



City of Westminster

# Statement of Licensing Principles for Gambling

The Gambling Act 2005

Effective from 31 January 2022

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# Contents

		<b>Page</b>
<b>Part 1: The Licensing Authority, its Functions and Relevant Parties</b>	1. Introduction	6
	2. Declaration	7
	3. Westminster's Geographical Area	7
	4. Responsible Authorities	8
	5. Interested parties	9
	6. Gambling Risk Assessments	10
	7. Exchange of information	11
	8. Enforcement	11
	9. City Council functions	12
	10. Duplication with other regulatory regimes	12
<b>Part 2: Licensing Objectives and Location</b>	11. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - Policy OBJ1	15
	12. Ensuring that gambling is conducted in a fair and open way – Policy OBJ2	16
	13. Protecting children and other vulnerable persons from being harmed or exploited by gambling – Policy OBJ3	17
	14. Safeguarding against Child Sexual Exploitation (CSE)	18
	15. Location Policy	19
<b>Part 3: Premises Licences</b>	16. Premises	21
	17. Primary gambling activity	21
	18. Conditions	22
	19. Buildings divided into more than one premises	23
	20. Separation of premises within a single building	23
	21. Access to premises	23
	22. More than one licence and division of premises and access between premises policy	25
	23. Casinos.	27
	24. Bingo.	28
	25. Betting (Other).	29
	26. Betting Tracks.	30
	27. Adult gaming centres (AGC).	31
	28. Family entertainment centres (FEC).	32
	29. Travelling fairs	34
	30. Door supervisors	34
	31. Provisional Statements	34
	32. Reviews	35
<b>Part 4: Permits and Notices</b>	33. Permits	38
	34. Unlicensed Family Entertainment Centre (UFEC) gaming machine permits	38
	35. Alcohol Licensed premises gaming machine permits	39
	36. Prize Gaming Permits	41
	37. Club Gaming and Club Machines Permits	42
	38. Temporary Use Notices	43
	39. Occasional Use Notices	43

## **Appendices**

1	List of consultees	45
2	Glossary	46
3	List of Westminster Responsible Authorities for Gambling	53
4	Pleasure Fairs (Amusement Premises) Byelaws	55

# Part 1: Licensing Authority, its Functions and Relevant Parties

# 1. Introduction

- 1.1 Under section 349 of the Gambling Act 2005 (the Act) the council is required to publish a statement of principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commission's Guidance to licensing authorities published on 1<sup>st</sup> April 2021 (Commission's Guidance) contains further detail on the form of the council's statement of principles.
- 1.2 Gambling is a legitimate regulated activity that is enjoyed by a large number of the population. However, there are a number of people within our society who are at risk to gambling related harm. The council, as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the City to ensure that they meet the fundamental principles of the Act. In doing so the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm.
- 1.3 The Licensing Authority, in carrying out its functions under section 153 of the Gambling Act 2005 will aim to permit the use of premises for gambling in so far as it thinks it:
- (a) in accordance with any relevant code of practice under section 24
  - (b) in accordance with any relevant guidance issued by the Gambling Commission under section 25
  - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
  - (d) in accordance with this statement of licensing policy (Statement of Licensing Principles for Gambling) (subject to (a) to (c) above)
- 1.4 The aim to permit principle provides wide scope for the authority to impose conditions on a premises licence, reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Commissions Guidance and this Statement of Licensing Principles.
- 1.5 The council's statement of principles is intended to be reasonably consistent with the three licensing objectives set out in the Act. These 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.
- 1.6 This statement of licensing principles was prepared in 2021 and following consultation was agreed by the Council on the 10<sup>th</sup> November 2021. This revised statement of licensing principles was published on 1<sup>st</sup> December 2021 and has effect from 31<sup>st</sup> January 2022.
- 1.7 The Act requires that the following people and bodies be consulted in the revision of the statement:
- The Chief Officer of Police;

- People and bodies representing the interests of persons in gambling businesses in the area;
- People and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

1.8 The council consulted upon the revised statement of principles from 27<sup>th</sup> September to 17<sup>th</sup> October 2021. A list of those consulted on the revision of the statement of principles is attached at Appendix 1.

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

## **2. Declaration**

2.1 In reviewing this Statement of Licensing Principles, the council has had regard to the licensing objectives of the Act, and Commissions Guidance and has had regard to the responses arising from consultation.

## **3 Westminster's Geographical Area**

3.1 The City of Westminster is an Inner London borough which holds city status, home to just under a quarter of a million people who make up highly diverse local communities. Westminster is world renowned for its theatres and entertainment, as well as national landmarks and districts which include Westminster Abbey, Houses of Parliament, Buckingham Palace, Big Ben, Marble Arch, Mayfair, Oxford Street, Piccadilly Circus, Soho and Trafalgar Square. The city's local economy has national clout, contributing over £55bn to the country's economic output. It is a prestigious business location, housing the international headquarters of many multinational organisations and start-ups.

3.2 The Council has wide experience in regulating entertainment, including its gambling industry. Licensed gambling in Westminster contributes to London's appeal to tourists and visitors as a vibrant city. Gambling contributes significantly to the UK economy: £8.3 billion (0.4% of UK GVA) in 2019, with casinos in London alone contributing £120 million to the tourism industry, according to DCMS.

3.3 The Council recognises that good management of its gambling industry, including its impact on residents, amenities, and the local environment, is essential to the continued success of Central London. The Council expects licensed operators to demonstrate best practice by being responsible, open, inclusive and equal operators. It also recognises that there are some people in the borough who are vulnerable to gambling-related harm or suffer from problem gambling. In fact, Westminster is in the quintile with the highest prevalence of problem gamblers in the country, according to GambleAware data from 2021.

3.4 Westminster has a mid-level of reported demand and usage of treatment for problem gambling. Within the city, there are currently four Gambler's Anonymous or GamCare groups supporting problem gamblers from across London, concentrated in Marylebone and the West End. The city was also previously home to the National Problem Gambling Clinic, now based in the neighbouring borough of Kensington and Chelsea. This service supports 16-20 Westminster residents each year.

3.5 Overall, the Council's approach to gambling and the industry in Westminster must strike a delicate balance, advocating for responsible licensed premises and the visitor economy, while also mitigating the possible adverse effects of gambling such as crime and disorder, or the exploitation of vulnerable people. The following policy aims to achieve such a balance.

