club gaming /machine permits and other permits decisions would be appropriate for officers. |
| Applications for other permits | | | Dealt with by officers |
| Cancellation of licensed premises gaming machine permits | | | Dealt with by officers |
| Consideration of temporary use notice | | | Officers would initially object to applications that did not reach the required criteria |
| Decision to give a counter notice to a temporary use notice | | X | Delegated to officers because of time constraints. In difficult cases the Chair of The Licensing Committee could be consulted. |

Appendix B – Application process

A Guide to Applying for Premises Licences and Permits - Contents

- 1 A - Introduction
 - Who needs a licence?
 - Types of Licences
 - Types of Permits
 - Gambling Policy Statement
- 2 B - Premises Licence
 - Introduction
 - Application for a New Premises Licence
 - Application to vary a Premises Licence
 - Application to transfer a Premises Licence
 - Application to reinstate a Premises Licence
 - Application for a Provisional Licence
 - Occasional and Temporary Use Notices
- 3 C - Permits
 - What is it and what does it mean for me?
 - Family Entertainment Centre Gaming Machine Permit – New applications
 - Family Entertainment Centre Gaming Machine Permit – Other Information
 - Club Gaming and Club Machine Permits – Who can apply?
 - Club Gaming and Club Machine Permits – Continuation rights
 - Club Gaming and Club Machine Permits – Holders of Club premises Certificates
 - Club Gaming and Club Machine Permits – New applications
 - Club Gaming and Club Machine Permits – Other Information
 - Alcohol Licensed Premises Gaming Machine Permit – Continuation rights
 - Alcohol Licensed Premises Gaming Machine Permit – New applications
 - Alcohol Licensed Premises Gaming Machine Permit – Variations and transfers
 - Alcohol Licensed Premises Gaming Machine Permit – Other Information
 - Alcohol Licensed premises automatic entitlement – one or two machines
 - Prize Gaming Permit – New applications
 - Prize Gaming Permit – Other Information
- 4 D - Responsible Authorities
 - Consultation with Relevant Authorities
- 5 E - Fees
 - How much?
- 6 F - What Happens Next?
- 7 G - And Finally

If you require an explanation or advice regarding this, or it in a different format or language, please

contact the Licensing Team on 0208489 8232 or at Licensing@haringey.gov.uk

Section A - A Guide to Applying for a Licence

1 Introduction

The law on gambling has changed.

On the 1st September 2007, the Gambling Act 2005 superseded the following Acts.

- Betting, Gaming and Lotteries Act 1963
- Gaming Act 1968
- Lotteries and Amusement Act 1976

Existing licences, registrations, certificates and permits under these pieces of legislation are gradually replaced by Premises Licence and Permits. Most types of gambling or the provision of gaming machines will require a Premises Licence or Permit. However some limited gaming in alcohol licensed premises and club premises, licensed under the Licensing Act 2003 is allowed. Additionally race and casino nights are allowed with some limited controls.

Every premises that requires a Premises Licence will also need an Operators Licence. Many will also require Personal Licences, though there are some exemptions for small operators. Applications for operator and personal licences will need to be made to the Gambling Commission for these licences. Contact details

Victoria Square House
Victoria Square
Birmingham B2 4BP
Tel: 0121 230 6666
Fax: 0121 233 1096
info@gamblingcommission.gov.uk
www.gamblingcommission.gov.uk

As the Licensing Authority, we are responsible for issuing Premises Licences and Permits. Those premises that require Premises Licences will have to apply for a new licence.

The Act also introduces Temporary Use Notices and Lotteries.

2 Who needs a premises licence?

Under the Gambling Act 2005, a Premises Licence is required for any of the following types of premises:-

- Casino
- Bingo Hall
- Betting shop
- Betting (track) – sporting venues not just tracks

- Amusement Arcade (for adults only, or where adult machines are provided)

It should be noted that “premises” includes ‘any place’ in particular vehicles and vessels.

There are five types of Premises Licences.

- Casino Premises Licence
- Bingo Premises Licence
- Betting Premises Licence, including tracks and premises used by betting intermediaries
- Adult Gaming Centres (for category B3, C and D gaming machines)
- Family Entertainment Centres (for category C and D gaming machines)

In addition there are Unlicensed Family Entertainment Centres, which only needs a Permit, see section D, but can only have Category D gaming machines. Category D gaming machines are (£8 cash/prize), while Category C gaming machines are (£70).

For further information see Sections B and C.

3 Who needs a permit?

There are five types of permits and one notification that are relevant.

