

Agenda



Listening Learning Leading

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Date: 11 September 2013

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A MEETING OF THE

Licensing Acts Committee

WILL BE HELD ON THURSDAY 19 SEPTEMBER 2013 AT 10.00 AM

COMMITTEE ROOM 1, SOUTH OXFORDSHIRE DISTRICT COUNCIL
OFFICES

Members of the Committee:

Mrs Margaret Turner (Chairman)

Mrs Pat Dawe (Vice-
Chairman)

Ms Joan Bland

Mr David Bretherton

Mrs Elizabeth Gillespie

Mrs Eleanor Hards

Mr Malcolm Leonard

Ms Lynn Lloyd

Mrs Ann Midwinter

Mrs Pearl Slatter

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1 Apologies

2 Declaration of disclosable pecuniary interest

3 Minutes (Pages 3 - 4)

Purpose: to approve the minutes of the meeting on 19 May 2011 (**attached**).

4 Gambling Policy (Pages 5 - 48)

Report of the Head of Legal and Democratic Services (**attached**).

Purpose: to consider the outcome of the consultation and decide whether to recommend Cabinet to recommend Council to:

- (i) adopt the proposed Joint Gambling Policy;
- (ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Gambling Policy; and
- (ii) authorise the Head of Legal and Democratic Services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

MARGARET REED

Head of Legal and Democratic Services

Minutes



Listening Learning Leading

OF A MEETING OF THE

Licensing Acts Committee

HELD ON THE RISING OF THE PRECEDING MEETING OF ANNUAL
COUNCIL ON 19 MAY 2011

AT COUNCIL OFFICES, CROWMARSH GIFFORD

Present:

Mr G Andrews, Ms A Badcock, Mr D Bretherton, Mrs P Dawe, Mrs E Gillespie,
Mrs E Hards, Mr M Leonard, Mrs A Midwinter, Mrs M Turner.

Apologies:

Apologies for absence were submitted by Mr C Quinton.

Officers:

Mrs M Reed and Mrs J Thompson

1. Election of Chairman for the municipal year 2011/12

The committee elected Mrs P Dawe as Chairman for the municipal
year 2011/12.

2. Election of Vice-Chairman for the municipal year 2011/12

The committee agreed to elect one vice-chairman and elected Mr M
Leonard as Vice-Chairman for the municipal year 2011/12.

3. Minutes, 25 November 2010

RESOLVED: to approve the minutes of the meeting held on 25
November 2010 as a correct record and agree that the Chairman sign
them.

4. Appointment of licensing panels for the 2011/12 to 2014/15 municipal years

RESOLVED: to

- appoint licensing sub-committees comprising any three members
of the Licensing Acts Committee;

- appoint each member of the Licensing Acts Committee to serve on any sub-committee which is convened so as to include her or him in its membership;
- agree that the sub-committees be known as licensing panels;
- authorise each licensing panel to discharge all functions relating to matters set out in the terms of reference in the appendix to the agenda;
- agree that wherever possible applications should be heard by a licensing panel comprising the chairman or a vice-chairman of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed licensing panel;
- agree that a fourth member should be on standby for each hearing in case one of the three members cannot take part in a hearing for any reason;
- authorise the head of legal and democratic services to invite an appropriate licensing panel to conduct a scheduled hearing having regard to members' availability and eligibility to take part and ensuring that as far as possible all members of the committee have the opportunity to conduct hearings.

The meeting closed at 7.00 pm

Chairman

Date

Licensing Acts Committee Report



Report of Head of Legal and Democratic Services

Author: Robert Draper

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Wards affected: All

To: Licensing Acts Committee

DATE: 19 September 2013

Joint Gambling Policy

Recommendations

The committee is recommended to consider the outcome of the consultation and recommend Cabinet to recommend Council to:

- (i) adopt the proposed Joint Gambling Policy
- (ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Gambling Policy.
- (iii) authorise the Head of Legal and Democratic Services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

Purpose of Report

1. To consider the Joint Gambling Policy following the statutory consultation.

Strategic Objectives

2. The Joint Gambling Policy will further the council's role in improving public safety and promoting the economy in both district council areas. A joint policy will also promote economic development through consistent standards. In addition, it will improve the efficiency of the licensing teams by clarifying the alignment of processes and procedures.

Background

3. South Oxfordshire District Council's current Gambling Policy came into effect from 31 January 2010. The policy is subject to statutory review every three years. The

current review has been delayed due to awaiting guidance from the Gambling Commission. The Vale of White Horse District Council's current Gambling Policy came into effect from 31 January 2010. As both the policies are due for renewal the opportunity has been taken to harmonise the two policies into a joint policy.

Proposed policy

4. The revised joint policy has no significant changes to the current policy.
5. The only potential difference between the two council's current policies is the current presence of a 'no casinos' clause in the Vale area.

Consultation results

6. The consultation lasted six weeks from 21 June until 2 August 2013. It was a public consultation and went out to all councillors, parish councils and Responsible Authorities as defined under the Gambling Act 2005.
7. There were nine responses to the consultation. The data is shown in the supporting papers entitled 'Supplementary Data' in appendix one to this report.
8. There were no clear trends in the data. Most respondents were in favour of, or neutral about, the overall policy.
9. The overall response level was low and therefore inconclusive. As such no firm conclusions can be drawn from the consultation data.
10. There is no reason, from the consultation responses, not to recommend the adoption of the joint policy (appendix two to this report).

Gambling policy adoption process

11. The Gambling Act 2005 is prescriptive about how different democratic structures should adopt different elements of the legislation. For the adoption of the Gambling Policy the process is:
 - Licensing Acts Committee recommend to Cabinet that recommends to full Council

Implementation

12. Once the Council has adopted a new Gambling Policy it must publish a notice of intention to adopt the new policy four weeks before the new policy comes into force. The policy will be due for renewal on 1 February 2016.

Financial Implications

13. There are no financial implications arising from the adoption proposed policy.

Legal Implications

14. The joint policy has been drafted to reflect current legislative requirements. All applications for licences and permits under the Gambling Act 2005 have to be made and determined in accordance with the council's gambling policy.

Risks

15. Failure to reflect the requirements of the Gambling Act 2005 and associated regulations could result in the councils not complying with the legislation. Having a clear policy helps to ensure that licensing decisions comply with the legislation and are made fairly and consistently.