### Map of Westminster showing parks and main roads



## 4. Responsible Authorities

4.1 The council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the 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 council's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

4.2 In common with its practice under the Licensing Act 2003, the council designates the Area Child Committee to advise on the protection of children from harm. The Responsible Authorities are therefore:

- The council's Licensing Service (as licensing authority)
- The Gambling Commission
- The Metropolitan Commissioner of Police

- The London Fire Brigade
  - The council's Planning Department (as planning authority)
  - The council's Environmental Health Consultation Team (as the authority minimising or preventing the risk of environmental pollution and/or harm to human health)
  - The Area Child Committee
  - H.M. Revenue and Customs
- 4.3 The Secretary of State has not prescribed any further Responsible Authorities. The contact details of all the Responsible Authorities in relation to the Act are available at Appendix 3.

## 5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Act as follows: "For the purposes of this Part a person is an interested party in relation to a premises licence or 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 application is made, the person-
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - b) has business interests that might be affected by the authorised activities, or
  - c) represents persons who satisfy paragraph (a) or (b)"
- 5.2 When determining whether a person is an interested party for the purposes of the Act the council will not apply rigid rules but will apply the principle that 'each case will be decided upon its merits.'
- 5.3 In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account:
- The size of the premises.
  - The nature of the premises
  - The distance of the premises from the habitual residence or workplace of the person making the representation.
  - The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
  - The circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 5.4 In determining whether a person or organisation "has business interests" the authority will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
- 5.5 The council will regard bodies such as trade associations, trade unions, residents' and tenants' associations, and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The council will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.

- 5.6 In principle, the council will allow any person to represent an interested party but it may seek to have it confirmed that the person genuinely represents the interested party. The council will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' someone. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.
- 5.7 If individuals wish to approach Councillors to ask them to represent their views then those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Service for advice.

## 6. Gambling Risk Assessments

- 6.1 The Gambling Commission (the Commission) introduced new provisions in its social responsibility code within the [Licence Conditions and Codes of Practice \(LCCP\)](#), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. The risk assessment requirement is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.
- 6.2 The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This movement towards increased partnership working is something that Westminster has been doing for a number of years and continues to champion. We have found that a risk-based approach to regulation is beneficial for businesses and the authority to prioritise their actions in response to the identified risk.
- 6.3 The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.
- 6.4 The council has produced "[Guide to Undertaking Local Gambling Risk Assessments](#)" (February 2016) to assist gambling operators to conduct, assess and complete a premises based gambling risk assessments. This guide was produced following consultation with the industry and in collaboration with Coral Racing Limited. Gambling operators who currently operate premises within Westminster or who are applying for a new licence, or to vary an existing licence should have regard to this guide when completing or revising their premises risk assessments.
- 6.5 Gambling operators are required to undertake a risk assessment for all of their licensed premises. Operators must also undertake a review of those assessments when certain triggers are met. These triggers, along with the council's views on what may instigate either a new assessment or the review of an existing one are detailed within the councils [Guide to Undertaking Local Gambling Risk Assessments](#) document.
- 6.5 The council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The council will assist

gambling operators in this process by providing specific information on its concerns surrounding gambling within the City and the impact that premises can have on the licensing objectives.

- 6.6 This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.
- 6.7 The council commissioned Geofutures in 2015 to undertake research to identify individuals who live in the local area who are potentially vulnerable to gambling-related harm. The results of this research were published in two reports:
- 6.7.1 Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review – 13<sup>th</sup> July 2015
- 6.7.2 Exploring area-based vulnerability to gambling-related harm: Developing the gambling related harm risk index – 9<sup>th</sup> February 2016
- 6.8 The concerns over the impact of gambling on those who are at risk of gambling related harm or who are already being harmed by gambling has increased since the Act was introduced. The council has been active in considering the potential risks associated with gambling on our residents. Since the the publication of Geofutures reports on area-based vulnerability several other research studies have been undertaken into the impact of gambling on the vulnerable. The council has revised the gambling vulnerability index devised by Geofutures to take account of new findings and more recent data on the resident population and services within the city that may indicate at risk groups. These findings are detailed within the Council's Local Area Profile which can be views via the council's website at [www.westminster.gov.uk/local-area-profile-gambling](http://www.westminster.gov.uk/local-area-profile-gambling). The webpage dedicated to the Local Area Profile also provides a link to the council's online map case tool which applicants, responsible authorities and residents can use to explore the Local Area Profile findings within the City.
- 6.9 The council will request a copy of a premises gambling risk assessment upon receipt of any new premises licence or variation of an existing licence application. The council may request to view a copy of the premises gambling risk assessment during a routine planned inspection, following an incident or complaint, where a significant change has occurred at the premises or its operational circumstances or a significant change has occurred in the area in which the premises are located.

## **7. Exchange of Information**

- 7.1 The council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 2018 will not be contravened. The council will also have regard to Commissions Guidance on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

## **8. Enforcement**

- 8.1 The principles to be applied by the council 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, are stated below:

8.2 The council will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to the Commissions Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: only intervening when necessary: Remedies will be appropriate to the risk posed, and costs identified and minimised;
- Accountable: able to justify its decisions, and be subject to public scrutiny;
- Consistent: implementing rules and standards fairly in a joined-up way;
- Transparent: open, and keep conditions placed on premises licences simple and user friendly; and
- Targeted: focusing on the problems, and aiming to minimise the side effects.

8.3 The main enforcement and compliance role for the council is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the council, but the council will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

## **9. The council's functions**

9.1 Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- 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 the prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices for betting at tracks
- Provide information to the Gambling Commission regarding details of licences, permits and other permissions issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

9.2 Licensable activities are described in the Glossary at Appendix 2. It should be noted that local licensing authorities are not involved in licensing remote gambling at all. The licensing of remote gambling is the responsibility of the Gambling Commission

via operating licences.

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

- 10.1 The council will seek to avoid any duplication with other statutory and regulatory systems where possible, including planning. The licensing authority will not consider whether an application for a premises licence, permit or other permission for premises that has been or is likely to be awarded planning permission or building regulations approval, in its own consideration of it. Nor will it regard the granting of a licence, permit or permission as fettering the council's ability to consider planning applications independently on their planning merits.

## Part 2: Licensing Objectives and Location

Policies that apply to this part:

- OBJ1** - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- OBJ2** - Ensuring that gambling is conducted in a fair and open way.
- OBJ3** - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- LOC1** - Location Policy

## 11. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

### **Policy OBJ1**

**To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:**

#### Criteria:

- 11.1 Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent gambling from being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.

#### Considerations:

- 11.1.1 Where an area is known for high levels of crime the council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors, etc.
- 11.1.2 Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.
- 11.1.3 Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premises licenses, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.
- 11.1.4 Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- 11.1.5 Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

#### Reasons for Policy OBJ1

- 11.2 Applicants for premises licences will have to hold an operator’s licence from the Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission’s Guidance, codes or practice and this statement of principles.
- 11.3 The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will be reasonably consistent with this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The council will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission’s requirements to obtain and hold an operator’s licence, whilst the Licensing Authority’s concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.
- 11.4 The council is aware that the police have experienced difficulty in certain areas of the City in dispersing people involved in drug related activity and on occasions prostitution who use licensed gambling premises as ‘cover’ to conceal their activities. The council, when considering any applications in such a location that has been identified by the police as having a problem with anti-social behaviour, particularly involving groups who loiter will expect applicants or licensees to demonstrate that they have sufficient measures in place to prevent or deter people involved in unlawful activities from using their premises to support crime or to avoid apprehension.