- (Unlicensed) Family Entertainment Centre (FEC) Gaming Machine Permit
- Club Machine Permit
- Club Gaming Permit
- Alcohol Licensed Premises Gaming Machine Permit
- Prize Gaming Permit
- Notification of up to 2 gaming machines in Alcohol Licensed Premises

Unlicensed FEC’s can have unlimited Category D machines, and would be typically centres catering for families, but without the higher prize gaming machines.

Club Machine Permits, are Social Clubs or miner’s welfare institutions where they can have up to 3 machines of B3A, B4, C or D gaming machines.

Club Gaming Permits is as Club Machine Permits, but with the addition of the Prize Gaming.

Alcohol Licensed Premises Gaming Machine Permit, are relevant where a premises has a Premises Licence issued under the Licensing Act 2003, where the gaming machines are “located on premises which contain a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food)”. These premises can have the number of category C or D gaming machine issued on the permit.

Lastly are the Alcohol Licensed Premises, where there is simply a notification process for an entitlement for up to two Category C or D machines.

All these have applications forms and fees, though the length of permit and frequency of the fee vary, so please see Section E – Fees.

4 Types of Gaming Machine Permits under Gambling Act 2005

Four classes of machines, one subdivided

- A – unlimited stake/prize
- B1 – Maximum stake £2, maximum prize £4,000
- B2 – Maximum single stake £100, maximum prize £500
- B3 – Maximum stake £1, maximum prize £500
- B3A – Maximum stake £1, maximum prize £500 – Non in London
- B4 – Maximum stake £1, maximum prize £250 – highest machines permissible in social clubs with gaming machine permit
- C – Maximum stake 50p, maximum prize £70
- D – Maximum stake 10p, maximum prize £5 (or 30p/non money prize £8)

The A gaming machines will not apply to Haringey as there are no casinos in the borough. The B1-B4 gaming machines will only be allowed in premises, with Premises Licences or Club premises, and what is allowed in terms of machine type and numbers varies for each type of Premises Licence.

Category C machines are (£70 prizes) and can only be played by person of 18 years or above, while Category D machines are (£8 prizes), and can be played by all age groups.

5 Gambling Policy Statement

Haringey Council is the licensing authority for its area, dealing with all licensing functions relating to the above-mentioned activities. As part of the Council’s responsibility it has prepared and published a Gambling Policy, which explains the factors that the Council will consider when examining applications for licences and for monitoring compliance with licence conditions. This policy also explains how the Council expects applicants to meet the national Licensing Objectives. These are:-

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

When determining applications for licences the Council can only consider matters that will impact on one or more of these objectives.

Premises licences, once granted, will last for the life of the business provided that there are no changes applied for, or it is reviewed, revoked or surrendered. It will therefore not need to be renewed annually, although an annual fee will be payable.

The policy can be viewed on the councils website www.haringey.gov.uk .

Section B – Premises Licences

6 Introduction

Under the Gambling Act 2005, a Premises Licence is required for any of the following types of premises:-

- Casino
- Bingo Hall
- Betting shop
- Betting (track) – sporting venues not just tracks
- Amusement Arcade (for adults only, or where adult machines are provided)

It should be noted that “premises” includes ‘any place’ in particular vehicles and vessels, but can also mean a part of any premises. However two premises licences cannot overlap.

There are five types of Premises Licences.

- Casino Premises Licence
- Bingo Premises Licence
- Betting Premises Licence, including tracks and premises used by betting intermediaries

- Adult Gaming Centres (for category B3, C and D gaming machines)
- Family Entertainment Centres (for category C and D gaming machines)

There is a single application form for all NEW applications, with the exception of vessels which has its own. Similarly there is a single application form to VARY the premises licence, again with the exception of vessels which has its own.

Premises can also be the subject of an 'Occasional' or 'Temporary' use notice, which permits the limited provision of gambling facilities, upon premises not currently licensed for that purpose.

7 Application for a New Premises Licence

Premises licences, once granted, will last for the life of the business and therefore will not need to be renewed, although an annual fee will be payable.

You will need to complete an 'Application for a premises licence to be granted under the Gambling Act 2005'. There are two forms, the 'Standard' Form for all Premises, except Vessels, which have their own application form. Details of the form required are given in bold at the bottom of this section.

The application will need to include the following:-

- Completed application form.
- A scale plan of the premises – for more information please see below.
- The fee
- The applicant must give notice to each of the responsible authorities,
- The application must be advertised (see below).

The applicant will also need to demonstrate that they have a right to occupy the premises to which the application relates.

Plan

Regulations state that the plan of the premises must be in standard scale, though doesn't specify what scale that has to be.

The regulations specify the plan must show in all premises:-

- a) the extent of the boundary or perimeter of the building;
- b) where the premises includes, or consists of, one or more buildings, the location of any external and internal walls of each such building;
- c) where the premises form part of a building, the location of any external and internal walls of the building which are included in the premises;
- d) where the premises are a vessel or 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;
- e) 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;
- f) any other matter required in accordance with the following provisions.