Conclusion

16. The committee is recommended to consider the outcome of the consultation and recommend Cabinet to recommend Council to:

(i) adopt the proposed Joint Gambling Policy

(ii) authorise the Head of Legal and Democratic Services to make minor editorial changes to the Joint Gambling Policy.

(iii) authorise the Head of Legal and Democratic Services to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

Background Papers

APPENDIX 1

Licensing Acts Committee: Gambling Policy



Listening Learning Leading

(Supplementary data)

Report of Head of Legal and Democratic Services

Author: Robert Draper

Telephone: 01491 823426

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E-mail: robert.draper@southandvale.gov.uk

Wards affected: All

Verbatim comments	
Comments - If you have any comments about changes to the policy on casinos please write in below	
Resident (?)	No comment to make
Resident (?)	No comment to make
Sutton Courtenay PC	Sutton Courtenay Parish Council had no comments to make
Marcham PC	Marcham Parish Council is extremely sadden to think that the District Council is considering a change to its policy not to permit casinos in the area
Resident (Vale)	The Vale needs to demonstrate (through local referendum) that the community wishes to have a casino. I doubt anyone is asking specifically for a casino so why change now. Whilst there maybe an economic and employment value, I doubt it is significant and I think we be differentiating between the types of jobs we want to attract. Casino employment would not be top of my list
North Hinksey PC	The Parish Council encourages the VWHDC to maintain a "No Casino" policy
Wokingham BC	No comment to make
Reading BC	No comment to make
Thame Town Council Environment Group	No comment to make

Additional comments - If you have any other comments or suggestions about the draft Gambling Policy please write in below	
Resident (?)	The Districts need to include a policy to overcome the issue of Betting Premises opening multiple shops in close proximity in order to overcome the limit of 4 gaming machines of category B (B2, B3 or B4). Our town high streets do not need multiple betting shops.
Resident (?)	Personally I think there should be a limit to the number of adult gaming premises and betting shops permitted in a geographical area. Frankly there are too many betting shops and gambling establishments in town centres. It openly encourages gambling which can have very negative effect on the local community.
Marcham PC	No comment to make
North Hinksey PC	No comment to make
Resident (Vale)	Not had time to completely review the policy - it is too long. Have you not got a summary document?
Sutton Courtenay PC	No comment to make
Wokingham BC	No comment to make
Reading BC	No comment to make
Thame Town Council Environment Group	After examination of the Joint Statement of Licensing Policy (South Oxfordshire District Council and Vale of White Horse District Council) the Committee endorsed the draft policy document and fully concurred with its purpose. The policy was sufficiently drawn to cover all aspects as contained in the Gambling Act 2005 and was proportionate, sensible and understandable. RESOLVED: That the recommendation to South Oxfordshire District Council be that the Joint Statement of Licensing Policy be adopted without amendment.

Organisation Details	District	Responding as:	Agreement with overall policy	No Casino clause
	Both	Resident	Tend to disagree	The Vale should keep its current policy
	Both	Resident	Tend to agree	The Vale should keep its current policy
	Vale of White Horse	Resident	Neither agree nor disagree	The Vale should keep its current policy
Sutton Courtenay PC	Vale of White Horse	Parish	Neither agree nor disagree	Don't know
Marcham PC	Vale of White Horse	Parish	Strongly disagree	The Vale should keep its current policy
North Hinksey PC	Vale of White Horse	Parish	Tend to agree	The Vale should keep its current policy
Wokingham BC	Both	A Responsible Authority	Neither agree nor disagree	Don't know
Reading BC	Both	A Responsible Authority	Neither agree nor disagree	Don't know
Thame TC Environ. Group	Both	A Responsible Authority	Strongly agree	Don't know

APPENDIX 2



Statement of Principles
The Gambling Act 2005

Joint statement of licensing policy

This policy was adopted by the Vale of White Horse District Council at the meeting of Council on ##### and South Oxfordshire District Council at the meeting of Council on ##### and comes into force on ##### 2013 and will be reviewed three years from that date unless previously amended.

Ref	Section
	Glossary
1.0	Introduction
1.1	Scope
1.1.1	Licensing authorities
1.1.2	Vale of White Horse District Council area
1.1.3	South Oxfordshire District Council area
1.1.4	Council functions
2.0	Background
2.1	Purpose of policy
2.2	Persons consulted
2.3	Declaration
2.4	Responsible authorities
2.5	Interested parties
2.7	Decision making and delegation or powers
2.8	Reviews of premises licences
2.9	Appeals against the decisions of the council
2.10	Enforcement
2.11	Exchange of information
2.12	Application procedure
2.13	Fees
3.0	Permits
3.1	Unlicensed family entertainment centre machine permits
3.2	Alcohol licensed premises gaming machine permits
3.3	Club gaming and club machine permits
3.4	Prize gaming permits
4.0	Premises Licences
4.1	Primary gambling activity
4.2	Premises
4.3	Location
4.4	Conditions
4.5	Door supervisors
4.6	Adult gaming centres
4.7	Licensed family entertainment centres
4.8	Tracks
4.9	Casinos
4.10	Betting premises
4.11	Bingo
4.12	Temporary use notices
4.13	Provisional statements
4.14	Travelling fairs

Annexes	
Annex 1	Map of the Vale of White Horse District Council area
Annex 2	Map of the South Oxfordshire District Council area
Annex 3	Persons consulted
Annex 4	List of responsible authorities
Annex 5	Licensing authority delegations
Annex 6	Summary of gaming machine categories and machine provisions by premises

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GLOSSARY

Adult Gaming Centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See adult gaming centres and licensed and unlicensed family entertainment centres.

Betting

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

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000). Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo.

Casino

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

Casino games

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

Councils

The licensing authorities. The Vale of White Horse District Council in its capacity as the licensing authority for the area of Vale of White Horse and South Oxfordshire District Council in its capacity as the licensing authority for the area of South Oxfordshire.

Equal chance gaming

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

Exempt activities:

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

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

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

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

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

Gambling

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

Games of chance

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

Gaming

Gaming means playing a game of chance for a prize.

Guidance

The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.

Interested parties

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

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business interests that might be affected by the authorised activities

(c) represents persons in either of these groups.

Interested parties can also be a councillor or an MP.

