

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 24th November 2009
CONTACT OFFICER: Shabana Kauser, Senior Democratic Services Officer
(For all Enquiries)
WARD(S): All

PART I
FOR DECISION

**RECOMMENDATIONS OF THE LICENSING COMMITTEE FROM ITS MEETINGS
HELD ON 29th SEPTEMBER AND 4th NOVEMBER, 2009**

(A) GAMBLING ACT 2005, STATEMENT OF PRINCIPLES 2009

1. **Purpose of Report**

To consider the recommendation of the Licensing Committee from its meeting held on the 29th September, 2009 to adopt the outcome of the statutory public consultation on the Gambling Act 2005 Statement of Principles (revised 2009).

2. **Recommendation**

That the Council adopt the Gambling Act 2005 Statement of Principles (as amended 2009) as the Council's gambling policy (**Appendix A**).

3. **Community Strategy Priorities**

Being Safe, Feeling Safe.

The Statement of Principles safeguards children, vulnerable people and their families from being adversely affected by gambling.

4. **Other Implications**

(a) **Risk Management**

<i>Recommendation</i>	<i>Risk/Threat/Opportunity</i>	<i>Mitigation(s)</i>
That the Council is recommended to approve and publish the revised Statement of Principles	The Council (Licensing Authority) must prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Act. This is a statutory	Statutory requirement for the policy to be reviewed every three years following a full consultation with statutory consultees and members of the public.

	requirement under the Act and in line with the Gambling Commission's Guidance.	
--	--	--

(b) Financial

There are no financial implications of proposed action.

(c) Human Rights Act and other Legal Implications

There are no direct Human Rights Act or other legal implications

(d) Equalities Impact Assessment

An equalities impact assessment has been completed and the conclusions are that there are no adverse or negative impacts of opportunity for any equality target group or for any other reason.

5. **Supporting Information**

5.1 The Gambling Act 2005 placed the responsibility for the regulation of gambling on the Gambling Commission and local authorities. In brief, the function of the Gambling Commission is to regulate the operators of gambling premises and to issue codes of practice and guidance. The functions of the Council are: to license premises for gambling activities; consider notices for temporary use of premises for gambling; grant permits for gaming and gaming machines in clubs and miners' welfare institutes; regulate gaming and gaming machines in alcohol licensed premises; grant permits to family entertainment centres for the use of certain lower stake gaming machines; grant permits for prize gaming; consider occasional use notices for betting at tracks; and register small societies' lotteries.

The Council is required under the Gambling Act to put in place a policy, which is called a Statement of Principles, which it proposes to apply when exercising its functions under the Act. The original policy, which was placed before the Licensing Committee on 8th November, 2006 and approved by Council on 12th December of that year, is required to be reviewed at least every three years. The amended 2009 draft Statement of Principles is attached as **Appendix "A"**. This amended Statement of Principles has been based on and in accordance with the Gambling Commission's "Guidance to Licensing Authorities 3rd Edition" dated May 2009.

This Statement is first and foremost subject to the three licensing objectives under the Gambling Act 2005, which are:

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

- 5.2 The Gambling Act requires that there is a consultation on the draft Statement of Principles and a consultation was carried out between 17th April and 15th August, 2009. The consultation has included press releases, an interview on Time FM, placing the draft Statement with information about the consultation on the Council's website and writing to the persons or organisations listed in Appendix C of the new draft policy.
- 5.3 There has been very little feedback from the consultation. The reasons for this are thought to be that:
- The draft Statement is very comprehensive and in line with the legislation and Gambling Commission guidance and consultees are generally in agreement with it
 - The feature of the Gambling Act which is causing public concern relates to casinos. Provisions for the regulation of casinos are not included in the draft Statement of Principles as the Council has decided, following an earlier consultation, that casinos will not be allowed in the Borough.

Recommendation of the Committee

- 5.4 Licensing Committee Members welcomed the report and recommended that the Council adopt the Gambling Act Statement of Principles 2009, as now submitted, as the authority's gambling policy.

6. Appendices Attached

Appendix A - The draft 'Statement of Principles'

7. Background Papers

Gambling Commission Guidance
The current Gambling Act 2005 Statement of Principles
Equality Impact Assessment Screening
Agenda and Minutes of the Licensing Committee – 29.09.2009

(B) POLICY OF NOT LICENSING PRIVATE HIRE OPERATORS BASED OUTSIDE THE BOROUGH

1. **Purpose of Report**

To consider the recommendation of the Licensing Committee from its meeting held on the 4th November, 2009 to adopt a new policy for Slough Borough Council to cease licensing private hire operators whose operating base is not within the Borough boundary.

