

Gambling Act 2005

Statement of Licensing Policy

This policy will be reviewed in January 2022

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All references to the Guidance are to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published September 2015 and updated September 2016.

PART A THE LICENSING OBJECTIVES

Fundamental Principles

In exercising their functions under the Gambling Act 2005, Epping Forest District Council, as the Licensing Authority, will promote the licensing objectives as set out in Section 1 of the Act.

The licensing objectives are:

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

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

This Licensing Authority is aware that, as 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;
- in accordance with this Statement of Policy.

For the purpose of this document, reference to "the Act" means the Gambling Act 2005.

1. 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 *131,140 people, making it the sixth largest local authority area in Essex in terms of population size and equates to an estimated increase of 816 since the 2011 census (a rise of 0.63%). Approximately half of the population live in the southwest of the district (Buckhurst Hill, Chigwell and Loughton). The remainder live in a mixture of market towns, villages and rural hamlets. The demographic of Epping Forest is similar to the county average, for children and young people aged 0-15 (19%), 16-64 years old (61.4%) and older people aged 65+ (19.6%). It is predicted that over the next 15 years the age split of the population will change slightly with a small increase in the proportion of older people (20.76%) and a small decrease in the percentage of young people aged 0-17 (18.3%) and residents aged 18-64 (60.9%).

* Data from Public Health Intelligence Research and Insight Essex County Council Sept 2019

Unemployment in the district is generally low and many residents enjoy a high standard of living, with Epping Forest representing the third highest (of 12) average income for Essex Districts. However, there are also areas of significant disadvantage and the district has four of the wards amongst the ten most deprived in Essex.

This Policy will be published every three years; but it will also be reviewed periodically as a result of legislative or policy change. Following consultation, it will be updated and re-published on the Council website.

The Gambling Act requires that licensing authorities consult with the following parties on the revision of their Licensing Policy:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The list of persons this authority consulted is attached as Appendix B. The full list of comments made in response to the consultation is available via the Council's website.

Copies were placed in the public libraries of the area as well as being available in the Civic Offices and on the website

Should you have any comments regarding this policy statement please send them via email or letter to the following contact:

Name: Licensing Manager
Address: Civic Offices, High Street, Epping, Essex CM16 4BZ
E-mail: 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.

2. Declaration

In producing this policy, 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 it.

3. Responsible Authorities

This Licensing Authority designates the Essex County Council's Safeguarding Children Service as the competent authority, as required under Section 157(h) of the Gambling Act, to advise about the protection of children from harm. The principles are:

4. 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 are 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 following principles apply:

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. 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 MPs, can be Interested Parties and are not required to evidence that they are acting on the direct request of constituents, provided they represent a ward likely to be affected. Likewise, where premises or activities relevant to this policy may affect a parish, that parish will be considered to be an Interested Party. In all other cases, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) ‘represents’ someone who meets criteria (a) or (b) above. A letter from one of those 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.

5. Exchange of Information

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

The principles of this Licensing Authority are that it will be compliant with the Data Protection Act 2018 and the General Data Protection Regulations (GDPR), relating to the sharing of information; it will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Any protocols that may be established regarding information exchange with other bodies, will be made available.

6. Public Register

The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others (e.g. H.M. Revenue and Customs). A Public Register

is available on the Licensing Authority's website that includes a list of all current licensed premises and permits under The Gambling Act 2005 within its District.

7. Enforcement

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

This Licensing Authority will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavor to be:

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

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

This Licensing Authority has adopted and implemented a risk-based inspection programme, based on:

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

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

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

8. Licensing Authority Functions

The Licensing Authority is required under the Gambling Act 2005 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;
- 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.

PART B PREMISES LICENCES

1. General Principles

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

2. Decision Making

The Licensing Authority, in making decisions about premises licences, will follow the Fundamental principles outlines above, 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 licensing policy.

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

3. Definition of Premises

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

about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

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

In accordance with the Gambling Commission’s Guidance, this Licensing Authority will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. This will include, in particular:

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

The Licensing Authority will also take account of other relevant factors, which may include:

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

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

Casinos

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

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per paragraph 7.23 of the Gambling Commission's Guidance to Licensing Authorities) or from premises with a betting premises licence;
- There must be no direct access from a betting shop to a premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and if there was to be a betting shop at the back of a café, the whole area would have to be licensed.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

4. Premises "ready for gambling"

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

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

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

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

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

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

5. Location

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises, but that considerations in terms of the licensing objectives are relevant to its decision making. As required by the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. The applicant must show 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. Should any other specific policy be decided upon as regards areas where gambling premises should not be located, this policy will be updated. It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Applicants will be expected to provide with their applications:

- Details of how the premises will operate to restrict access from children and vulnerable people;
- Whether a proof of age scheme is being used;
- If an appropriate number of security staff are employed at appropriate times;
- What the opening times are in order that they do not coincide with schools start and finish times.