**12. Ensuring that gambling is conducted in a fair and open way.**

**Policy OBJ2**

**To ensure that gambling is conducted in a fair and open way, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:**

Criteria:

- 12.1 Whether the premises will operate with such measures that will ensure that the gambling activity is conducted in a fair and open way.

Considerations:

- 12.1.1 Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- 12.1.2 Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- 12.1.3 Whether the management and operation of the premises is open and

transparent.

12.1.4 Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.

12.1.5 Whether the Commissions Codes of Practice have been complied with.

Reasons for Policy OBJ2

12.2 The Gambling Commission is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way. The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator's licence. Track owners do not necessarily require an operator's licence and any application made by such an unlicensed operator will be scrutinised to ensure that this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

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

#### **Policy OBJ3**

**To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.**

Criteria:

13.1 Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

Considerations:

13.1.1 Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to be reasonably consistent with this objective to exclude them from the premises or parts of the premises.

13.1.2 If the premises is an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.

13.1.3 Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.

13.1.4 Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

13.1.5 Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.

### Reasons for Policy OBJ3

- 13.2 The Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises. Other policies specifically deal with location although the applicant will have to demonstrate that there are suitable control measures to be reasonably consistent with this objective.
- 13.3 Persons under 18 cannot be admitted to many types of gambling premises. New gambling premises or variations to existing premises that are in close proximity to schools or main routes to schools will expect the applicant to have carefully considered their operation and any potential for exposing children and young people to gambling. Operators should demonstrate policies and procedures that will prevent children and young people from entering premises or partaking in gambling activities.
- 13.4 It is noted that the Act and Commissions Guidance does not define the term vulnerable persons. The Commission states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. This is the definition of vulnerable persons the council will use in its consideration of applications.

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

- 14.1 The Council acknowledges that CSE awareness doesn't just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.
- 14.2 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE as part of addressing policy OBJ1 and OBJ3 above. Measures may include, but are not limited to:
- awareness training for staff;
  - regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
  - close monitoring of patrons as they leave the premises;
  - recording and reporting concerns to the police.
- 14.3 The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:
- developing relationships between a child and an older person;
  - children in the company of a group of older persons;

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

14.4 Whilst the Council does not wish to create the impression that all contact between children and older persons is inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

## 15. Location Policy

15.1. In considering the location of premises seeking premises licences, issues of demand cannot be considered either at a citywide or more local scale. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The council will pay particular attention to the suitability of a location for gambling activity in terms of the objective of the protection of children and vulnerable persons from being harmed or exploited by gambling, and the effect of crime and /or disorder on residents and on those working in and visiting the area.

### **Policy: LOC1**

Applicants for new or variation applications of premises licences within a sensitive location must include detailed information as to how the proposals will be reasonably consistent with the gambling objectives and policies OBJ1, OBJ2 and OBJ3 A sensitive location is defined as any premises which is within close proximity or on a main route to a school, other educational institution, hostel or other sensitive locations where there is the potential for exposing children, young people or other vulnerable persons to gambling.

### Reason for Policy LOC1

15.2 Before an application is made to the Licensing Authority the applicant should establish if there are any sensitive premises or locations within close proximity to the proposed gambling premises. If the premises is located near a sensitive premises or location the applicant should, in addition to their application, submit information as to how they plan to be reasonably consistent with the protection of children and other vulnerable persons from being harmed or exploited by gambling objective. The additional supporting information may contain the following information:

- how the premises operate will restrict access to children, young people or other vulnerable persons,
- whether a proof of age scheme is being used,

- will the appropriate number of security staff be employed at appropriate times ,
- will opening times be set so that the premises are not open during school start and finish times,
- what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc,

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

- 15.3 The applicant for a premises licence will have to specifically consider how the location of the premises will impact on the objectives. Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and propose ways that will reduce or remove any likely adverse impact on them.
- 15.4 The applicant will be expected to have identified any sensitive premises in the area in which they plan to or do operate and what the risk level is for the area based on vulnerability. Applicants will be able to use the Council's Local Area Profile document and map case tool to establish the risks for the area and what vulnerable groups are present. This will inform the consideration and implementation of any control measures that would mitigate the risk to the vulnerable. The applicant must set out the risks, their consideration and adequate control measures within their premises risk assessments.
- 15.5 The council will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives
- 15.6 The council considers that sensitive locations will include locations which have been identified as having a higher concentration of vulnerable groups within the Council's Local Area Profile for Gambling, where there are concentrations of gambling premises in an area where children or other vulnerable persons are likely to be harmed or exploited.
- 15.7 It should be noted that this policy does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

## Part 3: Premises Licences

Policies that apply to this part:

- DAP1** - More than one licence and division of premises and access between premises policy
- CAS1** - Casinos
- BGO1** - Bingo
- BET1** - Betting (Other)
- BET2** - Betting Tracks including other sporting venues
- AGC1** - Adult Gaming Centres
- FEC1** - Family Entertainment Centres

## **16. Premises Licences**

- 16.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.
- 16.2 Premises licences can authorise the provision of facilities on:
- (a) casino premises,
  - (b) bingo premises,
  - (c) betting premises including tracks and premises used by betting intermediaries,
  - (d) adult gaming centre premises, or
  - (e) family entertainment centre premises.
- 16.3 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.
- 16.4 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may consider that conditions, other than the mandatory or default conditions are necessary to ensure that the premises are reasonably consistent with the licensing objectives, the Commission's codes of practice and/or guidance, and this statement of principles.

## **17 Primary Gambling Activity**

- 17.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:
- (a) casino premises
  - (b) bingo premises
  - (c) betting premises, including tracks and premises used by betting intermediaries
  - (d) adult gaming centre premises (for category C and D machines)
  - (e) family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

(See Appendix 2 for definitions of categories of gaming machines)

- 17.2 Gaming machines can only be made available in combination with the non-remote gambling activity which is permitted by that premises licence. The Gambling Commissions LCCP requires that all licensed gambling operators must provide substantive facilities for the primary non-remote gambling activity that the licence authorises before they can make gaming machines available for use.