Licensed Family Entertainment Centres

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

Lottery

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

Operating Licence

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

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

Premises Licence

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

Representations

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

Unlicensed Family Entertainment Centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

1.0 INTRODUCTION

1.1 Scope

- 1.1.1 Gambling activities are regulated by The Gambling Act 2005 ('the Act'). The Vale of White Horse and South Oxfordshire District Councils are licensing authorities for the purposes of the Act. This 'Statement of Principles' ('policy') covers both the districts of the Vale of White Horse District Council and South Oxfordshire District Council ('the councils'). The act requires the councils to produce a statement of principles concerning their duties under the Act every three years.
- 1.1.2 Vale of White Horse District Council covers approximately 224 square miles. It borders the City of Oxford, Swindon, South Oxfordshire, West Oxfordshire and West Berkshire. It has three main towns: Abingdon, Wantage and Faringdon. Each has a town council, with 65 parish councils covering the other areas. These towns are traditional market towns, which act as local centres for their residents and the surrounding villages. Much of the district is rural in nature, including part of the North Wessex Downs Area of Outstanding National Beauty (AONB); a map of the area is attached as Annex 1. The 2011 census recorded a population of 121,000. In the census of 2001 the Vale's population was 115,627, an increase of 5,500, roughly 4.6% per cent.
- 1.1.3 South Oxfordshire District Council covers nearly 260 square miles. Its boundary reaches from the edge of the City of Oxford in the north-west along the borders of Buckinghamshire and Berkshire to the outskirts of Reading in the South. It has four main towns: Didcot, Henley, Thame and Wallingford, with Didcot becoming increasingly dominant as the main urban centre. Much of the district is rural in nature and most of the southern part of the district sits in either within the Chilterns or North Wessex Downs AONB. The Northeast of the district forms part of the Oxford green belt. A map of the area is attached as Annex 2. The 2011 census recorded a population of 134,300. In the census of 2001 the district's population was 128,000, an increase of 6,300, roughly 4.6% per cent. Tourism provides the district with an annual income of approximately £160 million.
- 1.1.4 The Act gives the councils various regulatory functions in relation to gambling. The councils' main functions under the Act are:
- licensing premises for gambling activities
 - considering notices given for the temporary use of premises for gambling
 - granting permits for gaming and gaming machines in clubs and miners' welfare institutes
 - regulating gaming and gaming machines in alcohol licensed premises
 - granting permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
 - granting permits for prize gaming

- considering occasional use notices for betting at tracks
- registering small societies' lotteries
- maintaining a register of premises licences (for casinos, bingo halls, adult gaming centres, family entertainment centres, betting shops and race tracks).

There is an obligation on the councils to provide information annually to the gambling commission to include details of licences, permits and registrations issued.

The councils maintain statutory registers of premises licensed under the Act. The registers can be viewed on the appropriate council's website or by prior request at the relevant council office.

2.0 BACKGROUND

2.1 Purpose of policy

It is expected that the councils regulate gambling in the public interest. The purpose of this policy is to ensure the councils' compliance with the Act, to protect the health and welfare of the general public and to assist businesses by ensuring they are aware of the councils' requirements and the way in which the councils carry out their regulatory functions.

2.2 Persons consulted

The following bodies/persons were consulted on this policy and their views taken into consideration:

- the Chief Constable of Thames Valley Police
- businesses and individuals in the councils' areas who held a premises licence granted under the Act at the time consultation commenced
- one or more persons who appeared 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 Act. A full list of consultees is attached at Annex 3.

2.3 Declaration

This policy has been produced with due regard to the licensing objectives, the Gambling Commission's draft 'Guidance to Licensing Authorities 4th edition' and the responses received as part of the consultation process. The policy was under consultation for a six week period from 21 June 2013 and was agreed by both the Vale of White Horse District Council and South Oxfordshire District Council on ** ***** and ** ***** respectively. It shall be in force for no longer than three years and it may be reviewed and amended at any time within the three year period. The policy does not override the right of any person to make an application, make representations about an application or apply for a

review of a licence. Each application and representation will be considered on its own merits and in accordance with the Act. The policy has been agreed taking into account the Human Rights Act 1998 and the councils will consider the need to balance the legislation and the principles contained within the policy with the human rights of all parties, be they licence holders, applicants or interested parties.

2.4 Responsible Authorities

Under the Act responsible authorities are public bodies who must be notified of applications and who are entitled to make representations to the licensing authority in relation to applications for and in relation to, premises licences. The responsible authorities for both councils are:

- the licensing authority
- the Gambling Commission
 - the Chief Constable of Thames Valley Police
- Oxfordshire Fire and Rescue Service
- the planning authority (within the relevant council)
- the local town council, parish council or parish meeting
- the environmental protection department (of the relevant council)
- a body designated in writing by the licensing authority as competent to advise about the protection of children from harm (see 2.4.2)
- HM Revenue & Customs
- any other persons prescribed in regulations by the Secretary of State

Contact details for the above authorities are included at Annex 4

2.4.1 In the event that the premises are a vessel, the following bodies are also responsible authorities:

- the Environment Agency
- the British Waterways Board
- the Secretary of State for Transport (who acts through the Maritime and Coastguard Agency)

2.4.2 In exercising the councils' powers under section 157(h) of the Act to designate a body competent to advise them about the protection of children from harm the following principles have been applied:

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

Having regard to the above principles, the councils have designated the Oxfordshire Safeguarding Children Board at Oxfordshire County Council for this purpose.

2.5 Interested Parties

2.5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Act defines interested parties as persons or bodies who, in the opinion of the licensing authority:

- (a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) have business interests that might be affected by the authorised activities; or
- (c) represent persons who satisfy (a) or (b) (see 2.5.4)

2.5.2 Whether or not a person is an interested party is a decision that will be taken by the councils on a case-by-case basis, judging each case on its merits. However, the following factors will be taken into account:

- the size of the premises (for example, larger premises may affect people over a wider geographical area)
- the nature of the activities planned or already taking place
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- the circumstances of the complainant (which may be relevant to the distance from the premises, for example, it could be reasonable for an authority to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
- the catchment area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area, that might be affected (this is particularly relevant when representations are made by another gambling business who state their business interests may be affected, however whether or not there is demand for the premises shall not be taken into account)

2.5.3 This list is not exhaustive and other factors may be taken into consideration if the councils deem it necessary.

2.5.4 The councils considers the following people / bodies to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:-

- trade associations

- residents' and tenants' associations
- district, county, town and parish councillors
- MPs
- school head-teachers
- community groups
- charities
- faith groups
- medical practices
- bodies that exist to help people with gambling addictions such as GamCare or Gamblers Anonymous.