2. **Recommendation**

- (a) That a policy not to license any new private hire operator based outside the Borough be adopted.
- (b) That any private hire operator currently licensed by Slough Bough Council based outside the Borough boundary will be given written notice that their operator's licence will only continue for maximum period of 12 months from the date of the Council decision.
- (c) That any private hire operator currently licensed by Slough Bough Council based outside the Borough boundary may renew their operator's licence but only for the maximum period of 12 months from the date of the Council decision.

3. **Community Strategy Priorities**

- Adding years to life and Life to years
- Being Safe, Feeling safe
- Prosperity for All

4. **Other Implications**

(a) **Financial**

Refusing to grant or renew private hire operators licences based outside the Borough will result in a reduced income in operator fees. In addition if the policy was approved there would be further reduction in income as drivers and vehicles used by the operator may have to get licensed by another local authority where the operator is based. However, the majority of those operators licensed outside the Borough are small companies or 'one man bands' which means that the reduction in income will be minimal. There will be estimated reduced income of approximately £18,000 in a full financial year.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigations
From Section 2	The Council will be able to refuse to accept or grant an application for a Private Hire Operator's Licence for outside the Council boundary	The new policy will ensure enhanced enforcement and checks of Operator bases, drivers and vehicles.

(c) Human Rights Act and other Legal Implications

Articles 1 and 6 of The Human Rights Act apply

Article 1 – states the every person is entitled to the peaceful enjoyment of his or her possessions including, for example the possession of a licence.

Article 6 – that in the determination of civil rights and obligations every one is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 enables the licensing authority to suspend, revoke or refuse to renew an operator's licence on any of the following grounds;

- (a) any offence under, or non-compliance with, the provisions of this act;
- (b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operators licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- (d) any other reasonable cause.

(d) Equalities Impact Assessment

An equalities impact assessment has been completed and the conclusions are that there are no adverse or negative impacts of opportunity for one group or any other reason.

5. Supporting Information

Background

- 5.1 Slough Borough Council currently has 85 licensed private hire operators. Of those Operators, 25 are located and physically based outside the Borough.
- 5.2 Historically, private hire operator licences have been granted to operators based outside of the Borough of Slough as there is nothing specific within the Local Government (Miscellaneous Provisions) Act 1976 that forbids it, but the three

licence rule must apply in that if the operator is licensed by Slough Borough Council so must all the drivers and vehicles. In addition some private hire operators were originally based in Slough when first licensed but have over the years moved to locations outside the Borough. It is a matter for the licensing authority to create a policy whereby only operators physically based within the Borough can be licensed and that the policy may or may not include grandfather rights for a given period of time.

- 5.3 South Bucks District Council already has a policy in place for not licensing private hire operators outside their Borough boundary and on 19th October 2009 the Royal Borough of Windsor and Maidenhead (RBWM) also approved a policy of not licensing private hire operators out their Borough Boundary
- 5.4 Licensing private hire operators who are not located in Slough presents a range of logistical problems. Enforcement has been and would remain impractical and costly due to the distances officers would be required to travel to carry out routine inspections of the distant operating bases. Furthermore, with this logistical problem officers would never know if unlicensed drivers and vehicles are being used.
- 5.5 Some private hire operators have operators' licences not only for their physical base in Slough but also with RBWM for the same premises. These are referred to as dual operating licences and this again has caused officers from both Slough and RBWM considerable problems in ensuring the companies are operating legally. In essence the ruling by way of case stated in ***Dittah v Birmingham City Council [1993] RTR 356*** must apply in that where an operator is licensed with a district council (e.g. Slough Borough Council) then the operator must only use drivers and vehicles licensed by Slough Borough Council. Likewise if the operator is licensed by RBWM then they must only use drivers and vehicles licensed by RBWM.
- 5.6 The problems that have been encountered over the last year are that some operators have failed to comply with the above ruling and in addition they have not been maintaining separate records for each operator's licence with regards to taking bookings, licensed drivers, vehicles and call signs and also separate telephone numbers. This has necessitated officers carrying out regular time consuming inspections to advise and educate some operators to ensure that they are complying with the requirements of the above ruling. The implementation of this policy for Slough Borough Council and by RBWM will negate this area of possible non-compliance.
- 5.7 A full consultation has been conducted with all private hire operators licensed by Slough Borough Council on 16th July 2008, 15th June 2009 and finally notifying them of the proposals on 5th August 2009.
- 5.8 It is believed that a number of private hire drivers and their vehicles currently licensed by RBWM will instead apply to be licensed by Slough Borough Council as the physical base is situated in Slough which will reduce the reduction in

income by a considerable amount. One operator has already taken this particular route to ensure compliance.