- 17.3 The council will take decisions in accordance with the Commission's Guidance and Codes of Practice on the combination of sufficient facilities for the primary gambling activity authorised by the licence and gaming machines made available for use. The council will also have regard to any advice provided by the Gambling Commission which it issues from time to time and will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operator's licence. The council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises will provide substantive facilities for the primary gambling activity permitted by the premises licence. For example, a betting (other) premises licence application that only has four gaming machines but no betting counter or associated betting facilities shown on the proposed plans, may not be considered as providing sufficient facilities for the primary gambling activity permitted by that licence and therefore may not be compliant with the Gambling Commissions LCCP or its Guidance to Licensing Authorities.
- 17.4 If an application is found not to be operating a premises in accordance with the Gambling Commissions Codes of Practice or the Guidance issued to Licensing Authorities the council has the power to refuse the application as it would not meet the principles as set out in Section 153 of the Act.

## **18 Conditions**

- 18.1 The majority of premises licences will have mandatory and/or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.
- 18.2 The Licensing Authority can attach conditions to any licence if it believes that the imposition of conditions will ensure that the operation of the premises is reasonably consistent with the licensing objectives. Any conditions attached to a licence 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;
  - related to the scale and type of premises; and
  - reasonable in all respects.
- 18.3 Certain matters are set out in the Act may not be the subject of conditions. These are
- conditions which make it impossible to comply with an operating licence.
  - conditions as to gaming machines that contradict the provisions in the Act.
  - conditions making activities, premises or parts of them operate as a membership club
  - conditions on fees, winnings, stakes or prizes.
- 18.4 Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the council will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as: the supervision of entrances; separation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in premises not specifically for adult gambling; appropriate signage for adult only areas, etc. The council will expect the applicant to propose how the licensing objectives can be

met effectively though the use of conditions.

18.5 The licensing authority will 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 any views of machines in category C or above and any access to them 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.

## **19 Buildings divided into more than one premises**

19.1 There is no reason in principle why a single building could not be subject to more than one premises licence provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises. Examples of multiple unit premises will include pleasure parks, tracks, or shopping malls. A shopping mall will have multiple self-contained units (premises) which are located within one building. It is also possible for licensed premises to be located next to each other as long as there are no restrictions regarding direct access between these premises imposed on that category of gambling premises from its mandatory conditions.

19.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the council will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.

19.3 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which will include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.

19.4 For the policy that relates to this section please see section 21 below.

## **20. Separation of premises within a single building**

20.1 When considering proposals to divide a building into genuinely separate premises the council will also need to be satisfied that the form of separation between the premises is appropriate.

20.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The council

would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.

- 20.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.
- 20.4 For the policy that relates to this section please see section 22 below.

## **21. Access to premises**

- 21.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 21.2 The relevant access provisions for each premises type, as set out in the regulations are provided in paragraph 7.23 of the Commission's Guidance. These provisions set out to prevent customers from being able to enter the premises directly from other licensed premises (direct access).
- 21.3 The Commission Guidance at paragraph 7.22 states "There is no definition of 'direct access' in the Act or regulations, but licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access."
- 21.4 The Licensing Authority has had a number of applications to divide buildings into separate premises, or locate licensed premises next to each other. The council has refined its opinion as to what would constitute direct access, and how access provision needs to be addressed in accordance with the Act and Regulations.
- 21.5 In particular, where premises are not accessed from the street, the council has sought to define the nature of the area which must separate licensed premises and through which the premises are accessed, so as to prevent direct access between premises in order to comply with the provisions of the Act and regulations.
- 21.6 It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 21.7 The council does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs,
- 21.8 Where the council is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the council will expect applicants to

ensure that:

- premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
- 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 be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

This is not an exhaustive list and the council will consider other aspects based on the merits of the application.

21.9 For the policy that relates to this section please see section 21 below.

## **22. More than one licence and division of premises and access between premises policy**

### **Policy: DAP1**

**Applications to have more than one licensed premises within a building, or divide and separate a building into different premises will be determined subject to other policies in this Statement of Principles and subject to the relevant criteria in Policies OBJ1, OBJ2 and OBJ3, and other policies in this statement, and it will need to be demonstrated that :**

- (1) the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises**
- (2) separation between the premises is appropriate**
- (3) access between premises is restricted to prevent unlawful direct access by customers between licensed premises.**

Reason for Policy DAP1

22.1 The council has received applications that seek to create different premises within a building solely to increase the entitlement to gaming machines which are permitted within premises. The licensed premises and unlicensed areas which separate them were created artificially, and the building was to be operated by a single operator. In reality, such unlicensed areas are unlikely to be used by members of the public other than those attending the licensed premises.

22.2 The Act, regulations and the Commission's Guidance support the principle that different premises within a single building should not be artificially created, that separation between premises must be adequate, and direct access between certain licensed premises prohibited. Policy DAP1, in the context of this part of the statement of principles, seeks to compliment the statutory provisions.

- 22.3 Some applicants have attempted to create an unlicensed area accessed from the street which then leads into separate licensed premises. In such cases the premises are not clearly identifiable as separate premises and the unlicensed area is not likely to be used by the public other than by those using the gambling premises. Applications to place two licensed premises in one premises with an unlicensed area separating them, will also not meet this Policy because of the artificial nature of the premises, access, and likely use issues which arise.
- 22.4 It is possible to have a foyer area or passage way which separates one licensed premises from another. However, such a foyer or passage way must be accessible and generally used by members of the public other than those using the gambling premises. An example of this would be a hotel lobby which has an entrance to a casino and an adult gaming centre off it. The foyer itself will be used by hotel guests and visitors who may have no intention of using either licensed premises.
- 22.5 It may also be acceptable if a premises is separated by another non-licensed premises that has access to both licensed premises from it. An example of this could be in the form of a coffee shop which has a main entrance to the street. The coffee shop may have access to an Adult Gaming Centre on one side and an entrance Family Entertainment Centre on the other side. Where a member of the public not using the gambling premises is likely to use the coffee shop it may be considered that there is no direct access between the two licensed premises. If any such unlicensed area is used to separate licensed premises then it must genuinely, in the authority's opinion, be likely to be used by members of the public not using the gambling premises.

## 23. Casinos

- 23.1 The Licensing Authority cannot grant any new casino premises licences but an existing converted casino premises licence can be varied to increase or decrease the permitted gambling area, vary the default conditions, or any conditions imposed by the council. Unlike other types of licences, they can be varied to move them from one premises to another. See 23.2 below.

### **Policy: CAS1**

**Applications to vary premises licence will generally be granted subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3, LOC 1 and other policies within this statement of principles.**

#### Reason for Policy CAS1

- 23.2 The council does not qualify to issue new casino licences so this policy will only relate to variation applications. In addition to the standard variation applications (e.g. to remove a default condition, increase the licensable area of the premises, etc) an existing converted casino premises licence can be varied under paragraph 65 Part 7, Schedule 4 of The Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (2006 Order) to relocate the licence to another premises. These converted casinos have the special provisions under the 2006 Order to ensure that if for any reason the premises cannot continue to operate at their existing premises they will not then lose their licence rights.
- 23.3 The council in considering any applications will consider whether it will meet the

Licensing Objectives policies and any other relevant policy within this statement. For variations to relocate an existing licence, Location Policy LOC 1 will be a significant consideration in addition to the objective policies.