2.5.5 In other cases, the councils shall require written evidence that the person / association / body represent an interested party.

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2.6 Licensing objectives

In exercising their functions under the Act, the councils must have regard to the licensing objectives as set out in section one 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.

The councils will aim to permit the use of premises for gambling as required by section 153 of the Act.

- 2.6.1 The councils can only make decisions based on the Licensing Objectives and not for unrelated moral, ethical or business reasons, for example, a general dislike of gambling, or expected demand.

2.7 Decision making and delegation of powers

- 2.7.1 All applications for the grant or review of a licence or permit will be considered on their own merits. The Act makes it clear that neither issues of demand for a premises nor compliance with planning or building regulations are to be considered when councils make decisions about applications. With regard to premises licences, the councils will consider all applications in accordance with the principle contained in section 153 of the Act. Responsible Authorities and Interested Parties may only make representations relevant to the licensing objectives listed at paragraph 2.6. For clarification, these are different to the licensing objectives of the Licensing Act 2003.

- 2.7.2 The councils expect applicants to show that they have policies and procedures in place to promote the licensing objectives, for example; exactly how they intend to ensure that children cannot gamble in their premises. Applicants are required to consider the following steps in promoting all three objectives:

- proof of age schemes
- Closed Circuit Television (CCTV)
- supervision of entrances / gambling areas
- physical separation of areas (for example when gaming machines are provided in pubs where children are permitted or in gaming centres where children may be permitted to play on some but not all of the machines)
- location of and entry to premises
- notices / signage
- training for staff on challenging persons suspected of being under-age
- training for staff on how to recognise someone with or developing a gambling addiction and what action to take

- training for staff on the types of crime that may occur as part of gambling and what action to take
- specific opening hours (for example if the premises is sited near a school or job centre)
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

2.7.3 The councils will not automatically refuse an application for the grant of a licence because a Responsible Authority or Interested Party has concerns relating to one of the licensing objectives, they will take into account any measures the applicant may offer to put into place to overcome the concerns. Factors mentioned in paragraph 2.5.2 will be balanced with the merits of the application and the Licensing Objectives.

2.7.4 The Act defines at what level decisions may be made within councils – see Annex 5. Where representations have been received and remain un-resolved to the satisfaction of all parties, the Licensing Act Panel will hold a hearing to decide whether a licence, statement or club gaming permit will be granted.

2.7.5 Guidance on making applications for licences or permits, to make representations regarding application or to request a review can be found on the relevant council website or by contacting the relevant licensing team.

2.8 Reviews of Premises Licences

2.8.1 Section 197 of the Act provides that an application for a review of a premises licence may be made by a Responsible Authority or Interested Party. There are regulations governing reviews (The Gambling Act 2005 (Premises Licences) (Review) Regulations 2007) which state that the person applying for the licence to be reviewed must do so in writing using a prescribed form, stating the reasons why a review is being requested and submitting it to the relevant council with any supporting documents. They must then send the same information to all (other) Responsible Authorities within seven days. Failure to do this will mean that the review process is halted until the documents are received by all parties.

2.8.2 The relevant council must grant the application for a review unless it thinks the grounds on which it is sought:

- are not relevant to this policy, or any guidance or codes of practice issued by the Gambling Commission, or the Licensing Objectives
- are frivolous
- are vexatious
- ‘will certainly not’ cause the council to revoke or suspend a licence or to remove, amend or attach conditions to the premises licence

- are substantially the same as the grounds cited in a previous application or substantially the same as representations made at the time the licence was granted, depending on how much time has passed (the licence should not be reviewed based on the same arguments that have already been considered by the relevant council)

2.8.3 Within seven days of receiving the application to review a premises licence, the relevant council will publish notice of the application in accordance with the regulations mentioned in paragraph 2.7.4.

2.8.4 Representations in response to the application must be made within the 28 days which follow publication of the notice and the relevant council must carry out the review as soon as possible after the 28 days has ended.

2.8.5 If the relevant council deems action is justified, its options are to:

- add, remove or amend a licence condition imposed by the relevant council
- exclude a default condition imposed by the Secretary of State (relating to for example, opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence

2.8.6 The relevant council will notify the licence holder, the applicant for the review, any person who made representations, the Gambling Commission, the Chief Constable of Thames Valley Police and HM Revenue and Customs of the outcome of the review as soon as possible.

2.9 Appeals against a decision of the councils

2.9.1 The act details the process for appeals against the councils' decisions in regards to licences, permits, provisional statements and temporary use notices. In all cases appeals are to the local Magistrates' Court within 21 days of the appellant's receipt of the councils' decision.

2.9.2 Any party may apply for a judicial review if they believe that a decision taken by the relevant council is:

- beyond the powers available to it
- subject to procedural impropriety or unfairness
- irrational (a decision so unreasonable no sensible person could have reached it).

2.10 Enforcement

- 2.10.1 The councils seek to secure compliance with the law in a variety of ways. Most contact with individuals and businesses is informal; providing advice and assistance over the telephone, during visits and in writing. Formal measures will include warnings, licence reviews and prosecution. The objective of these measures will be to ensure compliance with the three licensing objectives including any general or specific licence conditions.
- 2.10.2 Part 15 of the Act details inspections that may be made to check for compliance with the Act. The councils will adopt a risk-based approach to the inspection of gambling premises which will be operated in conjunction with the councils' current enforcement policy. This will allow for the targeting of high-risk premises or those where a breach would have serious consequences. Premises that are low risk and / or well run will be subject to a less frequent inspection regime.
- 2.10.3 Section 346 of the Act gives the councils the power to instigate criminal proceedings in respect of the offences specified in that section. The councils will ensure that enforcement is carried out in a fair and consistent manner and in accordance with the Regulatory Compliance Code (<http://www.bis.gov.uk/policies/better-regulation/improving-regulatory-delivery/implementing-principles-of-better-regulation/the-regulators-compliance-code>) and the councils' enforcement policy.
- 2.10.4 Copies of the above documents are available on request from the councils' licensing teams.
- 2.10.5 The councils will endeavour to work with, and avoid duplication with, other regulatory regimes so far as possible.
- 2.10.6 Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the councils but will be referred to the Gambling Commission.