5.9 **Proposed New Policy**

- That the Council will not accept any new applications for private hire operator licences to be based outside the Borough boundary.
- That any private hire operator currently licensed by Slough Bough Council based outside the Borough boundary will be given written notice that their operator's licence will only continue for a maximum period of 12 months from the date of the Council decision.
- That any private hire operator currently licensed by Slough Bough Council based outside the Borough boundary may renew their operator's licence but only for the maximum period of 12 months from the date of the Council decision.

5.10 These proposals will ensure that sufficient time is given to the operators and if necessary the drivers and vehicles used by that operator to be licensed by the local authority in which they are based.

Recommendation of the Committee

Licensing Committee Members welcomed the report and recommended that the Council adopt a policy not to license any new private hire operator based outside the Borough.

6. **Background Papers**

1. The Local Government (Miscellaneous Provisions) Act 1976
2. Court ruling '*Dittah v Birmingham City Council [1993] RTR 356*'
3. Equality Impact Assessment Screening
4. Agenda and Minutes of the Licensing Committee – 4 November 2009

(C) **ADOPTION OF DEPARTMENT FOR TRANSPORT TAXI & PRIVATE HIRE LICENSING BEST PRACTICE GUIDANCE IN RELATION TO STRETCH LIMOUSINES AND INTRODUCTION OF A VEHICLE AGE POLICY FOR SUCH VEHICLES**

1. **Purpose of Report**

To inform Members of the proposed adoption of the Department for Transport Taxi & Private Hire Licensing Best Practice Guidance and for Council to approve the introduction of a vehicle age policy for stretch limousines.

2. **Recommendation**

That there be no limit on the age of stretch limousines to be licensed. However, all vehicles must be presented for inspection by Licensing Officers prior to licensing and that the following criteria are to be met by stretch limousines to be licensed by the Council:

- (a) All vehicles must be constructed to carry no more than eight passengers.
- (b) A valid Single Vehicle Approval (SVA) certificate must accompany a licence application, without which no licence shall be issued.
- (c) All vehicles must obtain a Slough Borough Council issued Certificate of Compliance from a designated garage every six months so long as the vehicle is licensed.
- (d) Appropriate seat belts must be provided for all passengers in the forward and rearward facing seats.
- (e) All tyres and rims must comply with or exceed the vehicle manufacturer's requirements or specifications.
- (f) All windows in the driver's cab area shall conform to current legislation with regards to tints.
- (g) All glassware provided by the proprietor for use in the vehicle shall be in polycarbonate or shatter-proof glass.

3. **Community Strategy Priorities**

- Adding years to life and Life to years
- Being Safe, Feeling safe
- Prosperity for All

4. **Other Implications**

- (b) **Financial** – None.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigations
From Section 2	None	By adopting the DFT Best Practice Guidance, the Council will ensure that all such vehicles have undergone the SVA Test, ensuring public safety and public health and well being.

(c) Human Rights Act and other Legal Implications

Articles 1 and 6 of The Human Rights Act apply

Article 1 – states the every person is entitled to the peaceful enjoyment of his or her possessions including, for example the possession of a licence.

Article 6 – that in the determination of civil rights and obligations every one is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides as follows:

(1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied—

- (a) that the vehicle is -
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable;
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988,

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

(e) Equalities Impact Assessment

An equalities impact assessment has been completed and the conclusions are that there are no adverse or negative impacts of opportunity for one group or any other reason.

5 Supporting Information

- 5.1 The Licensing Team have for some time been carrying out a review of existing policy documents pertaining to all aspects of private hire licensing in order to bring them in line with best practice guidance as well as neighbouring local authorities.
- 5.1 Slough Borough Council has only previously licensed vehicles that have been manufactured within the European Union or manufactured specifically for the European market and this vehicle have met the European Whole Vehicle Type Approval or UK Low Volume approval.
- 5.2 In recent years there has been an influx of stretch limousines imported from North America. These vehicles are hired out to members of the public for weddings, funerals, hen nights and, more recently, Prom nights which are a formal dance, held by a high school or college class at the end of an academic year.
- 5.3 A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures and is capable of carrying more passengers than the original donor vehicle.
- 5.4 Some of these limousines may also be able to carry up to 12 passengers or more at a time. This is achieved by way of seats that are set along the sides of the passenger compartment.
- 5.5 The Local Government (Miscellaneous Provisions) Act 1976 makes it clear that vehicles that are constructed to carry more than eight passengers cannot be licensed by local authorities (these vehicles require a Public Service Vehicle Licence granted by the Traffic Commissioner. It is to this end that this policy shall only apply to those vehicles that are constructed to carry no more than eight passengers.
- 5.6 Many local authorities refuse to licence stretch limousines as they feel that they do not meet the vehicle criteria in their policies. The Department for Transport

however, has encouraged local councils not to impose a blanket ban on stretch limousines but to consider licensing them on a case by case basis.