Application for Casino Premises Licence, the plan must show

- 1) the principal entrance to the premises of those identified in accordance with paragraph (e) above;

- 2) the location and extent of any part of the premises which will be a table gaming area
- 3) the location and extent of any other part of the premises which will be used for providing facilities for gambling in reliance on the licence; and ;
- 4) the location and extent of any part of the premises which will be a non-gambling area;

Application for Bingo Premises Licence, in respect of a premises to which children or young persons will be permitted to have access, the plan must show

- 1) the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C gaming machines);
- 2) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence; and
- 3) the nature or location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.

Application for Adult Gaming Centre Premises Licence, the plan must show the location and extent of any part of the premises in which gaming machines will be made available for use in reliance on the licence.

Application for Family Entertainment Centre Premises Licence, the plan must show

- 1) the location and extent of any part of the premises in which Category C gaming machines will be made available for use in reliance on the licence;
- 2) the location and extent of any part of the premises in which Category D gaming machines will be made available for use in reliance on the licence; and
- 3) the nature or location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be made available for use from any other part of the premises.

Application for Betting Premises Licence, other than in respect of a track, the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Application for Betting Premises Licence, in respect of a track, the plan must show

- 1) the location and extent of any part of the premises which is a five times rule betting area;
- 2) the location and extent of any part of the premises which will be used for providing facilities for betting in reliance on the licence;
- 3) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence;
- 4) the nature or location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.

Notice to Responsible Authorities

The applicant has to send a 'Notice' to each of the responsible authorities, which are listed in section E. This must be done within a period of 7 days beginning on the date on which the application is made. They have 28 days to make a representation on the transfer, starting on the date the application is received by the Licensing Team (providing it is accepted).

Details of the form required are given in bold at the bottom of this section. There are two forms, one for a single applicant and one where there are multiple applicants.

Matters included in square brackets in the 'Notice' (see forms) are intended to indicate and explain the information to be specified in the notice but are not required to be included in the notice.

Advertisement of applications

In the case of an application for a premises licence, **the applicant** must advertise the application.

- 1) For a period of no less than 28 consecutive days starting on the day after the day on which the application was made to Haringey Council, by displaying a notice on the premises, in a place at which it can be conveniently read by members of the public from the exterior of the premises;

And

- 2) by publishing a notice:-

- (i) in a local newspaper circulating in the vicinity of the premises

- (ii) on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to Haringey Council.

Details of the notice specified for both the site notice and the advertisement is given in bold at the bottom of this section. Matters included in square brackets in the 'Notice' are intended to indicate and explain the information to be specified in the notice but are not required to be included in the notice.

The application forms for a Premises Licence are Form A 'Application for a Premises Licence to be granted under the Gambling Act 2005 - Standard' and Form B 'Application for a Premises Licence to be granted under the Gambling Act 2005 - Vessel'.

Notices to responsible authorities'

Notice for advertisement required for a New Premises Licence application

8 Mandatory and Default Conditions

These conditions are added to all granted Premises Licences.

They vary depending on the premises type. The Mandatory Conditions cannot be changed and are added to all Premises Licences. However the Default Conditions can be. They relate to the hours of opening, and there is a section on the application forms (new and to vary) to request a change.

9 Application to vary a Premises Licence

You will need to complete an 'Application to vary a premises licence under the Gambling Act 2005'. The process is very similar to a new application. Details of the form required are given in bold at the bottom of this section.

The application will need to include the following:-

- Completed application form.

- A scale plan of the premises – for more information please see below.
- The fee .
- The applicant must give notice to each of the responsible authorities,
- The application must be advertised (see below).

Plan

Regulations state that the plan of the premises must be in standard scale, though doesn't specify what scale that has to be.

The regulations specify the plan must show in all premises:-

- a) the extent of the boundary or perimeter of the building;
- b) where the premises includes, or consists of, one or more buildings, the location of any external and internal walls of each such building;
- c) where the premises form part of a building, the location of any external and internal walls of the building which are included in the premises;
- d) where the premises are a vessel or 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;
- e) 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;
- f) any other matter required in accordance with the following provisions.

Application for Casino Premises Licence, the plan must show

- 1) the principal entrance to the premises of those identified in accordance with paragraph (e) above;
- 2) the location and extent of any part of the premises which will be a table gaming area
- 3) the location and extent of any other part of the premises which will be used for providing facilities for gambling in reliance on the licence; and ;
- 4) the location and extent of any part of the premises which will be a non-gambling area;

Application for Bingo Premises Licence, in respect of a premises to which children or young persons will be permitted to have access, the plan must show

- 1) the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C gaming machines);
- 2) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence; and
- 3) the nature or location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.