2.11 Exchange of information

- 2.11.1 The councils regard the lawful and correct treatment of information as important to the successful and efficient performance of their functions, and to maintain the confidence of the people / bodies they deal with. The councils will ensure that information is kept and shared lawfully and correctly.
- 2.11.2 The councils may share information in accordance with the following provisions of the Act:-
- sections 29 and 30 (with respect to information shared between the councils and the Gambling Commission)
 - section 350 (with respect to information shared between the councils and the other persons listed in Schedule 6 to the Act)
- 2.11.3 The purpose of information exchange is not only to fulfil the requirements under the Act, but also to enable both the Gambling Commission and the councils to carry out work related to their regulatory functions in a risk-based manner, using the best available information.

- 2.11.4 In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the councils' policies in relation to data protection and freedom of information.
- 2.11.5 Any information sharing between the councils and Thames Valley Police must also be carried out in accordance with the information sharing protocol under the Oxfordshire memorandum of understanding.
- 2.11.6 Any person wishing to obtain further information about their rights under the Data Protection Act 1998 or the Freedom of Information Act 2000 may view the councils' policies at www.whitehorsedc.gov.uk or www.southoxon.gov.uk or alternatively members of the public and businesses can also access information and advice regarding licensing by obtaining independent legal advice or contacting the following bodies:
- Local Government Regulation (formerly LACORS)
www.local.gov.uk
 - DCMS (Department for Culture, Media and Sport)
www.culture.gov.uk
 - Citizens Advice Bureau
www.citizensadvice.org.uk

2.12 Application procedure

Applications for family entertainment centres, prize gaming and licensed premises gaming machine permits are to be made on the relevant council's forms available at either

www.whitehorsedc.gov.uk/services-and-advice/business/licensing/gambling

or

www.southoxon.gov.uk/services-and-advice/business/licensing/gambling

For all other types of licences and permits, the standard forms are available at: http://www.culture.gov.uk/what_we_do/gambling_and_racing/4153.aspx. Applicants must ensure that they are aware of what should accompany each application (for example a plan of the premises). Each of the websites mentioned details these requirements.

2.13 Fees

Maximum licence fees are set by the government; however each council sets its own fees up to these maximums. Fees set by the councils are subject to annual review. A list of current fees to accompany the different licence / permit applications can be found by accessing the councils' websites at either

www.whitehorsedc.gov.uk/services-and-advice/business/licensing/gambling

or

<http://www.southoxon.gov.uk/services-and-advice/business/licensing/gambling>

3. PERMITS

Please refer to www.gamblingcommission.gov.uk for the latest details on machine categories including maximum stakes and payouts permitted and the entitlement of certain premises to certain categories and numbers of machines. A list of entitlements as at January 2013 is included at Annex 6

The councils will expect applicants to be able to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permitted in their premises and that staff are trained to have a full understanding of them also.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of any machine(s).

3.1 Unlicensed family entertainment centre gaming machine permits (FECs)

- 3.1.1 Unlicensed FECs are able to offer category D machines if granted a permit by the relevant council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a premises licence from the relevant council.
- 3.1.2 The councils can grant or refuse an application for an FEC permit, but cannot attach conditions.
- 3.1.3 As unlicensed family entertainment centres appeal to children and young persons, the councils expect applicants to pay particular attention to the example measures detailed in paragraph 2.7.2.
- 3.1.4 In considering the protection of children, the councils will expect the applicant to show not only how they intend to protect children from gambling but also that they have taken into account wider child protection considerations in their policies and procedures. The efficacy of such policies and procedures will each be considered on their merits.
- 3.1.5 The councils will not grant a permit for unlicensed family entertainment centres if the applicant has a relevant conviction (as set out in Schedule 7 to the Act). Applicants will be required to undergo an enhanced criminal records bureau check.

3.2 (Alcohol) licensed premises gaming machine permits

The Gambling Commission has published a number of useful leaflets and guidance about gaming machines and other types of gambling specifically to provide information to premises authorised to sell alcohol. These can be found at: http://www.gamblingcommission.gov.uk/publications_guidance_advic.aspx

- 3.2.1 Premises licensed to sell alcohol for consumption on the premises are automatically entitled to two gaming machine permits, of categories C and / or D. The holder of the premises licence authorising the sale of alcohol will simply need to notify the council and pay the prescribed fee.
- 3.2.2 The councils 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 Act
 - the premises are mainly used for gaming; or
 - an offence under the Act has been committed on the premises
- 3.2.3 If the holder of the premises licence wishes to have more than two machines in the premises, they will need to apply for a permit.
- 3.2.4 As there may be children in some alcohol licensed premises, the councils expect applicants to pay particular attention to the example measures detailed in paragraph 2.7.2. in order to protect the children.
- 3.2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for and dealt with under the Gambling Act, not the Licensing Act.
- 3.2.6 The councils can decide to grant the application with a smaller number of machines and / or a different category of machines than that applied for, however conditions cannot be attached to the permit.

3.3 Club gaming and club machine permits

The numbers and categories of machine permitted are different to non-clubs. Please refer to www.gamblingcommission.gov.uk for the latest maximum stakes and payouts permitted for each machine category and numbers of machine(s) permitted.

- 3.3.1 The councils may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance.
- 3.3.2 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the councils for a club machine permit under section 273 of the Act.

3.3.3 To qualify, 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. Bridge and whist clubs will be permitted, replicating the previous 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 the Royal British Legion, sports and social clubs and clubs with political affiliations.

3.3.4 The councils must satisfy themselves that the club genuinely meets the requirements of the Act to obtain a club gaming permit and therefore may ask for supporting documents. The following is a list of matters that will be considered:

- the procedures for guests accepted into the club
- how the club is advertised
- the running of the club, for example committee meetings, financial accounts and election of committee members

This list is not exhaustive and the councils may ask for any documents they feel are necessary in determining whether or not a club is genuine, even if it has already been granted a Club Premises Certificate under the Licensing Act 2003.