- 5.7 It is with the Department for Transport's guidance in mind that Licensing Officers feel that should a limousine proprietor wish to licence their vehicle that Slough Borough Council should not refuse to licence such a vehicle so long as it meets the criteria approved by the Licensing Committee.

Recommendation of the Committee

Licensing Committee Members recommended that there be no limit on the age of stretch limousines to be licensed subject to the criteria as detailed in the report having been met.

6 Background Papers

5. The Local Government (Miscellaneous Provisions) Act 1976
6. Equality Impact Assessment Screening
7. Department for Transport Taxi & Private Hire Licensing: Best Practice Guidance
4. Department for Transport Guidance for Operators of Stretch Limousines

(D) **MINIMUM SIZE OF VEHICLES TO BE LICENSED AS HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

1. **Purpose of Report**

To consider the recommendation of the Licensing Committee regarding the size of prospective hackney carriage and private hire saloon vehicles.

2. **Recommendations**

That a new policy in respect of the minimum sizes to be met by hackney carriage and private hire saloon vehicles be approved as follows:

(a) Any vehicle that is to be licensed by Slough Borough Council must be in the Euro NCAP or European Classification groups as attached in Appendix A and that:

(i) Only those vehicles that fall into the following Euro NCAP categories; Large family, Executive, Small MPV*, Large MPV, Large Off-Road 4x4 (European Commission classification D, E, F M* and J**)

(ii) *Only the compact MPV categories shall be licensed in the M segment and these vehicles shall only be licensed to carry four passengers

(iii) **Only the large off-road 4x4 vehicles shall be licensed in the J segment

(b) Any vehicle that is presented for licensing by Slough Borough Council that does not meet these minimum standards will not be licensed.

3. **Key Priorities – Taking Pride in Slough and making a Difference to Communities and our Environment.**

Priority 1 – Creating safe, environmentally friendly and sustainable neighbourhoods.

Aims

1.3 Protect and enhance public health and well being

Licensing regulation directly contributes to the aim of protecting and enhancing public health and well being.

4. **Other Implications**

(c) **Financial**

None.

(d) Human Rights Act and other Legal Implications

Articles 1, 6 and 8 of the Human Rights Act apply

Article 1 – states the every person is entitled to the peaceful enjoyment of his or her possessions including, for example the possession of a licence.

Article 6 – that in the determination of civil rights and obligations every one is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

5. Supporting Information

- 5.1 On 1st August 2001, the Licensing Committee approved a policy that set out the minimum interior seating dimensions that must be met by all prospective hackney carriage and private hire vehicles
- 5.2 Since 2001 a the number of vehicle brands and models available to current and prospective drivers has obviously increased, with officers on occasion having to search the internet to find images of vehicle models that have not been licensed previously, as not all car makes and models are common in all countries and names for the same vehicle can differ by region.
- 5.3 Currently, should a prospective licence holder present for licensing, a vehicle which is of a make and model that Licensing Officers are unfamiliar with, Officers must take measurements of the interior dimensions to ascertain the vehicle's suitability and these results may be inaccurate.
- 5.4 If however the prospective licence holder has not yet purchased a vehicle, and wants to know if his intended purchase will be suitable, finding the correct interior dimensions can be very difficult and time consuming.
- 5.5 It is also worth noting that the suitability of a vehicle for hackney carriage and private hire licensing can be subjective, with the owner of the vehicle on occasions disagreeing with the Licensing Officer's view that the vehicle is not fit for more than three adults.
- 5.6 Using an industry-wide recognised method of classifying passenger vehicles into categories, and then choosing the groups that are suitable to be licensed, allows for clear and concise boundaries to be drawn. It also allows the Licensing Office to easily keep abreast of changes that are made to different vehicle manufacturers' products.
- 5.7 Licensing Officers feel that the categories of vehicle listed in **Appendix B** are suitable to be licensed as hackney carriage and private hire vehicles (this does not refer to or affect in any way the policy on wheelchair accessible vehicles).

6. **Recommendation of the Committee**

Licensing Committee Members welcomed the report and recommended that the Council adopt a new policy in respect of the minimum sizes to be met by hackney carriage and private hire saloon vehicles.

