

# **Gambling Act 2005 Statement of Principles**

*Epping Forest District Council*

This Policy Statement is effective from 29 June 2010 until 29 June 2013

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## **PART A**

### **1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, Epping Forest District Council, as the Licensing Authority, must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

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

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

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with this Statement of Principles

### **2. Introduction**

Epping Forest District Council (the Licensing Authority) is situated in the County of Essex, which contains twelve district or borough councils and two unitary authorities. The district has six main centres of population (Buckhurst Hill, Chigwell, Epping, Loughton, Chipping Ongar and Waltham Abbey) and numerous picturesque villages and hamlets, but no natural centre. The majority of the district lies within the Metropolitan Green Belt, designed to restrict the spread of London into the Home Counties.

The district has a population of approximately 121,000. Over 40% of the population live in the southwest of the district (Buckhurst Hill, Chigwell and Loughton). The population is ageing, with the 2001 census profile showing a reduction of under fives and an increase in over seventy fives.

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

The Licensing Authority is required to consult in accordance with the Gambling Act 2005 Code of Practice between 9 June 2009 and 13th September 2009 before finalising and publishing this policy statement. The list of persons this authority consulted is attached as an appendix to this statement. The full list of comments made is available via the Council's website.

The policy was approved at a meeting of the Full Council on 29 June 2010. Copies were placed in the public libraries of the area as well as being available in the Civic Offices and on the website on 9 June 2010

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

Name: Senior Licensing Officer  
Address: Civic Offices, High Street, Epping, Essex CM16 4BZ  
E-mail: [Licensing@eppingforestdc.gov.uk](mailto:Licensing@eppingforestdc.gov.uk)

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

### **3. Declaration**

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

### **4. Responsible Authority for Advising on Protection of Children from Harm**

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

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

This authority designates the Essex County Council's Childrens Safeguarding Service for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are listed in this policy which is available via the Council's website at: [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk)

### **5. Interested parties**

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

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

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

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14, 8.15 and 8.16. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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

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

## **6. Exchange of Information**

The Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information between it and the other persons listed in Schedule 6 to the Act, which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **7. Enforcement**

The Licensing Authority will be guided by the Gambling Commission's Guidance for local authorities. It will endeavour to be:

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

In accordance with the Gambling Commission's Guidance for local authorities, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Licensing Authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme.

The enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operating and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission, who will also be responsible for compliance in unlicensed premises.

The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Department at Civic Offices, High Street, Epping Essex CM16 4BZ and email:[licensing@eppingforestdc.gov.uk](mailto:licensing@eppingforestdc.gov.uk)

## **8. Licensing Authority functions**

The Licensing Authority is required under the Act to:

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

The Licensing Authority is not involved in licensing remote gambling at all. This is regulated by the Gambling Commission via Operating Licences.

## **9. Consideration of applications**

The Licensing Authority will consider each application on its merits. The applicant must show how they propose to meet the requirements of the Gambling Act 2005 and any regulations and guidance issued by the Secretary of State, and that they have taken into account such issues as the proximity of schools, centres for vulnerable adults or residential areas with a high concentration of families with children.

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

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

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

A table of Delegations of Licensing Functions is attached as Appendix A.

## **PART B PREMISES LICENCES**

### **1. General Principles**

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

1.2 The Licensing Authority is required by the Act, in making decisions about premises licences, to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with this statement of licensing principles

### **1.3 Definition of Premises**

Premises is defined in the Act as “any place”. The Licensing Authority will have regard to the Guidance issued by the Gambling Commission in deciding whether different parts of a building can be properly regarded as being separate premises. The Licensing Authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, “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.” The authority would normally require a defined permanent division of the premises by way of a fixed structure.

The Licensing Authority will also take note of the Gambling Commission’s Guidance to local authorities that: “Licensing authorities should pay particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non gambling) purposes”.

### **1.4 Demand**

The Licensing Authority is aware that the issue of demand cannot be considered

### **1.5 Location**

Location will only be material in the context of the Licensing Objectives. The Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude an application from being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

## 1.6 Moral Objections

It is appreciated that in accordance with the Gambling Commission's guidance for local authorities moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards to any 'no casino' resolution).