3.3.5 An application may only be refused on one or more of the following grounds:

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

3.3.6 Under section 72 of the Act, there is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police and the grounds upon which a council can refuse a permit are reduced.

3.3.7 The grounds on which an application under the fast track procedure may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12 of the Act

- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club gaming machine permit issued to the applicant in the last ten years has been cancelled

3.3.8 The councils may grant or refuse an application for a club gaming or club machine permit but cannot attach any conditions to it. However there are a number of conditions in the Act that the holder must comply with. These are contained in the Gaming Machine Permits Code of Practice issued by the Gambling Commission. This can be found on the Gambling Commission's website www.gamblingcommission.gov.uk

3.4 Prize gaming permits

3.4.1 Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for, or raised by the gaming.

3.4.2 Casinos, bingo premises, adult gaming centres and licensed family entertainment centres do not require a permit in order to offer prize gaming.

3.4.3 Travelling fairs do not require a permit in order to offer equal chance prize gaming, provided that taken together, the facilities for gambling are ancillary to the fair.

3.4.4 Children and young persons may participate in equal chance prize gaming only.

3.4.5 Applicants for a prize gaming permit should set out the types of gaming that they are intending to offer. The applicant should be able to demonstrate:

- that they understand the limits on stakes and prizes that are set out in Regulations; and
- that the gaming offered is lawful

3.4.6 The councils can grant or refuse an application for a permit, but cannot attach any conditions to it. However, there are four conditions in the Act that permit holders must comply with. These 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

3.4.7 Councils can only grant a permit if they have consulted the chief officer of police about the application. Applicants must disclose any relevant convictions they may have to the council and the council will consider any objections that the police make about the suitability of person or the premises, including its location and the potential for disorder.

4. Premises licences

4.1 Primary gambling activity

4.1.1 Premises licences authorise the provision of gambling activities in:

- casinos
- bingo premises
- betting premises (including tracks and premises used by betting intermediaries)
- adult gaming centres and
- family entertainment centres

4.1.2 Premises licences will be considered in accordance with the principles set out in paragraph 2.7.

4.2 Premises

4.2.1 In the Act a premises is defined as 'any place'. No more than one premises licence can apply to any place, however one premises may hold more than one premises licence so long as the building can be genuinely separated. In determining whether or not the separation is genuine, the councils will base their decisions on the following:

- are the premises registered separately for business rates?
- are the premises owned by the same person?
- can each of the premises be accessed from the street or is access to one only via the other or another gambling premises?

4.2.2 Roping off and different coloured carpets are examples of methods used by some proprietors to artificially sub-divide premises and the councils will not consider premises 'divided' as such as two separate premises.

4.2.3 Where two or more licences are applied for within the same building and the council does consider separation genuine, the applicant(s) must still demonstrate how they will uphold the licensing objectives, with particular reference to how they plan to control the access from one part of the building into the other, in order to protect children from accidentally or otherwise accessing types of gambling to which they are not authorised.

4.3 Location

4.3.1 The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern

- schools
- vulnerable adult centres
- residential areas with a high concentration of children

4.3.2 Much will depend upon the type of gambling that is proposed will be offered on the premises. The councils will consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant must demonstrate how they propose to overcome such concerns.

4.4 Conditions

4.4.1 Conditions may be imposed upon a premises licence in a number of ways. These are:

- (a) mandatory – set by the Secretary of State, some set out in the Act and some to be prescribed in regulations, for all, or classes of licence
- (b) default – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the licensing authority
- (c) specific – conditions that can be attached to an individual licence by the licensing authority

4.4.2 Any conditions imposed by the councils will be proportionate to the circumstances that they are seeking to address. In particular, the councils will ensure that premises licence conditions:

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

4.4.3 Certain matters may not be the subject of conditions. These 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, winnings or prizes

4.5 Door supervisors

- 4.5.1 It is not a mandatory requirement of the Act to impose a condition relating to door supervision. However, if the councils consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors they shall be licensed by the Security Industry Authority (SIA).
- 4.5.2 There is an exemption for 'in house' employees working as door supervisors at licensed casino or bingo premises, however 'contract' staff employed as door supervisors will need to be licensed by the SIA. The councils may still impose specific requirements on these unlicensed door supervisors if they considered it necessary at particular premises.

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4.6 Adult gaming centres

- 4.6.1 Operators of an adult gaming centre must obtain an operating licence from the Gambling Commission and a premises licence from the relevant council. This will allow the operator to make category B, C & D machines available to their customers.
- 4.6.2 In considering licence applications for adult gaming centres, consideration will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The councils will therefore expect applicants to demonstrate that there will be sufficient measures in place to promote this objective.

4.7 Licensed family entertainment centres

- 4.7.1 Operators of a licensed family entertainment centre will require an operating licence from the Gambling Commission and a premises licence from the relevant council. This will allow the operator to make category C & D machines available to their customers.
- 4.7.2 Children and young persons will be able to enter licensed family entertainment centres and play on the category D machines. They will not be permitted to play category C machines.
- 4.7.3 As family entertainment centres will particularly appeal to children and young persons, consideration shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the councils will require 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 category C machines are located
 - access to the area where the category C machines are located is supervised
 - the area where the category C 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.

4.8 Tracks

- 4.8.1 Tracks are sites (including racecourses and dog tracks) where races or sporting events take place. Operators of tracks will require a premises licence from the

relevant council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

- 4.8.2 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 4.8.3 It is a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided and any area where a gaming machine, other than a category D machine, is situated. In relation to the areas used for betting, special dispensation from this rule is provided for dog tracks and horse racecourses on days when racing takes place. On these days families will be entitled to attend a track or racecourse and children may enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided and the councils will therefore expect that suitable measures are in place to prevent children from entering such areas.
- 4.8.4 Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track. The councils will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.
- 4.8.5 The councils will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public, for example, the rules could be printed in the race-card or made available in leaflet form from the track office.
- 4.8.6 The councils will require the following information from applicants for premises licences in respect of tracks:
- detailed plans for the racetrack itself and the area that will be used for temporary 'on-course' betting facilities (often known as the 'betting ring')
 - in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated as well as any other proposed gambling facilities
- 4.8.7 Plans submitted with the application should be clearly marked to show what licensable activities will take place where and how children will be separated from category C machines.
- 4.8.8 The councils will accept occasional use notices for tracks in accordance with section 39 of the Act.