6. Planning

This Licensing Authority, in determining applications, will take into consideration, all relevant matters and will not take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal; those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Equally, fire or health and safety risks will not be taken into account, as these matters are dealt with under other relevant legislation and must not form part of the consideration for the premises licence.

7. Duplication with other Regulatory Regimes

Although the Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, it will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning or other restrictions, should such a situation arise.

8. Licensing Objectives

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. This Licensing Authority notes 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. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider various factors in order to make that distinction, (for example whether police assistance was required and how threatening the behaviour was to those who could see it).

Ensuring that gambling is conducted in a fair and open way. This Licensing Authority notes that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.

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

The Licensing Authority acknowledges that Child Sexual Exploitation (CSE) does not just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises, however applicants should be equally aware of children in the proximity of the premises that may be waiting for or seeking older persons. There should be:

- regular staff training and awareness raising programmes;
- regular patrols of the premises including adjoining or outside areas to identify children outside a licensed premises or meeting adults leaving a licensed premises;
- raised awareness of children looking uncomfortable in the company of, or leaving a premises with, older people.

The Licensing Authority does not wish to create an impression that all contact between adults and children is inappropriate, however, operators must be made aware of the risks of CSE and should proactively minimise the risk.

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

Codes of practice are either:

- social responsibility code provisions - which must be adhered to by all licence holders;
- ordinary code provisions - these do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

Operators must comply with the code provisions covering risk assessments and local authority area profiles.

Assessing local risk

Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

Licensees must review (and update as necessary) their local risk assessments:

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

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

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder;
- local risk assessments should show how vulnerable people, including people with gambling dependencies, are protected.

The Risk Assessment should be kept on the individual premises and made available for inspection by the Licensing Authority on request.

Sharing local risk assessments

Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise, on request.

9. Local Area Profiles

Risk assessments can make reference to the Local Authority's Area Profile which may include reported gambling-related problems in an area. At the time of preparing this edition of the Statement of Licensing Policy, there has been no evidence presented to Epping Forest District Council to support the assertion that any part had or is experiencing problems from gambling activities. This position will be kept under review and, in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare an Area Profile accordingly.

As regards the term "vulnerable persons", it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who 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 Licensing Authority will consider this licensing objective on a case by case basis.

10. Conditions

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

- relevant to the need to make the proposed building suitable as a gambling facility;

- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

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

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

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.

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.

Door Supervisors

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

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

Credit

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATMs) may be installed in such premises. All premises licences include a mandatory condition which requires that any ATM made available for use on the premises, must be located in a place that requires any customer who uses the ATM to cease gambling in order to do so.

Adult Gaming Centres and Licensed Family Entertainment Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that persons under 18 years do not have access to the premises.

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

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

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

Casinos

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. Any such resolution will be made by Full Council.

Bingo Premises

The Gambling Commission's Guidance states:

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

Gaming machines must remain within the licensed area covered by the premises licence. In unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises (so that the area that was the subject of a single licence would become divided between a number of separate licensed premises) it is not permissible for all gaming machines to be grouped together with one of the licensed premises

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 and young people are allowed.”

Betting Premises

Betting machines - This Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

Fixed Odds Betting Terminals (FOBT's)

In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, the Licensing Authority will apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to comprehensively promote responsible gambling, adequately protect players, particularly in relation to those who are deemed to be vulnerable and to prevent persons under 18 years accessing gambling facilities.

In particular, applicants will be expected to show how they will prevent access to under 18's.

Tracks

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

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

This Licensing Authority may consider measures to meet the licensing objectives such as those outlined above.

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

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

The Local Authority considers a gaming machine is 'available for use' if a player can take steps to play it without the assistance of the operator. Where more than the permitted number of machines are physically located on a premises, licensees will need to demonstrate that no more than the permitted number are 'available for use' at any one time

11. Applications and Plans

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

Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

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

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

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

Travelling Fairs

Where category D machines and/or 'equal chance prize gaming without a permit' is provided at Travelling Fairs, the Licensing Authority will require that the facilities for gambling amount to no more than an ancillary amusement at the fair.

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

It is noted that the 27 day statutory maximum for the land being used as a fair, 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.