Application for Adult Gaming Centre Premises Licence, the plan must show the location and extent of any part of the premises in which gaming machines will be made available for use in reliance on the licence.

Application for Family Entertainment Centre Premises Licence, the plan must show

- 1) the location and extent of any part of the premises in which Category C gaming machines will be made available for use in reliance on the licence;
- 2) the location and extent of any part of the premises in which Category D gaming machines will be made available for use in reliance on the licence; and
- 3) the nature or location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be made available for use from any other part of the premises.

Application for Betting Premises Licence, other than in respect of a track, the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Application for Betting Premises Licence, in respect of a track, the plan must show

- 1) the location and extent of any part of the premises which is a five times rule betting area;
- 2) the location and extent of any part of the premises which will be used for providing facilities for betting in reliance on the licence;
- 3) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence;
- 5) the nature or location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.

Notice to Responsible Authorities

The applicant has to send a 'Notice' to each of the responsible authorities, which are listed in section E. This must be done within a period of 7 days beginning on the date on which the application is made. They have 28 days to make a representation on the transfer, starting on the date the application is received by the Licensing Team (providing it is accepted).

Details of the form required are given in bold at the bottom of this section. There are two forms, one for a single applicant and one where there are multiple applicants.

Matters included in square brackets in the 'Notice' (see forms) are intended to indicate and explain the information to be specified in the notice but are not required to be included in the notice.

Advertisement of applications

In the case of an application for a premises licence, **the applicant** must advertise the application.

- 2) For a period of no less than 28 consecutive days starting on the day after the day on which the application was made to Haringey Council, by displaying a notice on the premises, in a place at which it can be conveniently read by members of the public from the exterior of the premises;

and

- 3) by publishing a notice:-

(j) in a local newspaper circulating in the vicinity of the premises

(ii) on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to Haringey Council.

Details of the notice specified for both the site notice and the advertisement is given in bold at the bottom of this section. Matters included in square brackets in the 'Notice' are intended to indicate and explain the information to be specified in the notice but are not required to be included in the notice.

The application form to vary a Premises Licence is 'Application to vary a Premises Licence under the Gambling Act 2005'.

Notice of application to vary a Premises Licence - single applicant' and a separate form for 'Notice of application to vary a Premises Licence - multiple applicants' Form for a 'Notice for advertisement required to vary a Premises Licence application'

10 Application to transfer a Premises Licence

An application can be made to transfer the Premises Licence, but it has to be made on the appropriate form. Details of the form required are given in bold at the bottom of this section.

The application will need to include the following:-

- Completed application form.
- A scale plan of the premises – for more information please see above.
- Written consent of the existing licensee
- The existing Premises Licence
- The fee
- The applicant must give notice to each of the responsible authorities,

Notice to Responsible Authorities

The applicant has to send a 'Notice' to each of the responsible authorities, which are listed in section E. This must be done within a period of 7 days beginning on the date on which the application is made. Details of the form required are given in bold at the bottom of this section. There are two forms, one for a single applicant and one where there are multiple applicants.

The notice only needs to be sent to the Gambling Commission, the Police, Customs and Excise and the Local Children's Safeguarding Board. They have 28 days to make a representation on the transfer, starting on the date the application is received by the Licensing Team (providing it is accepted).

Matters included in square brackets in the 'Notice' (see forms) are intended to indicate and explain the information to be specified in the notice but are not required to be included in the notice.

Advertising and site notices

There are no requirements to advertise the transfer application or put up site notices.

Application to transfer a Premises Licence under the Gambling Act 2005'.

Notices to responsible authorities -Notice of application to transfer a Premises Licence Notice of application to transfer a Premises Licence - multiple applicants.

11 Application to reinstate a Premises Licence

This applies where a premises licence lapses due to the licensee dying, they become mentally or physically incapacitated, or insolvent. During a period of six months from the date that the licence lapsed, an application can be made to transfer the Premises Licence, but it has to be made on the appropriate form. Details of the form required are given in bold at the bottom of this section.

The application will need to include the following:-

- Completed application form.
- A scale plan of the premises – for more information please see above.
- The existing Premises Licence
- The fee (see section E).
- The applicant must give notice to some of the responsible authorities, (see below and section F).

Written consent of the existing licensee

The application must be accompanied by a written statement by the licensee consenting to the transfer, though if they cannot be contacted the Licensing Authority can decide whether to disapply or not, this requirement.

Notice to Responsible Authorities

The applicant has to send a 'Notice' to each of the responsible authorities, which are listed in section E. This must be done within a period of 7 days beginning on the date on which the application is made. Details of the form required are given in bold at the bottom of this section. There are two forms, one for a single applicant and one where there are multiple applicants.