4.9 Casinos

- 4.9.1 The act states that operators of a casino must obtain an operating licence from the Gambling Commission and a premises licence from the relevant council.

- 4.9.2 In July 2012 a Culture, Media and Sport Select Committee reviewed the Act and recommended that any local authority should be able to make its own decision about whether or not to have a casino in its district. The Committee also recommended that the licences for casinos that were licensed under the pre-existing Gaming Act of 1968 be made portable, allowing operators to relocate to any local authority (with the authority's consent).
- 4.9.3 Section 166 of the Act gives them the councils the power to pass a 'no casino' resolution, meaning that applications for a casino would not be considered. The councils' policy is not to adopt a 'no casino' policy. All applications received for a premises licence to operate a casino in either of the council areas would be judged on their own merits, in accordance with paragraph 2.7.
- 4.9.4 This resolution is required to be renewed every three years.
- 4.9.5 The councils shall require applicants for casino licences to:
- submit a procedure with their application for the reporting of any suspicious activity
 - follow a policy of requiring proof of identification to be shown on entering the casino in order to act as a deterrent to those considering using the casino for criminal activities (such as money laundering) and to effectively support gambling self-exclusion schemes
 - detail any entertainment to be provided
 - submit details of employee training to promote the Licensing Objectives
 - submit a policy to promote the protection of children and vulnerable persons
 - submit a policy regarding the identification of and interventions in force to aid problem gamblers
 - set aside at least one 'training room' where customers can learn how to play the various games offered in a non-threatening environment. The room shall clearly display information on how and where help for problem gambling can be sought
 - set aside a quiet area as a refuge from gambling. The room shall clearly display information on how and where help for problem gambling can be sought.

4.10 Betting premises

- 4.10.1 Betting premises are those premises which take bets other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the relevant council.
- 4.10.2 It is unlawful for anyone under the age of 18 to place a bet. Persons under the age of 18 shall not be permitted to enter a premises licensed for betting.

- 4.10.3 The councils expect applicants to demonstrate how they will ensure that neither children nor vulnerable persons are able to place a bet, for example by detailing proof of identification and self-barring schemes and staff training.
- 4.10.4 At the time of writing, the holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.
- 4.10.5 The councils may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature and the circumstances in which those machines are made available for use. When considering whether to impose such conditions, the councils will take into account the following:
- the size of the premises
 - the number of counter positions available for person-to-person transactions and
 - the ability of staff to monitor that machines are not used by children and young persons or by vulnerable people.

4.11 Bingo

- 4.11.1 Operators of premises offering bingo (cash or prize bingo) will require a bingo operating licence from the Gambling Commission and a premises licence from the relevant council.
- 4.11.2 The council will need to be satisfied that bingo can be played in any premises for which it grants a bingo premises licence. This is a relevant consideration where the operator of an existing bingo premises applied to vary their licence to exclude an area of the existing premises from its ambit and then applied for a new premises licence, or multiple licences for that or those excluded areas.
- 4.11.3 The councils note the unusual circumstances in which the splitting of a pre-existing premise into two adjacent premises might be permitted and in particular that it is not permissible to exceed 20 per cent of the total number of B3 machines available for use in the premises.
- 4.11.4 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are present, these must be separated from areas where children and young people are allowed. Where category C or above machines are available in premises to which children are admitted the councils will require 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
 - 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.

4.12 Temporary use notices

- 4.12.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling.
- 4.12.2 There are a number of statutory limits concerning the use of temporary use notices. Please refer to www.gamblingcommission.gov.uk for details of the maximum numbers of days premises may be used and for other restrictions.
- 4.12.3 If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenue & Customs or any other licensing authority in whose area the premises are situated), the council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).
- 4.12.4 If the council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it must issue a counter-notice which may:
- prevent the temporary use notice from taking effect
 - limit the Activities that are permitted
 - limit the time period of the gambling or
 - allow the Activities to take place subject to a specified condition.
- 4.12.5 The councils will apply the principles set out in paragraph 2.7 of this statement to any consideration as to whether to issue a counter-notice.

4.13 Provisional statements

- 4.13.1 Section 204 of the Act provides for a person to make an application for a provisional statement in respect of premises he or she expects to be constructed, expects to be altered or expects to acquire right to occupy. For example, a developer may wish to apply for a provisional statement to see whether or not a premises licence would be issued prior to entering into a contract to buy or lease the premises. Equally, a provisional statement may be applied for where there is already a premises licence in force but the application is for a different type of gambling.
- 4.13.2 An applicant need not hold an operating licence from the Gambling Commission before applying for a provisional statement and the councils shall not take into account the likelihood of an operating licence being granted in determining whether or not to grant the provisional statement.
- 4.13.3 If a provisional statement has been granted, the fee for the subsequent premises licence application will be less and the councils are constrained in considering matters; no further representations from Responsible Authorities or Interested Parties may 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.
- 4.13.4 The councils 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 way of representations at the provisional licence stage
 - which, in the council's opinion, reflect a change in the operator's circumstances
 - where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. (There must be a substantial change to the plan and the council shall discuss any concerns with the operator before coming to a final decision.).

4.14 Travelling fairs

- 4.14.1 The Act defines a travelling fair as, 'wholly or principally' providing amusements.
- 4.14.2 To be exempt from requiring a permit for gaming machines, the fair must be on a site this is not used for a fair for more than 27 days per calendar year (regardless of whether it is the same or different travelling fairs which occupy the land).
- 4.14.3 Fairs may provide an unlimited number of category D machines provided the facilities for gambling amount to no more than ancillary amusement to the fair.
- 4.14.3 Whilst the gaming machine providers may be exempt from the requirement to hold a permit, they must comply with the legal requirements about how the machines operate.
- 4.14.4 The councils will liaise with neighbouring authorities to ensure that land used for fairs which crosses local authority boundaries is monitored.