7. **Appendices Attached**

Appendix B - Car Classification groups to be licensed.

8. **Background Papers**

1. Local Government (Miscellaneous Provisions) Act 1976 (As amended by the Transport Act 1985)
2. Agenda and Minutes of the Licensing Committee – 04.11.2009

SLOUGH BOROUGH COUNCIL

Gambling Act 2005

Statement of Principles

(Draft Revision 2009)

SLOUGH BOROUGH COUNCIL
STATEMENT OF PRINCIPLES
Gambling Act 2005

Contents

<u>ITEM</u>	Page
Part A	
1. The licensing objectives	1
2. Introduction	1
3. Declaration	3
4. Responsible Authorities	3
5. Interested parties	3
6. Exchange of information	4
7. Enforcement	5
8. Licensing authority functions	6
Part B - Premises licences	
1. General Principles	7
2. Adult Gaming Centres	11
3. (Licensed) Family Entertainment Centres	11
4. Casinos	12
5. Bingo	12
6. Betting premises	13
7. Tracks	13
8. Travelling fairs	14
9. Provisional Statements	15
10. Reviews	15
Part C - Permits / Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre gaming machine permits	16
2. (Alcohol) Licensed premises gaming machine permits	17
3. Prize Gaming Permits	18
4. Club Gaming and Club Machines Permits	18
5. Temporary Use Notices	19
6. Occasional Use Notices	20
Appendices	
'A' Plan	21
'B' Summary of Licensing Authority Delegations	22
'C' Consultees	23
'D' Gambling Act Glossary	24

PART A

1. The Licensing Objectives

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

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

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

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

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

2. Introduction

The Borough of Slough is located in the Thames Valley, 20 miles to the west of the centre of London and close to Windsor, Maidenhead and Reading. The Borough covers an area of 32.5 square kilometres. These areas are shown in the map below.

Located along the M4 corridor, Slough is close to Heathrow Airport and is within easy access of the M40 which runs to the Midlands, the M1 which runs to the north and the M3 which runs to the south. Slough Town Centre is served by a Great Western mainline railway station from which the fastest journey time to London Paddington is 15 minutes.

The population of Slough is 119,000. It is a culturally diverse Borough with a range of communities. Slough is often described as a “fusion of different cultures.” There are strong Indian and Pakistani communities and more than a third of the population are from minority ethnic communities.

The Borough is heavily urbanised with residential and commercial areas. To the west of the Borough is the Slough Trading Estate, a large commercial area comprising approximately 672,274 square metres. There are entertainment venues comprising of public houses and nightclubs in Slough Town Centre and in suburban locations, where there are also members’ clubs. There are betting shops in Slough Town Centre and in suburban locations. There are 2 amusement arcades in Slough Town Centre.

A map of the Borough is appended as **Appendix “A”**.

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

Slough Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

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

A list of persons consulted by this authority is appended at **Appendix “C”**:

Our consultation took place primarily between 17th April 2009 and 15th August 2009 but we were open to receiving and considering observations on the draft statement up to the 1st September 2009 and we took account of the Revised Code of Practice to Licensing Authorities 3rd Edition, which was published in May 2009 and the HM Government Code of Practice on Consultations (published May 2009). The latter document is available via: <http://www.berr.gov.uk/files/file47158.pdf>

The full list of comments made and the consideration by the Council of those comments is available by request to: The Licensing Team, Public Protection Services, Slough Borough Council, at My Council, Landmark Place, High Street, Slough SL1 1JL.

The policy was approved at a meeting of the Full Council on **xxx** and was published via our website on **xxx**. Copies are available from the Licensing Team, Public Protection Services in My Council (at the postal address given in the preceding paragraph) and from our website.

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

Name: Licensing Team, Public Protection Services, Slough Borough Council
Address: My Council, Landmark Place, High Street, Slough SL1 1JL
E-mail: [licensing@slough .gov.uk](mailto:licensing@slough.gov.uk)

It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each 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, this 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 the statement.

4. Responsible Authorities

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

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 will be available via the Council's website at: www.slough.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 to Licensing Authorities at 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Committee and Member Services at the Town Hall, Bath Road, Slough, Berkshire SL1 3UQ.

6. Exchange of Information

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

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

Should any protocols be established as regards information exchange with other bodies then they will be made available.

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's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

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

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

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

This 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 are available upon request to the Licensing Team at Public Protection Services, Slough Borough Council, My Council, Landmark Place, High Street, Slough SL1 1JL or licensing@slough.gov.uk.

8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*

- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B

PREMISES LICENCES; CONSIDERATION OF APPLICATIONS

1. General Principles

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.