## 24. Bingo

- 24.1 This policy applies to applications for a bingo premises licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo premises licence will be able to offer bingo in all its forms. Westminster had no bingo licences to be converted.
- 24.2 A Bingo premises licence granted before the 13<sup>th</sup> July 2011 are entitled to make eight category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. For Bingo premises licences granted after the 13<sup>th</sup> July 2011 are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. There are no restrictions on category C or D machines that can be made available in any Bingo licence no matter when it was granted.
- 24.3 Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

### **Policy: BGO1**

**Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.**

#### Reasons for Policy BGO1

- 24.4 To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo can be played in any premises for which a premises licence is issued. Particular consideration will be given when the operator of an existing bingo premises applies to vary the premises licence to exclude an area of the existing premises and then applies for a new licence for the excluded area.
- 24.5 Given that children and young persons are permitted in bingo premises, the appropriate weight will be given to OBJ3. In addition, young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The licensing authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

## 25. Betting (Other)

- 25.1 This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop, and includes an entitlement to operate up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.

**Policy: BET1**

**Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.**

Reasons for Policy BET1

- 25.2 The council takes note of the Commission Guidance<sup>2</sup> concerning the powers that Licensing Authorities have under Section 181 of the Act enabling the restriction of the number of self-service betting terminals (SSBTs), their nature and the circumstances in which they are made available. The council will consider any proposals from the applicant on the offer of SSBTs within a premises and 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 both the SSBT and gaming machines made available for use on the premises.
- 25.3 The licensing authority must be satisfied that the primary use of the premises is to operate as betting premises in accordance with the principles outlined in paragraph 17 of this Statement. The applicant will be expected to demonstrate that they can offer sufficient facilities for betting upon application and that they have the right to occupy the premises.
- 25.4 In determining whether the application meets the criteria in OBJ1, OBJ2, OBJ3 or other policies consideration will be given to appropriate measures/licensing conditions to address the matters listed below.
- Proof of age schemes
  - CCTV
  - Entry control system
  - Supervision of entrances/ machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/ signage
  - Specific opening hours
  - Self-barring schemes
  - Provision of information leaflets / helpline numbers for organisations such as GamCare
- 25.5 This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives:

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<sup>2</sup> Paragraph 19.10 Gambling Commission Guidance to Licensing Authorities (Published 1<sup>st</sup> April 2021)

## 26. Betting Tracks including other sporting venues

- 26.1 There are major indoor and outdoor venues in the City where a variety of sporting events take place. Under section 353 of the Act, “tracks” includes premises where a race or other sporting event takes place or is intended to take place. These may be subject to one or more than one premises licence, provided each licence relates to a specified area of the “track”. The Commission Guidance, identifies that operators of track betting premises will not necessarily hold an operator’s licence issued by the Commission<sup>3</sup>. The council will have particular regard to proposals and measures to ensure that the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.
- 26.2 The council will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 26.3 The possibility of multiple licences at tracks is noted in paragraphs 20.56 – 20.61, Part 20 of the Commission Guidance. The council will expect applicants for a premises licence 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. (Children and young persons are not prohibited from playing category D machines on a track.)

### **Policy: BET2**

**Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.**

#### Reasons for Policy BET2

- 26.4 In determining whether the application meets the criteria in OBJ1, OBJ2, OBJ3 or other policies consideration will be given to appropriate measures/licensing conditions to address the matters listed below.
- Proof of age schemes
  - CCTV
  - Entry control system
  - Supervision of entrances/ machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/ signage

<sup>3</sup> Paragraph 20.11 Gambling Commission Guidance to Licensing Authorities (Published 1<sup>st</sup> April 2021)

- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare

- 26.5 This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives:
- 26.6 Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that the track betting activities are reasonably consistent with the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.
- 26.7 The council will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds or seeks a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
- 26.8 The council will expect applicants to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. Any such plans must also contain the information prescribed by Regulations.
- 26.9 The council concurs with the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **27. Adult Gaming Centres**

- 27.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence that was issued prior to the 13<sup>th</sup> July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever, is the greater. An AGC premises licence granted after the 13<sup>th</sup> July 2011 may make available for use 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 and any number of category C or D machines.
- 27.2 Gaming machines are a form of gambling which is attractive to children and AGC’s will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to

enter an AGC and applicants must be aware of the location of and entry to AGC's to minimise the opportunities for children to gain access.

**Policy: AGC1**

**Applications and reviews will be determined, subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3 and other policies within this statement.**

- 27.3 Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and 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 are not attracted to, or gain access to, the premises.
- 27.4 The council will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV
  - Entry control system
  - Supervision of entrances/ machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/ signage
  - Specific opening hours
  - Self-barring schemes for individuals to bar themselves from premises
  - Provision of information leaflets/ helpline numbers for organisations such as GamCare.
- 27.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 27.6 The council has created a Byelaw for Pleasure Fairs (Amusement Premises) in pursuance of section 75 of the Public Health Act 1961 (the 1961 Act) as amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1976. These byelaws apply to Adult Gaming Centres as the premises are used to provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes. A copy of the Pleasure Fairs (Amusement Premises) byelaws is attached for information as Appendix 4.

## **28. Family Entertainment Centres (FEC)**

- 28.1 Generally, FECs must be operated by a person or body having an operating licence from the Gambling Commission (the Act also provides that there is a class of unlicensed Family Entertainment Centres that may be run by individuals or bodies not holding an operator's licence). Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission operator's licence or

premises licence from the local licensing authority but do need to have a gaming machine permit as set out below. Gaming machines are a form of gambling which is attractive to children and FECs will contain both Category D machines on which they are allowed to play, and category C machines on which they are not.

**Policy: FEC1**

**Applications and reviews will be determined, subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3 and other policies within this statement.**

- 28.2 Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The council, in considering applications for FEC premises licences 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.
- 28.3 The council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:
- CCTV
  - Supervision of entrances/ machine areas
  - Physical separation of areas for category C machines
  - Location of entry
  - Notices/ signage
  - Specific opening hours
  - Self-barring schemes for individuals to bar themselves from premises
  - Provision of information leaflets/ helpline numbers for organisations such as GamCare
  - Measures & training for dealing with children on the premises suspected of truanting.
- 28.4 This list is neither mandatory, nor exhaustive, and is merely indicative of example measures.
- 28.5 The council will have regard to the Commission's Guidance on any conditions that apply to operating licences covering the way in which the area containing category C machines should be delineated. However, the council may require further measures on physical separation and controls on entry. The council must apply the mandatory conditions but will consider whether to exclude any of the default conditions that may be specified by regulation from the Secretary of State.
- 28.6 As with Adult Gaming Centres, Family Entertainment Centres will be subject to the councils Pleasure Fairs (Amusement Premises) byelaw which is attached at Appendix 4. Family Entertainment Centres will provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes. All Family Entertainment Licensed premises will have to comply with these byelaws.