The notice only needs to be sent to the Gambling Commission, the Police, Customs and Excise and the Local Children's Safeguarding Board. They have 28 days to make a representation on the transfer, starting on the date the application is received by the Licensing Team (providing it is accepted).

Matters included in square brackets in the 'Notice' (see forms) are intended to indicate and explain the information to be specified in the notice but are not required to be included in the notice.

Advertising and site notices

There are no requirements to advertise the transfer application or put up site notices.

Application to transfer a Premises Licence under the Gambling Act 2005'.

Notices to responsible - Notice of application to reinstate a Premises Licence - single applicant

Notice of application to reinstate a Premises Licence - multiple applicants.

12 Application for a Provisional Statement

The application process is very similar to make an application for a Premises Licence. The key difference is that the applicant does not need to demonstrate that they have a right to occupy the premises to which the application relates.

The key difference is once a Provisional Statement is granted, then when it is time to apply for a Premises Licence, the Licensing Authority shall disregard representations unless they think they address matters that could not have been addressed in relation to the application for the Provisional Statement, or reflect a change in the applicants circumstances.

The application process is otherwise the same, see details under '**Application for a New Premises Licence**', with the exception that the forms are different, see below.

Application for a Provisional Statement to be granted under the Gambling Act 2005 – Standard form

Application for a Provisional Statement to be granted under the Gambling Act 2005 – for Vessel’.

Notice of application for a Provisional Statement - single applicant

Notice of application for a Provisional Statement - multiple applicants

Notice for advertisement required for a Provisional Statement application

13 Occasional and Temporary Use Notices

These notices allow the use of premises for gambling where there is no premises licence in effect, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. They can only be granted to a person or company holding a relevant operating licence granted by the Gambling Commission.

There are two types of notice:

- An Occasional Use Notice, (*OUN*)
- A Temporary Use Notice, (*TUN*)

14 Occasional Use Notices

An Occasional Use Notice, (*OUN*) can be used to permit the limited use of premises for gambling where there is no Gambling Act 2005 premises licence in place. Premises that may be suitable for an *OUN* would include tracks and other sporting venues such as football or cricket grounds.

An *OUN* may only be used by a ‘Licensed Betting Operator’ that holds the appropriate operators licence issued by the Gambling Commission. For example, the holder of a betting operating licence could serve notice upon the licensing authority of an intention to provide betting facilities at a football ground.

Gambling facilities by way of gaming machines cannot be provided under an Occasional Use Notice.

Occasional Use Notices are limited to no more than eight days in any calendar year. Consecutive days can be specified in the notice, but the overall limit of eight days per calendar year must not be exceeded.

The Occasional Use Notice must be served on the Licensing Authority before the event and a copy must also be sent to the police.

15 Temporary Use Notices

A Temporary Use Notice (*TUN*) can be used to permit the limited use of premises for gambling where there is no Gambling Act 2005 premises licence in place. Premises that may be suitable for a *TUN* would include hotels, conference centres and sporting venues.

A TUN may only be issued by a person or company that holds the appropriate operating licence issued by the Gambling Commission.

A Temporary Use Notice may only be used provide facilities for 'equal chance gaming', where the gaming activity is intended to produce a single overall winner; examples would be games such as dominos, cribbage, bingo and poker.

Gambling facilities by way of gaming machines cannot be provided under a Temporary Use Notice.

There is a limit upon how many 'temporary use days' can be applied for in a 12 month period. More than one TUN can be issued for a premises, but the total number of days combined cannot exceed 21 days in any 12 month period.

The Temporary Use Notice must be served upon the Licensing Authority, (three months before the event) and a copy must also be sent to the Police, the Gambling Commission and HM Revenues and Customs.

Section C – Permits

16 What is it and what does it mean to me?

There are five types of permits and one notification process. These are

- (Unlicensed) Family Entertainment Centre (FEC) Gaming Machine Permit
- Club Machine Permit
- Club Gaming Permit
- Alcohol Licensed Premises Gaming Machine Permit
- Prize Gaming Permit
- Notification of up to 2 gaming machines in Alcohol Licensed Premises

17 Family Entertainment Centre Gaming Machine Permit – New Application

This type of arcade only has a permit and therefore is deemed as low level gaming. These premises are only allowed Category D machines, as they are for families only.

An application can only be made by a person who occupies or proposes to occupy a premises.

The application process is simple

- To complete an application form
- The fee (see Section E)

Haringey Council will consult with the Chief Officer of Police. If there are no representations the permit will be issued. The permit will last for ten years.

18 Family Entertainment Centre Gaming Machine Permit – Other information

There is no annual fee but the permit must be renewed after ten years.