(i) Decision-making

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with this authority's Statement of Licensing Policy

It is appreciated that as per the Gambling Commission's Guidance to Local 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 below – page 12) and also that unmet demand is not a criterion for a licensing authority.

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

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

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

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

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

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

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

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

7.25:

Adult Gaming Centre

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

Betting Shops

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

of a café – the whole area would have to be licensed.

Bingo Premises

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

Family Entertainment Centre

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

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

(iii) Premises “ready for gambling”

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

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

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

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

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

(iv) Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling

Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

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

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

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

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is

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

***Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become 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 has noted the Gambling Commission's Guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

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

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to, people who 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

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

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

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

offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

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

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

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

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

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

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

Door Supervisors - The Gambling Commission advises in its Guidance for 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. Where operators and licensing authorities decide that supervision of entrances / machines is appropriate for particular cases, it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the

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

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

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

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

3. (Licensed) Family Entertainment Centres

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

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

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises
- All staff to produce a current Criminal Records Bureau disclosure which is approved by the Police
- Prepared plans of the premises
- Suitable public liability insurance
- Procedures to ensure public safety

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

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

4. Casinos

This licensing authority has passed a 'no casino' resolution on the basis that a full public consultation was conducted in 2006 with the Council resolution to approve a 'No Casino' policy. A further three yearly review of the policy and a further public consultation was conducted in 2009 with a further resolution of a 'No Casino' policy, which came into effect on 21st July 2009.

Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

5. Bingo premises

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

18.4 - It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate 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 the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This licensing authority is also aware that the Gambling Commission has stated that it is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

6. Betting premises

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

7. Travelling Fairs

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

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

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

8. Provisional Statements

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

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

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

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

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

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be

constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

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

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

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

9. Reviews:

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

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

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

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

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

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

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

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

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

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

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

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

PART C

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

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

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

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

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

Statement of Principles This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1)) Automatic entitlement; 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

Permit; 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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

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

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 propose to consider in determining the suitability of the applicant for a permit”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

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

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

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

4. Club Gaming and Club Machines Permits

Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

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, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations."

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

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

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

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

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

5. Temporary Use Notices (TUN)

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

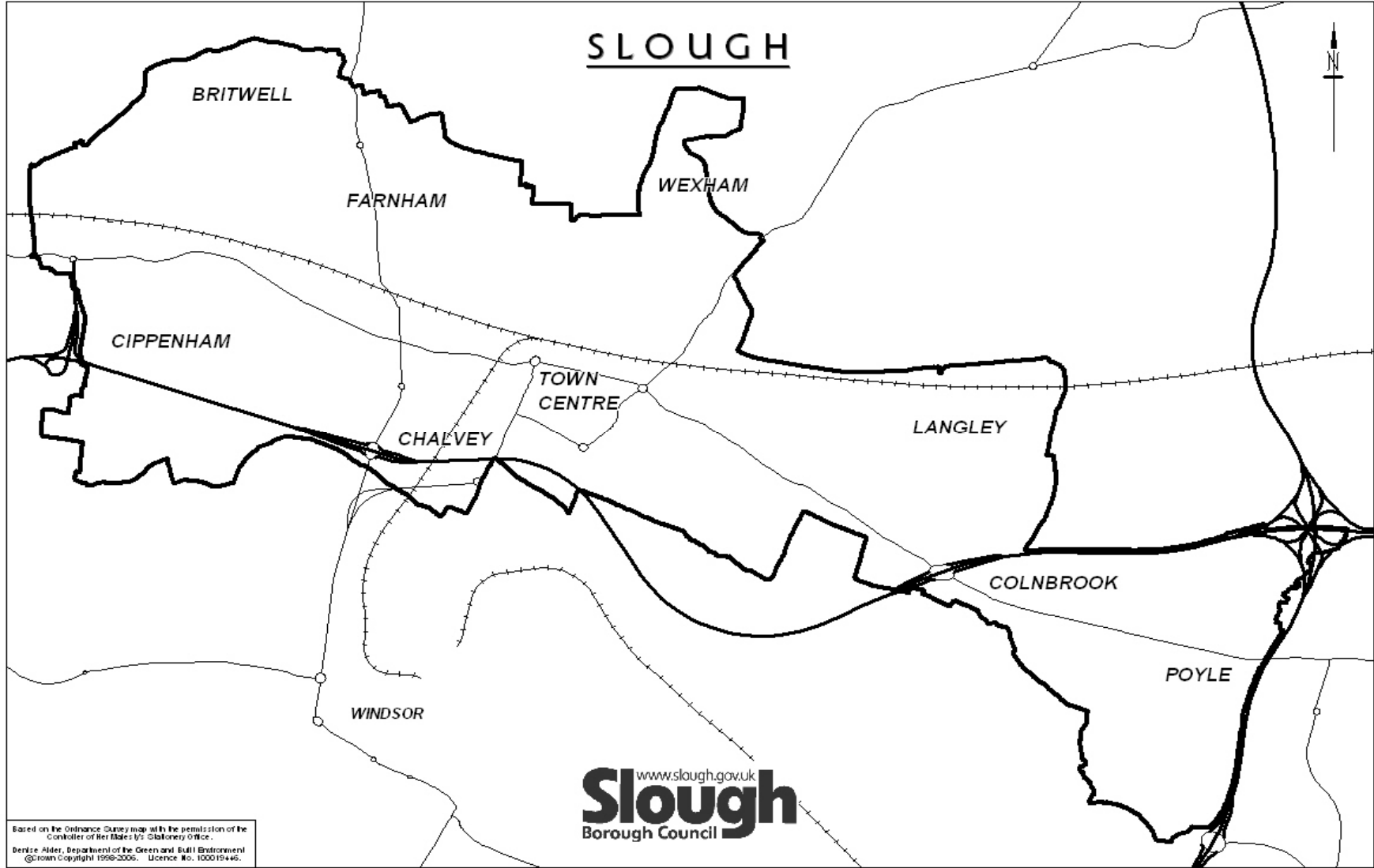
There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