## 1.7 Duplication with other Regulatory Regimes

Although the Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, and will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it, it will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

## 1.8 Licensing Objectives

Premises licences granted must be consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's Guidance to local authorities and would make the following comments:

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. It must be noted however, that issues of nuisance cannot be addressed via the Gambling Act provisions.

**Ensuring that gambling is conducted in a fair and open way** - The Licensing Authority has noted that the Gambling Commission has stated in its Guidance for local authorities, that "Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence." The Licensing Authority also notes, however, that the Gambling Commission also states "in relation to the licensing of tracks, the licensing authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable." The Licensing Authority will always have regard to any guidance from the Gambling Commission on this issue.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - The Licensing Authority has noted the Gambling Commission Guidance to local authorities states that "The objective refers to protecting children from being "harmed or exploited by gambling.". That means preventing them from taking part in gambling ....."

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition, but states that “it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance abuse relating to alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.

## **1.9 Conditions**

Premises Licences will be subject to the permissions/restrictions as defined in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The Licensing Authority may exclude default conditions and/or attach others, where it is believed to be appropriate. Any conditions attached to licences will be proportionate and will be:

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

Decisions upon individual conditions will be made on a case by case basis, and the Licensing Authority will expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences, which are:

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

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

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- The location of gaming machines

This list is not exhaustive.

#### **1.10 Category C machines or above.**

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

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

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

#### **1.11 Door Supervisors**

The Gambling Commission advises local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Security Industry Act and that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority. This Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises which are that they be trained to the same level as that required by the SIA. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

## **2. Casinos**

2.1 The Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

2.2 The Licensing Authority is aware that where an area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. The Licensing Authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State. It should be noted that at the time this statement of Licensing policy was adopted this area had not been so enabled by the Secretary of State.

2.3 The Licensing Authority will pay particular attention to any Codes of Practice issued by the Gambling Commission as regards this licensing objective in relation to casinos. It is understood that a Code for casinos must:

- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino do not enter the gambling area;
- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person ("the supervisor") who is responsible for compliance with the code of practice; and
- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

## **3. Betting Premises**

The Licensing Authority will seek to ensure that all regulations and guidance issued by the Secretary of State is complied with. In particular, applicants will be expected to show how they will prevent access to under-18s.

## **4. Betting Machines in Casinos and Betting Premises**

The Licensing Authority is aware that, as explained in the Gambling Commission's Guidance for local authorities: "Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons".

## **5. Credit in Casinos and Betting Premises**

The Licensing Authority has noted that the Gambling Commission has stated in its Guidance for Local Authorities that; "section 177 does not prevent the licensee from contracting a third

party to install cash dispensers (ATMs) on their premises which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines) does not profit from the arrangement and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made and available for use on the premises must be located in a place that requires any customer who uses it to cease gambling in order to do so.”

## **6. Bingo premises**

This Licensing Authority notes that the Gambling Commission’s draft Guidance states: “Children and young people are allowed to enter bingo premises; however they are not permitted to participate in bingo and if category B or C machines are available for use these must be separated from areas where children are allowed.”

## **7. Tracks**

7.1 The Licensing Authority has taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an Operating licence as there may be several premises licence holders at the track which will need to hold their own Operating licences.

7.2 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.3 “Tracks will be required to have policies to ensure that under-18s do not participate in gambling other than on category D machines”.

7.4 The Licensing Authority notes that it is a mandatory condition of premises licences “that clear and accessible information about the terms on which a bet may be placed must be displayed at premises including tracks”. The rules must be prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office”.

## **8. Travelling Fairs**

8.1 It will fall to the Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **9. Adult Gaming Centres and Licensed Family Entertainment Centres**

9.1 The Licensing Authority notes the distinction between Adult Gaming Centres, which do not allow entrance to under-18s and Licensed Family Entertainment Centres, which allow entrance to under-18s, but do not permit them to play on category C machines.