## **29. Travelling Fairs**

- 29.1 The Act defines a travelling fair as ‘wholly or principally’ providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 29.2 It will fall to the council to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.3 The council will also consider whether the applicant falls within the statutory definition of a travelling fair. The council notes the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The licensing authority will keep a record of any travelling fairs that take place in Westminster that offer gambling as an ancillary use to the fair. The authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.
- 29.4 It should be noted that the council has adopted byelaws which apply to Pleasure Fairs (Amusement Premises). These are attached as Appendix 4.

## **30. Door Supervisors**

- 30.1 The Commission’s Guidance advises that licensing authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling<sup>4</sup>, but there can also be a need for supervision to stop premises becoming a source of crime. It is noted that the door supervisors who are employed by a casino or bingo premises are not required to be licensed by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. However, any door supervisors or security not directly employed by a casino or bingo operator must be licensed by the SIA.
- 30.2 For betting offices and other premises other than casinos and bingo premises, the operator and/or the council may decide that supervision of entrances or machines is appropriate in particular cases. The authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

## **31. Provisional Statements**

- 31.1 Following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those

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<sup>4</sup> Paragraphs 33.1 – 33.7 Gambling Commission Guidance to Licensing Authorities (Published 1<sup>st</sup> April 2021)

attached to the provisional statement) only by reference to matters:

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

## **32. Reviews**

32.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the licensing authority. 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:

- any relevant code of practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives;
- the authority's statement of principles.

32.2 The licensing authority may reject an application for review if it thinks that the grounds on which the review is sought:

- (a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the licensing authority's statement of principles;
- (b) are frivolous;
- (c) are vexatious;
- (d) 'will certainly not' cause the licensing authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence;
- (e) are substantially the same as grounds cited in a previous application relating to the same premises (the licensing authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
- (f) are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence.

32.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

32.4 The licensing authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing 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, or to ensure that the principle of primary use is applied.

32.5 The licensing authority may review any matter connected with the use made of a

particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.

- 32.6 A responsible authority or interested party may apply to the council to review a premises licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded, if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
- 32.7 As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The council accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

## Part 4: Permits and Notices

Policies that apply to this part:

**UFEC1** - Unlicensed Family Entertainment Centres (UFEC) Gaming Machine Permits

**LPGMP1** - Alcohol-Licensed Premises Gaming Machine Permits

**PGP1** - Prize Gaming Permits

**TUN1** - Temporary Use Notices

### 33. Permits

- 33.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The council is responsible for issuing the following permits:

- (a) unlicensed family entertainment centre gaming machine permits;
- (b) alcohol-licensed premises gaming machine permits;
- (c) prize gaming permits;
- (d) club gaming permits and club machine permits.

- 33.2 The council can only grant or reject an application for a permit and cannot attach conditions. Therefore, the council will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

### 34. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

- 34.1 This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres. UFECs are those that offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions, these premises will particularly appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.

#### **Policy: UFEC1**

**Valid applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.**

Reasons for Policy UFEC1

- 34.2 The council will grant an application for a permit only if it is satisfied that the premises will be used as an unlicensed FEC, and following consultation with the Chief of Police.
- 34.3 The council will require applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
  - that staff are trained to have a full understanding of the maximum stakes and prizes (Guidance; paragraph 24.9)

33.4 The council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people 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:

- 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;
- measures / training covering how staff would deal with children causing perceived problems on or around the premises.
- Measures / training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

34.5 All premises that hold an Unlicensed Family Entertainment Centre gaming machine permits will be subject to the Pleasure Fairs (Amusement Premises) byelaw which has been adopted by the council. This byelaw is attached to this statement as Appendix 4. This byelaw will apply to premises that operate as an Unlicensed Family Entertainment Centre as they provide amusement with prizes machines (gaming machines) and also to entertainment machines which are used to play games where there are no opportunities for winning prizes.

## **35. Alcohol-Licensed Premises Gaming Machine Permits**

### **Automatic entitlement to 2 gaming machines**

35.1 A premises licensed to sell alcohol under the Licensing Act 2003 is automatically entitled to 2 gaming machines of category C and/or D. The holder of the on-premises licence under the Licensing Act 2003 must notify the council of their intention to make the gaming machines available for use and must pay the prescribed fee.

35.2 The council will 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 provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the council, 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 for 3 or more gaming machines**

35.3 This policy applies to those licensed premises that propose to have 3 or more gaming machines. A licensed premises wishing to have 3 or more gaming machines of category C or D must apply to the council for a permit.

**Policy: LPGMP1**

**Applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to any relevant Codes of Practice produced by the Gambling Commission.**

#### Reasons for Policy LPGMP1

- 35.4 As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to:
- the need to protect children and vulnerable people from harm or being exploited by gambling;
  - measures taken by the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 35.5 The council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- the adult machines being in sight of the bar;
  - the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18;
  - notices and signage;
  - the provision of information leaflets or helpline numbers for organisations such as GamCare.
- 35.6 If it is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, the council will refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.
- 35.7 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.
- 35.8 The council may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:
- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
  - (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
  - (c) the premises are mainly use or to be used for making gaming machines available, or,
  - (d) an offence under the Gambling Act 2005 has been committed on the premises.
- 35.9 Before the council cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him the opportunity to make a representation. If the permit holder requests a hearing the council will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

- 35.10 The Council when determining an application for an alcohol-licensed premises gaming machine permit will consider each application on their own merits.
- 35.11 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. e.g. hotels. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.

## 36. Prize Gaming Permits

- 36.1 This policy applies to applications for, or renewals of, prize gaming permits. Gaming is “prize gaming” if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- 36.2 Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

### **Policy: PGP1**

**Applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.**

#### Reasons for Policy PGP1

- 36.3 Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.
- 36.4 The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes 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.
- 36.5 The council will only grant a permit after consultation with the chief officer of police. This will enable the licensing authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.
- 36.6 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the council 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.

## **37. Club Gaming and Club Machines Permits**

37.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

37.2 A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members;
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
- It must be permanent in nature;
- It must not be established to make a commercial profit;
- It must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

37.3 The council 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.

37.4 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). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this 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".