6. Occasional Use Notices (OUN)

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.



Based on the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office.
Denise Alder, Department of the Green and Built Environment
© Crown Copyright 1998-2005. Licence No. 100019445.

Summary of Licensing Authority Delegations Permitted under The Gambling Act

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Approval of three year Statement of Principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for Premises Licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for 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 and not withdrawn	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 objections have been made (and not withdrawn)	Where no objections made / objections 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 be temporary use notice		X	

'X' - Indicates the lowest level to which decisions can be delegated

List of Consultees

Chief Constable of Thames Valley Police
Royal Berkshire Fire & Rescue Service
Association of British Bookmakers
Lotteries Council
British Amusement Catering Trade Association
British Casino Association
Remote Gambling Association
Bingo Association
British Horseracing Board
Advertising Association
British Greyhound Racing Board
Casino Operators Association
Business in Sport & Leisure
Department for Culture, Media and Sport
Casino Advisory Panel
National Lottery Commission
Gamcare
Popleston Allen
Bond Pearce
Berwin Leighton Paisner
Turbervilles
Help the Aged
Thames Valley Chamber of Commerce
British Beer and Pub Association
BIIAB
BACTA
Heatherwood & Wexham Park Hospitals NHS Trust
Slough Council for Voluntary Service
Slough Primary Care Trust
Thames Valley University, Slough Campus
Slough Faith Partnership
Slough Business Community Partnership
Members of Outside Bodies on Borough Council Children's Trust Board
All Premises in the Borough with Gaming Machines
All Premises in the Borough with a Bookmakers Permit
All Premises in the Borough with a Betting Office Licence
Borough Council Education and Children's Services
Borough Council Community Safety Team

In addition, responses to the consultation were invited by press releases to local newspapers and radio stations.

Gambling Act Glossary

Adult Gaming Centres	Adult Gaming Centres (AGCs) are a new category of Premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence and must seek a Premises licence from the Licensing Authority. They will be able to make category B, C and D gaming machines available to their customers.
Betting Premises	The Act contains a single class of licence for betting Premises. Within this single class of licence there will be different types of Premises which require Licensing, such as off course betting, tracks and betting offices on tracks.
Bingo	It is to have its ordinary and natural meaning - no definition is included in the Act. Two types of Bingo can be offered. Cash bingo - where the stakes paid made up the cash prizes that were won; or Prize bingo - where various forms of prizes are won and are not directly related to the stakes paid.
Casinos	A Casino is an arrangement whereby people are given an opportunity to participate in one or more Casino games. The Act defines Casino games as a game of chance which is not equal chance gaming.
Customer Lottery	A lottery run by occupiers of a business for the benefit of the customers who buy tickets sold on the Premises (e.g. supermarket holding a hamper raffle).
Exempt Lottery	Incidental non-commercial lotteries Private Lotteries Customer Lotteries Small Society Lotteries
Gambling Act 2005	The Act gives effect to the Government's proposals for reform of the law on gambling. The Act contains a new regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and Spread Betting. It received royal assent on 7 April 2005.
Gambling Commission	Established 1 st October 2005. It has taken over from the Gaming Board for Great Britain relating to gaming and certain lotteries. It will take on its full range of Licensing functions in 2007.
Gaming Machines	Covers all machines on which people can gamble on. Category of machine and where they can be situated are contained in Appendix C.
Incidental Non-Commercial Lottery	Lottery that is run as an additional amusement at non-commercial events with tickets sold only during the event, such as a raffle at a dance or church fair.
Licensed Family Entertainment Centre	The Act creates two classes of family entertainment centres (FEC). Licensed FECs provide category C and D machines and require a Premises licence.