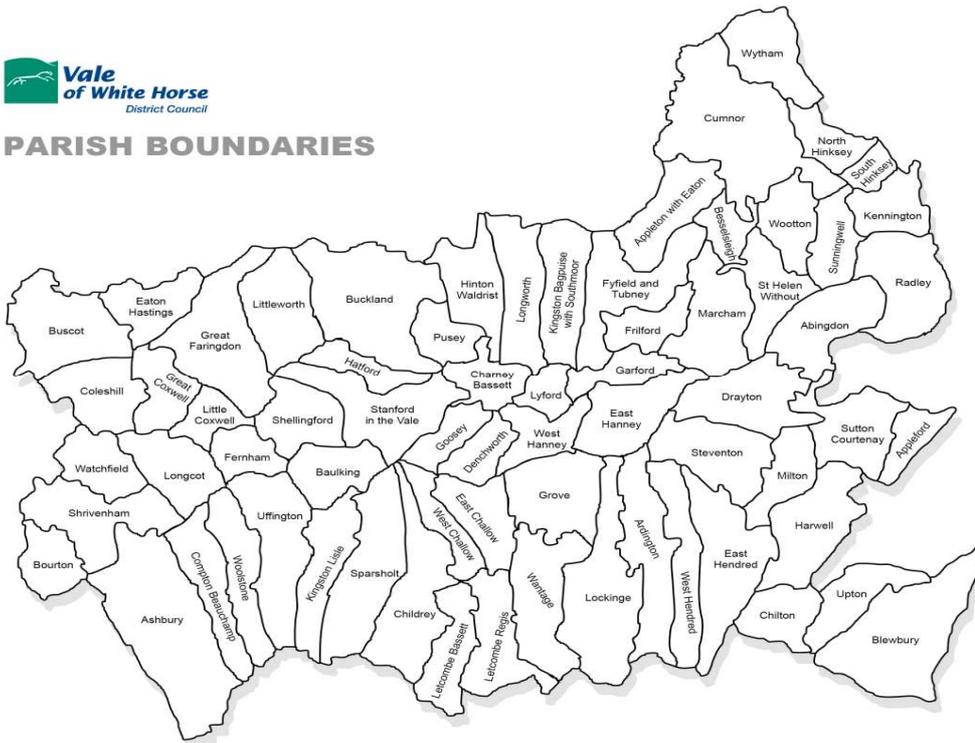
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ANNEX 1

MAP OF THE VALE of WHITE HORSE DISTRICT COUNCIL AREA



PARISH BOUNDARIES



ANNEX 2

MAP OF THE SOUTH OXFORDSHIRE DISTRICT COUNCIL AREA



ANNEX 3

List of persons / bodies the councils responding to the consultation on this policy

To be finalised after consultation

ANNEX 4

List of responsible authorities

The Responsible Authorities for the council areas under the Act, and their contact details are as follows.

Contact details may change, and other responsible authorities may be designated by regulations by the Secretary of State. For latest information, please check with the relevant council's licensing team.

Responsible authority	Address	Telephone, e-mail and website
The Licensing Authorities	<p>Licensing Team Vale of White Horse District Council Abbey House Abingdon, OX14 3JE</p> <p>Licensing Team South Oxfordshire District Council Benson Lane, Crowmarsh Gifford, Wallingford, OX10 8ED</p>	<p>Contact details for preliminary discussions or follow-up enquiries</p> <p>01235 540534 licensing.unit@whitehorsedc.gov.uk www.whitehorsedc.gov.uk/services-and-advice/business/licensing</p> <p>01491 823209 licensing@southoxon.gov.uk www.southoxon.gov.uk/services-and-advice/business/licensing</p>
The Planning Authorities	<p>Planning Vale of White Horse District Council Abbey House Abingdon, OX14 3JE</p> <p>Planning South Oxfordshire District Council Benson Lane, Crowmarsh Gifford, Wallingford, OX10 8ED</p>	<p>01235 540347 planning@whitehorsedc.gov.uk www.whitehorsedc.gov.uk/services-and-advice/planning-and-building</p> <p>01491 823740 planning@southoxon.gov.uk www.southoxon.gov.uk/services-and-advice/planning-and-building</p>

<p>Environmental Health</p>	<p>Environmental Protection Vale of White Horse District Council Abbey House Abingdon, OX14 3JE</p> <p>Environmental Protection South Oxfordshire District Council Benson Lane, Crowmarsh Gifford, Wallingford, OX10 8ED</p>	<p>01235 540555 environmentalprotection@whitehorsedc.gov.uk www.whitehorsedc.gov.uk/services-and-advice/environment</p> <p>01491 823203 env.health@southoxon.gov.uk http://www.southoxon.gov.uk/services-and-advice/environment</p>
<p>Gambling Commission</p>	<p>Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p>	<p>0121 230 6500 info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk</p>
<p>Thames Valley Police</p>	<p>Chief Constable, Thames Valley Police Headquarters Oxford Road Kidlington OX5 2NX</p>	<p>01865 266109 licensing@thamesvalley.pnn.police.uk www.thamesvalley.police.uk</p>
<p>Fire and Rescue Service</p>	<p>Oxfordshire Fire and Rescue Service Sterling Road Kidlington OX5 2DU</p>	<p>01865 842999 fire.service@oxfordshire.gov.uk http://www.oxfordshire.gov.uk/cms/public-site/fire-and-rescue-service</p>
<p>Oxfordshire Safeguarding Children Board</p>	<p>Oxfordshire Safeguarding Children Board c/o Children, Young People & Families Directorate Oxfordshire County Council, County Hall, New Road Oxford OX1 1ND</p>	<p>01865 810628 oscb@oxfordshire.gov.uk www.oscb.gov.uk</p>
<p>Revenue and Customs</p>	<p>Her Majesty's Revenue and Customs</p>	<p>0845 010 9000 Not contactable by e-mail www.hmrc.gov.uk</p>

ANNEX 5

Licensing authority delegations

Matter to be dealt with	Full Council	Licensing Acts Panel	Officers
Final approval of three year licensing policy statement	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or all 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 representations received or all have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X indicates the lowest level to which decisions can be delegated

ANNEX 6

Summary of gaming machine categories

Category of Machine	Maximum stake (from July 2011)*	Maximum prize (from July 2011)*
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£2	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab, coin pusher, penny fall machines)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D money prize (other than coin pusher or penny falls machines)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

Summary of machine provisions by premises

	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines: Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines: Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead					
Betting premises and tracks occupied by Pool Betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo Premises				Maximum of 20% of the total number of machines available for use on the premises category B3 or B4		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of machines available for use on the premises category B3 or B4		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permit)					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)						Number as category C or D machines on permit	
Travelling Fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

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