There is no ability to transfer the permit to a new operator. In this case a new application would have to be made.

Family Entertainment Centre Gaming Machine Permits cannot be issued for vessels or vehicles.

19 Club Machine and Club Gaming Permits – Who can apply?

Under the provisions of the Gambling Act 2005, gaming activities are provided on behalf of the members of a club. This can be a Members Club, a Commercial Club or a Miners' Welfare Institute. Though it is important to note commercial clubs cannot apply for Club **Gaming** Permits only Club Machine Permits. This is different from the Licensing Act 2003, where a Commercial Club would not be considered a 'club'.

A Members Club or a Miners' Welfare Institute is an organisations which have been formed by a group of people with a common interest and which are run for the benefit of members do not involve the public. They operate under a set of rules, which are determined by the members. Generally, a Club must have a minimum of 25 members and a period of 2 days must elapse from the time the application for membership is made until the full benefits of membership can be made available. The management of the arrangements must be undertaken by a Committee, which is elected from within the membership.

20 Club Machine and Club Gaming Permit – Continuation rights

After the 1st September 2007, the registrations that clubs hold under Part Gaming Act 1968 will remain until their registration expires. Holders of the registrations must apply to the licensing authority two months prior to the expiry of their existing registration and this will be converted into a Club Gaming or a Club Machine Permit depending on the existing registration.

The application process is a simple one of

- To complete an application form
- The fee (see Section E)

The Council will then grant the new permit. The permit will last for ten years.

21 Club Machine and Club Gaming Permit – holders of Club Premises Certificates

Holders of Club Premises Certificates issued under the Licensing Act 2003 also have a Fast Track procedure, whereby any application does not have to be sent to the Gambling Commission or the Police.

This does not apply to Commercial Clubs, as they cannot hold Club Premises Certificates.

The application process is a simple one of

- To complete an application form
- The fee

22 Club Machine and Club Gaming Permit – New applications

This will only apply to Commercial Clubs, or Members Clubs and Miners' Welfare Institutes who do not hold Club Premises Certificates issued under Licensing Act 2003.

The application process is a simple one of

- To complete an application form
- The fee
- Send copies to The Police and Gambling Commission

Applications have to be copied to the Police and the Gambling Commission within 7 days of the application being made to Haringey Council. They have 28 days from the acceptance of the application form to make a representation. If a representation is made then it will have to be heard by the Licensing Committee.

23 Club Machine and Club Gaming Permit – Other information

The permits have a life of ten years.

There is an annual fee, the first being due 30 days after the issue of the permit, and then after on the anniversary of the issue of the permit.

24 Alcohol Licensed Premises Gaming Machine Permits – Continuation rights

This permit is for those Alcohol Licensed Premises, which have more than two gaming machines.

On the 1st September 2007, the section 34 permit will continue to have effect as if it is an Alcohol Licensed Premises Gaming Machine Permit, and you will still be entitled to the same number of gaming machines that you had on the section 34 permit before 1st September 2007. These can be either category C or category D machines, which are in effect section 34(5E) and section 34(1) machines respectively.

The new Alcohol Licensed Premises Gaming Machine Permit will be for an unlimited duration, so you will not need to apply again unless your circumstances change.

The permit is subject to the conditions that

- The machines are located on a premises which contains a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food), and
- Can only be used when the timings on the Premises Licence issued under the Licensing Act 2003, allow alcohol to be sold.

The application process is a simple one of

- To complete an application form
- The fee (see Section E)

25 Alcohol Licensed Premises Gaming Machine Permits – New applications

After 1st September 2007 new applications for gaming machines, will either be for 1 or 2 machines whereby there will be a notification process (see below), or for more than 2 gaming machines an application will need to be made. The same application form will cover all types of application. That is made to Licensing Team.

If the new application is made for more than two gaming machines, it may need to be heard by the Licensing Committee.

The permit will be subject to the conditions that

- The machines are located on a premises which contains a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food, and
- Can only be used when the timings on the Premises Licence issued under the Licensing Act 2003, allow alcohol to be sold.

The new Alcohol Licensed Premises Gaming Machine Permit will be for an unlimited duration, so you will not need to apply again unless your circumstances change.

The application process is a simple one of

- To complete an application form
- The fee

26 Alcohol Licensed Premises Gaming Machine Permits – Variation and transfer applications

If at any time the holder of the alcohol licensed gaming machine permit wants to increase the number of gaming machines on an existing permit (not a notification, as in this case a new application has to be made), then a variation application can be made. The same application form applies.

If the holder of the Premises Licence that is issued under the Licensing Act 2003 changes, i.e. it is transferred, then the alcohol licensed gaming machine permit also has to be transferred. The same application form applies.