9.2 Applicants will be expected to show how they will prevent access to under-18s, or what measures will be taken to prevent them from playing on category C machines as appropriate. The Licensing Authority will seek to ensure that all regulations and guidance is complied with.

## **10. Provisional Statements**

10.1 The Licensing Authority notes the Guidance from the Gambling Commission and will take account of those matters set out in the guidance.

10.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

(a) which could not have been raised by objectors at the provisional licence stage; or

(b) which, in the authority's opinion, reflect a change in the operator's circumstances.

(c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change from the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

10.3 The Licensing Authority has noted in the Gambling Commission's Guidance that the licensing authority should not take into account irrelevant matters. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

## **11. Reviews**

11. Requests for a review of a premises licence can be made by interested parties or responsible authorities. It is for the Licensing Authority, however, 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, as well as consideration as to whether the request is frivolous, vexatious, repetitious, or will certainly not cause this authority to wish to alter, revoke or suspend the licence.

11.2 Reviews will be carried out:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with this statement of licensing principles

11.3 The Licensing Authority can also initiate a review of a licence for any reason which it thinks is appropriate.

**PART C**  
**PERMITS/TEMPORARY & OCCASIONAL USE NOTICE**

**1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits)**

1.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it must apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

1.2 This Licensing Authority has adopted a Statement of Principles, as provided for by the Act, which is:

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

- CRB checks for staff,
- training covering how staff would deal with unsupervised very young children being on the premises, and/or
- children causing perceived problems on and around the premises.

1.3 The Licensing Authority will only grant a permit if it is satisfied that the premises will be used as an unlicensed Family Entertainment Centre and after consultation with the Chief of Police. Issues such as the suitability of the applicant and the suitability of the premises will be taken into account when considering an application.

1.4 Once the permit has been granted, the Licensing Authority may refuse an application for renewal only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

**2. (Alcohol) Licensed premises gaming machine permits**

2.1 Premises licensed to sell alcohol for consumption on the premises may automatically have two gaming machines, of categories C and/or D. The premises must notify the Licensing Authority of their intention to exercise this right, but they may remove this automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

2.2 If a premises wishes to have more than two machines, then it must apply for a permit. The Licensing Authority will consider the application based upon the licensing

objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and such matters as it thinks relevant. Each case will be considered on its merits, but, generally, it will consider the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy them that there will be sufficient measures to ensure that under 18 year olds do not have access to “adult only” gaming machines. Measures which will satisfy the authority that there will be no access may include:

- Supervision of machine areas
- Physical separation of areas
- Notices / signage
- The location of gaming machines

This list is not exhaustive.

2.3 As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

2.6 Where an alcohol licensed premises applies for a premises licence for their non-alcohol licensed areas, any such application would need to be applied for, and will be dealt with, as an Adult Entertainment Centre premises licence.

### **3. Prize Gaming Permits – (Statement of Principles on Permits)**

#### **3.1 Statement of Principals**

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

- A basic Criminal Records Bureau check or equivalent criminal record check for the applicant and the person having the day to day control of the premises
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises.
- Training to cover how staff would deal with:
  - § Unsupervised and/or very young children on/around the premises, and
  - § Suspected truants

3.2 Applicants for a permit must comply with the conditions laid down by the Gambling Act 2005. 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.

The Licensing Authority may not impose any further conditions.

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

4.1 Qualifying members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit, Qualifying members clubs, Miners' welfare institutes and commercial clubs may apply for a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulation. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

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

4.3 The Licensing Authority is aware that it 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.

4.4 Where a premises holds a Club Premises Certificate under the Licensing Act 2003 they may apply using the fast-track procedure, in which case the grounds on which an application under the process may be refused are:

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

4.5 Objections will not be lodged by the Commission or the police, as these will have been dealt with under the Licensing Act application procedure.

## **5. Temporary Use Notices**

5.1 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 Temporary Use Notices, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

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

5.3 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

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

## **6. Occasional Use Notices**

The Licensing Authority has little discretion as regards these Notices, aside from ensuring that the statutory eight days in a calendar year is not exceeded and will grant such notices where statutory requirements are met.