- 37.5 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.

## 38. Temporary Use Notices

- 38.1 This policy applies to applications for 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 gambling would include hotels, conference centres and sporting venues.
- 38.2 The licensing authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.
- 38.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

### **Policy: TUN1**

**Applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.**

#### Reasons for Policy TUN1

- 38.4 The licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:
- the suitability of the premises;
  - the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
  - The CCTV coverage within the premises;
  - The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
  - whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

## 39. Occasional Use Notices

- 39.1 The council has very little discretion as regards Occasional Use Notices to accept bets at "tracks", aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a "track" and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the "track" or is an occupier, and therefore permitted to

avail themselves of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Westminster. If notices are given for a single track which would permit betting to occur for more than 8 days per year the council has an obligation to issue a counter notice preventing such a breach occurring.

**List of Bodies consulted on review in 2021**

Gambling Commission  
Metropolitan Police Service  
London Fire Brigade  
Westminster City Council's Planning Department  
Westminster City Council's Environmental Health Consultation Team  
HM Revenue and Customs  
Betting and Gaming Council  
National Association of Bookmakers  
Bingo Association  
BACTA  
Westminster's Business Improvement Districts  
Recognised Westminster Amenity Groups and Residents Associations  
Westminster Ward Councillors  
Major Westminster Landowners  
Royal Parks  
Greater London Authority  
Beer and Pub Association  
Safer Business Network

## **Glossary**

### **Adult Gaming Centres**

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence that was issued prior to the 13<sup>th</sup> July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever, is the greater. An AGC premises licence granted after the 13<sup>th</sup> July 2011 may make available for use 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 and any number of category C or D machines.

### **Amusement arcades**

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed Family Entertainment Centres.

### **Betting**

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

### **Bingo**

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Bingo premises licensed under the Act can provide gaming machines for use. A Bingo premises licence granted before the 13<sup>th</sup> July 2011 are entitled to make eight category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. For Bingo premises licences granted after the 13<sup>th</sup> July 2011 are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. There are no restrictions on category C or D machines that can be made available in any Bingo licence no matter when it was granted.

### **Casino**

“An arrangement” whereby people can participate in one or more casino games.

**Casino Games**

Games of chance not being equal chance gaming. i.e. games in which players stake against a “bank”.

**Categories of Casinos**

	Minimum number of gaming tables	Minimum table gaming area sq.ms  Section 7 (5) Regulations	Additional gambling area sq.ms  Section 7 (5) Regulations	Minimum non gambling areas  Mandatory conditions	Highest Categories of gaming machines permitted	Maximum stake/prize for gaming machines	Max number gaming machines
<b>Existing (Converted Casino)</b>	One	None	None	10%of total gaming area	B1	£5/ £10,000	20 B to D (except B3A machines) or any number of C or D machines instead
<b>Small</b>	One	500	999 max	250 sq.ms	B1	£5/ £10,000	80 any combination of B to D (except B3A machines) within the total limit (Subject to machine/table ratio)
<b>Large</b>	One	1000	500 min 2499 maximum	500 sq.ms	B1	£5/ £10,000	150 any combination of B to D (except B3A machines) within the total limit (subject to machine/table ratio)

**Direct Access**

Direct access is restricted between certain types of gambling premises. For example it is not possible to have direct access between a casino and a betting shop. Direct access is restricted by the mandatory conditions imposed on casinos, AGC’s, Betting Shops, Tracks, Bingo premises and FEC’s.

**Equal chance gaming**

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a “bank”. It is immaterial how the “bank” is described and whether or not it is controlled by a player.

## **Exempt activities**

*Private betting* is betting which takes place between inhabitants of the same premises or between employees of the same employer.

*Private gaming* (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

## **Family Entertainment Centres**

Family entertainment centres (FECs) are a category of gambling premises contained within the Act. Persons operating an FEC must hold a Family Entertainment Licence Operating Licence from the Commission and must seek a premises licence from the licensing authority. The holder of an FEC premises licence is entitled to make available an unlimited number of category C and D gaming machines. However, the premises licence mandatory conditions for FEC's requires that the licensee must separate all category C gaming machines from category D gaming machines and that the access to the category C machines is restricted to anyone under the age of 18.

## **Non-Commercial Gambling**

Non-commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- The profits will be for a purpose other than that for private gain;
- The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

## **Gambling**

Gambling is defined as either gaming, betting or participating in a lottery.

## **Games of chance**

Includes games that involve both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants

## Gaming

Gaming means playing a game of chance for a prize;

### Gaming machines – Categories

This Table sets out the current proposals for the different categories with the maximum stakes and prizes that apply.

<b>CATEGORY</b>	<b>MAXIMUM STAKE</b> (from April 2019)	<b>MAXIMUM PRIZE</b> (from April 2019)
A	Unlimited – (Note: no category A gaming machines are currently permitted.)	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

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

## Gaming Machines by Premises Type

Type	Gaming Machines
Large Casino (machine/table ratio of 5-1 up to maximum) <i>This premises licence type is not permitted in Westminster.</i>	Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)
Small Casino (machine/table ratio of 2-1 up to maximum) <i>This premises licence type is not permitted in Westminster.</i>	Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio).
Pre – 2005 Act casino premises (no machine/table ratio)	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead.
Bingo premises	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines.
Betting premises and tracks occupied by pool betting.	Maximum of 4 machines categories B2 to D (except B3A machines)
Adult Gaming Centre	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines.
Family Entertainment Centre with premises licence	No limit on category C or D machines.
Family Entertainment Centre with permit	No limit on category D machines.
Clubs or miners' welfare institute (with permits)	Maximum of 3 machines in categories B3A or B4 to D*
Qualifying alcohol-licensed premises	1 or 2 machines of category C or D automatic upon notification.
Qualifying alcohol-licensed premises (with gaming machine permit).	Number of category C – D machines as specified on permit.
Travelling fairs	No limit on category D machines.

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

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

*machines, whichever is the greater; from 1 April 2014 these premises are entitled to 20% of the total number of gaming machines only, but not B3A machines.*

## **Guidance**

The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act. The Gambling Commission's Guidance was published on the 1<sup>st</sup> April 2021.

## **Interested Parties**

Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business interests that might be affected by the authorised activities
- (c) represents persons in either of these groups.

Interested parties can also be a councillor or an MP.

## **Licensed Family Entertainment Centres:**

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

## **Lottery**

A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

## **Operating Licence**

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling:

- A casino operating licence
- A bingo operating licence
- A general betting operating licence
- A pool betting operating licence
- A betting intermediary operating licence
- A gaming machine general operating licence (for an adult gaming centre)
- A gaming machine general operating licence (for a family entertainment centre)
- A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- A gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- A lottery operating licence.