In both cases the application process is a simple one of

- To complete an application form
- The fee (see Section E)

27 Alcohol Licensed Premises – Other Information

The permit lasts for the lifetime of the premises unless it is revoked or surrendered. There is an annual fee, the first being due 30 days after the issue of the permit, and then after on the anniversary of the issue of the permit.

28 Alcohol Licensed Premises automatic entitlement – two gaming machines

Section 282 Gambling Act 2005 allows an automatic entitlement to any alcohol licensed premises to one or two Category C or D gaming machines (see Section A for more information on types of gaming machines).

The notification will be subject to the conditions that

- The machines are located on a premises which contains a bar at which alcohol is served for consumption on the premises (without a requirement that alcohol is served only with food, and
- Can only be used when the timings on the Premises Licence issued under the Licensing Act 2003, allow alcohol to be sold.

The application process is a simple one of

- To complete an application form
- The fee (see Section E)

There is no annual fee and the notification runs until the premises License under the Licensing Act 2003 is transferred. At this time the new holder of that Premises license must notify the Council again.

29 Prize Gaming Permit – New Applications

Prize gaming replaced the section 16 permits issued under the Lotteries and Amusements Act 1976. Prize gaming is where there is a prize, which is not determined by the number of people participating or the amount paid or raised by the gaming.

The applicant will need to demonstrate that they occupy or proposes to occupy the premises. There cannot be any Premises Licence or Club Gaming Permit in place at the premises

The application process is a simple one

- To complete an application form
- The fee (see Section E)

Council will consult with the Chief Officer of Police. If there are no representations the permit will be issued. The permit will last for ten years.

There is no annual fee.

Prize gaming permits cannot be issued for vessels or vehicles.

30 Prize Gaming Permit – Other information

There is no annual fee but the permit must be renewed after ten years.

There is no ability to transfer the permit to a new operator. In this case a new application would have to be made.

Prize gaming permits cannot be issued for vessels or vehicles.

The same application form can also be used for a change of name of the premises.

Section D – Responsible Authorities

31 Consultation with relevant authorities for Premises Licence applications

All applications require the applicant to formally consult with ‘responsible authorities’ (specified below). This means that a notice must be served on each of them within 7 days of the application being submitted to the Licensing Authority. The **applicant** must do this and prove that this has occurred.

Our address is:

E-mail licensing@haringey.gov.uk

32 List of Responsible Authorities

The Gambling Act 2005 requires notices to be sent to the following for all new and variation applications:

Contact details of responsible authorities

Police Licensing Section

Fire Authority

Local Safeguarding Children’s Board

Environmental Protection Team

Planning, Development and Policy

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Tel: 0121 230 6666

Email info@gamblingcommission.gov.uk

HM Revenue & Customs – Accounts Office

Email nrubetting&gaming@hmrc.gsi.gov.uk

All applications must also be publicly advertised. Please refer to relevant guidance above.

Section E – Fees

Under the new Gambling Act applicants have to pay a fee for each type of application, these are listed below, and dependant on the type of application and the type of premises. There are also annual fees payable, the first being due 30 days after the issue of the Premises Licence and then each 12 months on the anniversary of the date the premises licence was issued. Permits have varying rules depending on the length of time they are issued for and when and if an annual fee has to be paid, see following page.

33 Premises Licences

Premises Licence Fees

| Charge Description | Proposed Charge |
|--|-----------------|
| Bingo Club | |
| New Application | 3150 |
| Annual Fee | 900 |
| Application to Vary | 1575 |
| Application to transfer | 1080 |
| Application for re-Instatement | 1080 |
| Application for Provisional Statement | 3150 |
| Licence Application (provisional Statement Holder) | 1080 |
| Charge Description | Proposed Charge |
| Copy Licence | 15 |
| Notification of change | 23 |
| Betting Premises (excluding Tracks) | |
| New Application | 2700 |
| Annual Fee | 580 |
| Application to Vary | 1350 |
| Application to transfer | 1080 |
| Application for re-Instatement | 1080 |
| Application for Provisional Statement | 2700 |
| Licence Application (provisional Statement Holder) | 1080 |
| Copy Licence | 15 |
| Notification of change | 23 |
| Tracks | |
| New Application | 2250 |
| Annual Fee | 900 |
| Charge Description | Proposed Charge |

| | |
|--|------------------------|
| Application to Vary | 1125 |
| Application to transfer | 855 |
| Application for re-Instatement | 855 |
| Application for Provisional Statement | 2250 |
| Licence Application (provisional Statement Holder) | 855 |
| Copy Licence | 15 |
| Notification of change | 23 |
| Family Entertainment Centres | |
| New Application | 1800 |
| Annual Fee | 675 |
| Application to Vary | 900 |
| Application to transfer | 855 |
| Application for re-Instatement | 855 |
| Application for Provisional Statement | 1800 |
| | |
| Charge Description | Proposed Charge |
| Licence Application (provisional Statement Holder) | 855 |
| Copy Licence | 15 |
| Notification of change | 23 |
| Adult Gaming Centres | |
| New Application | 1800 |
| Annual Fee | 900 |
| Application to Vary | 900 |
| Application to transfer | 1080 |
| Application for re-Instatement | 1080 |
| Application for Provisional Statement | 1800 |
| Licence Application (provisional Statement Holder) | 1080 |
| Copy Licence | 15 |
| Notification of change | 23 |