## **7. Small Society Lotteries**

Lottery licences will be issued in accordance with the Gambling Commission's Guidance to Local Authorities.

## APPENDIX A

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			(to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## APPENDIX B

### LIST OF CONSULTEES

Association of Licensed Retailers Attwater & Liell Solicitors Berwin Leighton Paisner Solicitors Betting Offices Bill Rammell MP British Transport Police Butler & Mitchells Brewers Roman Catholic Church Church of England Citizens Advice Bureau Consumers Association Cooley Partnership Campaign for the Protection of Rural England Curwens Solicitors Council for Voluntary Services Crime and Disorder Strategy Panel East Herts DC EFDC Councillors EFDC Senior Officers Eleanor Laing MP Environment agency Epping Forest Conservators Epping Forest PCT Epping Magistrates Eric Pickles MP Essex Ambulance NHS Trust Essex County Council Essex Fire & Rescue Essex Police Essex Probation Service Essex Tourist Bodies Federation Synagogue Fosket Marr Gadsby & Head Game Care	Hammonds Solicitors Health and Safety Executive Essex HM Customs and Excise Jarmans Solicitors Laurel Pub Co Lea Valley Park Authority Limes Farm Synagogue Local Chambers of Commerce Local Council Liaison Committee Local Round Tables Mcmullens Brewery Parish and Town Councils Police & Community Consultative Group Princess Alexandra NHS Trust Ridleys Breweries Rural Community Council of Essex Scottish & Newcastle Retail Spirit Group Brewery Transport and General Workers Union Town Centre Partnerships Union of Shop, Distributive and Allied Workers Unison Licensed Victuallers Association Whiskers & Co Solicitors  All current gambling premises within the district.  Disabled Coalition Group Child Protection Essex County Council Gambling Commission HM Revenue & Customs
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## APPENDIX C

### RESPONSIBLE AUTHORITY'S FOR GAMBLING ACT 2005 APPLICATIONS

<p>Epping Forest District Council Civic Offices High Street Epping Essex CM16 4BZ Att; Mrs K Tuckey- Licensing Unit Tel: 01992 564034 Email: <a href="mailto:ktuckey@eppingforestdc.gov.uk">ktuckey@eppingforestdc.gov.uk</a></p>	<p>Head of Child Protection (Licensing Applications ) Essex County Council PO Box 297 County Hall Chelmsford Essex CM1 1YS <a href="mailto:licensingapplications@essexcc.gov.uk">licensingapplications@essexcc.gov.uk</a></p>
<p>Harlow Police Station The High Harlow Essex CM20 1HG Att: Peter Jones Tel:01279 625405 Email: <a href="mailto:peter.jones@essex.pnn.police.uk">peter.jones@essex.pnn.police.uk</a></p>	<p>Gambling Commission Victoria House Victoria Square Birmingham B2 4BP <a href="mailto:info@gamblingcommision.gov.uk">info@gamblingcommision.gov.uk</a></p>
<p>Essex Fire &amp; Rescue Service Harlow &amp; Epping Community Command Harlow Service Delivery Point Fourth Avenue Harlow Essex CM20 1DU Att : Community Commander Tel : 01279 420841 Email: <a href="mailto:he.command@essex-fire.gov.uk">he.command@essex-fire.gov.uk</a></p>	<p>HM Revenue &amp; Customs National Registration Unit Portcullis House Glasgow G2 4PZ <a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a></p>
<p>David Baker Planning Services Civic Offices High street Epping Essex CM16 4BZ Tel: 01992 564514 Email: <a href="mailto:dbaker@eppingforestdc.gov.uk">dbaker@eppingforestdc.gov.uk</a></p>	<p>Pollution &amp; Public Health Unit Civic Offices High Street Epping Essex CM16 4BZ Steve Harcher Tel:01992 564058 Email: <a href="mailto:sharcher@eppingforestdc.gov.uk">sharcher@eppingforestdc.gov.uk</a></p>