## **Premises Licence**

A premises licence issued by a licensing authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

## **Representations**

In dealing with applications the council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.

## **Self Service Betting Terminals**

Self Service Betting Terminals, SSBTs are not gaming machines but are machines that facilitate the placing of bets. These machines do not count towards the number of gaming machines available on the premises. However, if the machine permits placing bets on virtual racing then they will be classified as a gaming machine. An SSBT can only be permitted if they are located in a licensed betting shop or track. If a SSBT is used to facilitate the making or accepting of bets by others then a remote operating licence will be required.

## **Unlicensed Family Entertainment Centres**

Premises that hold an Unlicensed Family Entertainment Centre gaming machine permit may only offer category D gaming machines.

## List of Responsible Authorities relating to the Gambling Act 2005

<p><b>Licensing Authority:</b>  15<sup>th</sup> Floor  Westminster City Hall  64 Victoria Street  London  SW1E 6QP</p> <p>Tel: 020 7641 6500  Email: <a href="mailto:licensing@westminster.gov.uk">licensing@westminster.gov.uk</a></p>	<p><b>The Chief Officer of Police:</b>  Westminster Police Licensing Team  15<sup>th</sup> Floor  Westminster City Hall  64 Victoria Street  London  SW1E 6QP</p> <p>Tel: 020 7641 3179  Email: <a href="mailto:PoliceLicensingTeam@westminster.gov.uk">PoliceLicensingTeam@westminster.gov.uk</a></p>
<p><b>The Planning Authority:</b>  12<sup>th</sup> Floor  Westminster City Hall  64 Victoria Street  London  SW1E 6QP</p> <p>Tel: 0207 641 2513  Email: <a href="mailto:planningreception@westminster.gov.uk">planningreception@westminster.gov.uk</a></p>	<p><b>Gambling Commission:</b>  Gambling Commission  Victoria Square House  Victoria Square  Birmingham  B2 4BP</p>
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## Pleasure Fairs (Amusement Premises) Byelaw

Byelaws for the regulation of hours during which amusement premises may be open to the public; for the securing of safe and adequate means of ingress to and egress from amusement premises; for the prevention and suppression of nuisances and for the preservation of sanitary conditions, cleanliness, order and public safety at amusement premises; for the prevention of outbreaks of fire which might endanger structures used or intended for use in connection with amusement premises, and for reducing the risk of, and the spread of fire from, such outbreaks; made by the Westminster City Council in pursuance of Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976.

1. (a) These byelaws shall apply only to pleasure fairs within the meaning of Section 75(2) of the Public Health Act 1961 which are amusement premises:
  - (b) These byelaws shall not apply to premises licensed or registered under Part II of the Gaming Act 1968 or to members clubs and miners welfare institutes registered under Part III of that Act.
2. In these byelaws, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say:
  - (a) "Amusement premises" means any place used wholly or mainly to provide entertainments within the meaning of Section 75(3)(f) of the Public Health Act 1961, and shall include any stationary vehicle, vessel, stall, caravan, trailer or tent where the above applies.
  - (b) "The Council" means the Westminster City Council.
  - (c) "Manager" means the person having control of the entertainments provided within the meaning of Section 75(3)(f) at the amusement premises.

### Regulation of opening hours

3. (1) The manager shall not keep the amusement premises open between the hours of 12 midnight and 9am.
  - (2) The Council, may by resolution, fix a later hour in substitution for the hour of 12 midnight in this byelaw for the closing of amusement premises or specified classes of amusement premises on specified dates or during specified periods or generally.
4. (1) The manager shall give to the proper officer of the Council at least 5 days prior notice in writing of the intention to use any amusement premises specifying therein the dates and place at which such amusement premises are to be used.
  - (2) The notice to be given under this byelaw shall be in addition to and not in substitution for any notice required to be given under any other enactment.
  - (3) In this byelaw "proper officer" means an officer appointed for the purpose of the Council.

### Provision for safe ingress and egress

5. (1) The manager shall take such steps as are reasonably practicable to ensure that there are provided such entrances and exits to the amusement premises as will enable persons using the amusement premises (including disabled persons) to be safe and free from risks to health and while such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.
- (2) The manager shall cause to be exhibited over each exit from the amusement premises a notice bearing the word 'EXIT' in letters of sufficient size to ensure it is legible at the maximum viewing distance.
6. No person shall place or cause to be placed any obstruction in any exit or gangway provided in accordance with these byelaws while any persons are using the amusement premises.

Nuisances, sanitary conditions, cleanliness, order and public safety

7. The manager shall ensure that at all times when the amusement premises are open for business, there is in operation such lighting as is adequate to enable persons using the premises to be safe.
8. The manager shall ensure that the internal parts of the amusement premises are maintained in good repair and condition in order that persons using the premises shall be safe at all times when the premises are open for business.
9. The manager shall take such steps as are reasonably practicable to ensure that:-
  - (a) a sufficient number of unobstructed gangways are provided and maintained in the amusement premises;
  - (b) amusement machines, seats and other furnishings and structures are distributed in order that the amusement premises shall, at all times when they are open for business, be safe for persons using the premises (including disabled persons).
10. The manager shall ensure that all parts of the premises (including sanitary accommodation) are kept as clean as is reasonably practicable.
11. The manager shall take such steps as are reasonably practicable to ensure that every machine provided at the amusement premises is properly and safely installed.
12. The manager shall not knowingly permit:-
  - (a) the amusement premises to be used for soliciting for the purpose of prostitution nor as a habitual resort or place of meeting of reputed prostitutes but this does not prohibit the manager from permitting such persons to remain on the premises for the purpose of using the amusement machines for such time as is necessary for that purpose.
  - (b) any person who is drunk or disorderly to enter or remain on the amusement premises.

13. The manager shall take such steps as are reasonably practicable to ensure that the external doors to the amusement premises suppress noise emanating from those premises where by means of the doors being fitted with a device for automatic closure or by any other similar means.
14. The manager shall ensure that the amusement premises are under the supervision of at least one responsible person at all times when those premises are open for business.

#### Fire protection

15. (1) The manager shall:
  - (a) Consult the fire authority regarding a means of fighting fire for use in the amusement premises; and
  - (b) Provide and maintain reasonable means of fighting fire having regard to all the circumstances including the size, nature and age of the amusement premises; and
  - (c) Keep the means for fighting fire in a place where it is readily available for use.
- (2) In this byelaw 'maintain' means to maintain in an efficient state in efficient working order and in good repair.

#### Penalty

16. Any person offending against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding £400.

#### Defence

17. It shall be a defence for a person to prove that he had taken all reasonable precautions and exercised all due diligence to prevent the commission of an offence under these byelaws.

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