Provisional Statements

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

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

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

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

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

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

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

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

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

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.

12. Reviews

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.

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;
- if the request is reasonably consistent with the licensing objectives; and
- in accordance with this statement of licensing principles.

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

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

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

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

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

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

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

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

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the Chief Officer of Police or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART C - PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

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. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues."

Guidance also states: "...An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC (Family Entertainment Centre), and if the Chief Officer of Police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:

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

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

This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises, DBS checks for staff.

This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. Alcohol Licensed Premises Gaming Machine Permits

Automatic Entitlement: 2 machines

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.

Permit for three or more machines

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 persons under 18 years 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.

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. 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. 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. 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 as an Adult Entertainment Centre premises licence.

3. Prize Gaming Permits

The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority’s Statement of Principles requires that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm;
- training to cover how staff would deal with unsupervised and/or very young children on/around the premises and suspected truants.

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

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

Qualifying members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance states: "Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations." 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.

The Licensing Authority may only refuse an application on the grounds that:

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

Where a premises holds a Club Premises Certificate under the Licensing Act 2003, they may apply using the fast-track procedure. As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds on which an application under the process may be refused are:

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

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

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.

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices. The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

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)
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

<p>Alex Burghart MP Association of Multiple Licensed Retailers Attwater Jameson Hill Solicitors Bay Restaurant Group Bryan Cave Leighton Paisner Solicitors Betting Offices British Transport Police Campaign to Protect Rural England Chigwell and Hainault Synagogue Child Protection Essex County Council Church of England Citizens Advice Bureau Consumers Association Council for Voluntary Services Community Safety Partnership Curwens Solicitors EFDC Councillors EFDC Senior Officers Eleanor Laing MP Environment agency Epping Forest Conservators East of England Ambulance Service NHS Trust Essex Coalition for Disabled Group Essex County Council Essex Fire & Rescue Essex Police Service Essex Probation Service Essex Tourist Bodies Federation of Licensed Victuallers Association Federation of Synagogues Fosket Marr Gadsby & Head GamCare</p>	<p>Gambling Commission Greene King Health and Safety Executive Essex HM Customs and Excise HM Revenue & Customs Jarmans Solicitors Lea Valley Regional Park Authority Local Chambers of Commerce Local Council Liaison Committee Local Round Tables McMullens Brewery Methodist Church Mitchells & Butlers Brewery Neighbouring Local Authorities Other Faith Groups Parish and Town Councils Princess Alexandra NHS Trust Punch Taverns Robert Halfon MP Roman Catholic Church Rural Community Council of Essex Spirit Group Retail Ltd Town Centre Partnerships Union of Shop, Distributive and Allied Workers Unison Unite West Essex CCG Whiskers & Co Solicitors All current gambling premises within the district</p>
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APPENDIX C RESPONSIBLE AUTHORITIES FOR GAMBLING ACT 2005 APPLICATIONS

<p>Epping Forest District Council Civic Offices High Street Epping Essex CM16 4BZ Attn; Licensing Unit Tel: 01992 564034 licensing@eppingforestdc.gov.uk</p>	<p>Head of Child Protection (Licensing Applications) Quality Assurance & Safeguarding Service Family Operations Essex County Council 70 Duke Street Chelmsford Essex CM1 1YS licensingapplications@essexcc.gov.uk</p>
<p>The Licensing Department (alcohol) Essex Police Braintree Essex CM7 3DJ Tel : 01245 452035 licensing.applications@essex.police.uk</p>	<p>Gambling Commission Victoria House Victoria Square Birmingham B2 4BP info@gamblingcommission.gov.uk</p>
<p>Essex Fire & Rescue Service South West Group Service Delivery Point Fire Station Broadmayne Basildon Essex SS14 1EH Tel : 01376 576700 Email: southwestgroupSDP@essex-fire-gov.uk</p>	<p>HM Revenue & Customs Excise Processing team Gambling Duties BX9 1GL Email: Nrubetting&gaming@hmrc.gsi.gov.uk Tel. 0300 200 3700</p>
<p>Director of Planning Civic Offices High Street Epping Essex CM16 4BZ Tel: 01992 564514 Email: Contactplanning@eppingforestdc.gov.uk</p>	<p>Public Health Unit Civic Offices High Street Epping Essex CM16 4BZ Brian Stalabrass – Business and Corporate Team Manager, Commercial and Regulatory Service Directorate Tel:01992 564058 Email: bstalabrass@eppingforestdc.gov.uk</p>