Temporary Use Notices - £500.00 per application
(Applications to allow certain types of gaming on premises for example, hotels)

34 Fees for permits, temporary activities and miscellaneous

| Permits, Temporary Events and Other: | FEE |
|---|------------|
| Temporary Use Notice | £500 |
| Occasional Use Notice | Nil |
| Copy of the Premises Licence | £25 |
| Notification of change of circumstances for Premises Licence | £50 |
| Application for Prize Gaming Permit & Family Entertainment Centre Gaming Machine Permit | £300 |
| Renewal of Prize gaming Permit & Family Entertainment Centre Gaming Machine Permit | £300 |
| Change of name on Prize Gaming Permit & Family Entertainment Centre Gaming Machine Permit | £25 |
| Copy of Prize gaming Permit & Family Entertainment Centre Gaming Machine Permit | £15 |
| Application for Club Gaming or Club Machine Permit | £200 |
| Application for Club Gaming or Club Machine Permit (existing holder) | £100 |
| Application for Club Gaming or Club Machine Permit (who holds a Club Premises Certificate under Licensing Act 2003) | £100 |
| Renewal of a Club Gaming or Club Machine Permit | £200 |
| Renewal of a Club Gaming or Club Machine Permit (who holds a Club Premises Certificate under Licensing Act 2003) | £100 |
| Annual fee for Club Gaming or Club Machine Permit | £50 |
| Application to Vary Club Gaming or Club Machine Permit | £100 |
| Copy of Club Gaming or Club Machine Permit | £15 |
| Notification of intention by licence holder to make available up to 2 gaming machines on premises which hold on-premises alcohol licence | £50 |
| Application for a Alcohol Licensed Gaming Machine Permit (more than 2 machines) on premises which hold on-premises alcohol licence (existing holder of permit) | £100 |
| Application for a Alcohol Licensed Gaming Machine Permit (more than 2 machines) on premises which hold on-premises alcohol licence (new application) | £150 |
| Application to vary a Alcohol Licensed Gaming Machine Permit (more than 2 machines) | £100 |
| Application to transfer a Alcohol Licensed Gaming Machine Permit (more than 2 machines) | £25 |
| Annual fee for a Alcohol Licensed Gaming Machine Permit (more than 2 machines) | £50 |
| Change of name on a Alcohol Licensed Gaming Machine Permit (more than 2 machines) | £25 |
| Copy of a Alcohol Licensed Gaming Machine Permit (more than 2 machines) | £15 |

Section F – What happens next?

Once you have sent your completed application, with all the necessary documentation to the Licensing Section of the Council and the notices to the statutory consultees, the statutory consultees then have 28 days to make any representations to the Licensing Section. You will also have advertised your application (if varying or applying for a new licence), allowing interested parties an opportunity to comment on your application.

Any representations received must relate to one of the three licensing objectives. The council's licensing officers can reject any representations that are vexatious, frivolous or repetitious.

If representations are received you will be notified of them. If this is the case, the application will have to go to a committee hearing, where a small group of Haringey Councillors will hear all the facts of the matter and make a decision.

You will be notified of any hearings and given the opportunity to attend in person. This is done by sending you a letter and with it a 'notice' telling you of the time and place. A second notice is enclosed which you must return. This will be made clear at the time.

Section G - And Finally

35 How to make sure your application progresses smoothly

In any application process there are inevitably forms, which need to be completed, and a number of supplementary documents which the statutory authority needs to see. The Gambling Act applications can be daunting, particularly as this is a brand new process and people are unfamiliar with the new system.

In order to give your application the best chance of success please take the time to ensure that you submit a complete package of information to the Licensing Team and all the other consultees. If any part of the application is incomplete, or a vital document is missing, then the application will be held and notice sent out for additional information, which will result in the application being rejected if these are not completed and returned. This is both time consuming and frustrating for you and the Licensing Team.

The Licensing Team and all the other consultees are able to give you a wealth of advice to assist applicants. Their aim is to provide you with help and assistance to ensure that your application is dealt with as expediently as possible.