Lotteries	It is unlawful to run a lottery unless it is in accordance with an operating licence issued by the Gambling Commission or it is an exempt lottery.
Occasional Use Notices	Section 39 of the Act provides that where there is a betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full Premises licence.
Off course betting	Betting that takes place other than at a race track.
Private Lottery	Lottery that requires membership of a society, place of work or single residential unit (e.g. raffle at a student hall of residence).
Small Society Lottery	Non-commercial societies if it is established and conducted: <ul style="list-style-type: none"> • For charitable purposes • For the purposes of enabling participating in, or of supporting, sport, athletics or a cultural activity; or • For any other non-commercial purpose other than private gain.
Temporary Unit Notices	These 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 which might be suitable for temporary use notices would include hotels, conference centres and sporting venues.
Track	Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks both in the form of pool betting (often known as the “totalisator” or “tote”) and also general betting, often known as “fixed-odds” betting.
Travelling Fairs	A travelling fair is one that “wholly or principally” provides amusements and they must be on a site that had been used for fairs for no more than 27 days per calendar year. No permit is required for gaming machines, but they must comply with age restrictions.
Unlicensed Family Entertainment Centres	Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

Category of Machine	Maximum Stake	Maximum Prize	Minimum Age
A	Unlimited	Unlimited	18
B1	£2	£4,000	18
B2	£100 or £15 per chip	£500	18
B3	£1	£500	18
B4	£1	£250	18
C	£1	£70	18
D	10p or 30p when non - monetary prize	£5 cash or £8 non-monetary prize	None
Crane Grab Machines	10p pr £1 non-monetary prize	£5 or £50 non-monetary prize	None
Coin Pushers		£15 (up to £8 cash)	None

Premised Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Regional Casino (machine / table ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large Casino (machine / table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D, within the total limit (subject to table ratio)					
Small Casino (machine / table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D, within the total limit of 80 (subject to table ratio)					
Pre-2005 Act Casinos (no machine / table ratio)		Maximum of 20 machines categories B to D <u>or</u> C or D machines instead					
Betting Premises and tracks occupied by Pool Betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 8 machines in category B3 or B4		No limit C or D machines	
Adult Gaming Centre				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Family Entertainment centre with Premises Licence						No limit or Category C or D machines – Category C machine must be in separate area	
Family entertainment centre (with permit)							No limit on Category D machines
Prize gaming Permit							No gaming machines
Club Machine Permits					Maximum of 3 machines in categories B4 to D		
Club Gaming Permit					Maximum of 3 machines in categories B4 to D		
Qualifying alcohol licensed Premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed Premises with gaming machine permit						Number of machines C or D as specified on permit	
Travelling Fair							No limit on Category D machines
	A	B1	B2	B3	B4	C	D

<u>American English</u>	<u>British English</u>	Car Classification		<u>Euro NCAP</u>	<u>Examples</u>
		<u>European Commission classification</u> ^[4]			
Mid-size car	Large family car	D-segment		Large family car	Ford Mondeo, Opel Vectra, Toyota Avensis, VW Passat
Entry-level luxury car	Compact executive car				
Full-size car	Executive car	E-segment		Executive car	Ford Crown Victoria, Holden Commodore, Opel Omega, Chrysler 300C
Mid-size luxury car					Audi A6, BMW 5 Series, Jaguar XF, Mercedes E-Class
Full-size luxury car	Luxury car	F-segment		-	Audi A8, BMW 7 Series, Jaguar XJ, Mercedes S-Class
Compact minivan	Compact MPV, Midi MPV	M-segment		Small MPV	Mazda5, Opel Zafira, Renault Scénic, VW Touran
Minivan	Large MPV			Large MPV	Ford Galaxy, Toyota Previa, Renault Espace, VW Sharan
Mid-size SUV					Ford Explorer, BMW X5, Jeep Grand Cherokee, VW Touareg,
Full-size SUV	Large 4x4	J-segment		Large Off-Road 4x4	Cadillac Escalade, Chevrolet Suburban, Range Rover, Toyota Land Cruiser Audi Q7

4^ European Commission classification