



# Statement of Gambling Policy

(January 2022 – January 2025)



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

# STATEMENT OF GAMBLING POLICY

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## 1 Introduction

1.1 The Gambling Act 2005 (the “Act”) requires this Licensing Authority to draft, consult on and publish a Statement of Licensing Policy in relation to its responsibilities under the Act. Once published, this Policy Statement, called the Statement of Gambling Policy, will be kept under constant review and, in any case, will be re-published after every three years. Before any revision of the Statement of Gambling Policy is published this Authority will carry out a full consultation exercise on the relevant sections. This version of the Statement of Gambling Policy has been revised following the 3 year review and is for the period 2022 – 2025.

Section 25 of the Gambling Act states:

### **Section 25(1) - Guidance to local authorities**

*‘The (Gambling) Commission shall from time to time issue guidance as to-*  
*(a) the manner in which local authorities are to exercise their functions under this Act, and*  
*(b) in particular, the principles to be applied by local authorities in exercising functions under this Act.’*

### **Section 25(2)**

*A local authority shall have regard to guidance issued under subsection (1).*

1.2 The Gambling Commission states in the introduction to its Guidance to Licensing Authorities:

*‘The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions. It does not seek to impose a ‘one size fits all’ model across all licensing authorities. We recognise that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation. This Guidance does not, therefore, attempt to fetter the discretion that licensing authorities have under the Act and it is not intended to replace their judgement in individual cases. Moreover, this Guidance cannot anticipate every set of circumstances that may arise and, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. There should, however, be strong reasons for departing from this Guidance and these need to be clearly expressed and explained if a licensing authority is to avoid judicial review or challenge on appeal for failing to take this Guidance into account.’*

1.3 This Policy, therefore, generally follows the principles laid down in the Gambling Commission’s Guidance to Licensing Authorities.

The Gambling Act 2005 can be accessed via:

<http://www.legislation.gov.uk/ukpga/2005/19/contents>

and the Gambling Commission’s Guidance to Licensing Authorities may be accessed via;

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

## Licensing objectives

1.4 The Act also requires this Authority to carry out its various licensing functions while having regard to, and being reasonably consistent with, the following three licensing objectives:

- 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

Under the Gambling Act 2005 'child' means an individual who is less than 16 years old and 'young person' means an individual who is not a child but who is less than 18 years old. This authority has concerns regarding children's increasing exposure to online gambling but acknowledges, as provided in Paragraph 9.2, that online gambling is dealt with by the Gambling Commission. We welcome the Commission's continued action to use their regulatory powers to make online gambling safe and to ensure regulation remains fit for purpose and helps them to respond to new and emerging risks.

1.5 As required by the Guidance issued by the Gambling Commission, in carrying out its licensing functions under the Act, particularly with regard to premises licences, the Council shall aim to permit the use of premises for gambling as long as it is considered to be:

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the policy statement published by this Authority under section 349 of the Act

Nothing in this Statement of Gambling Policy will override the right of any person to make an application under this Act and have that application considered on its individual merits. Equally, nothing in the Statement of Gambling Policy will undermine the right of any person to make representations to an application, or seek a review of a licence where there is a legal power to do so.

This Authority will endeavour to ensure that when considering applications under this legislation it will avoid duplication with other regulatory regimes so far as possible.

1.6 Previous gambling legislation required that the grant of certain gambling permissions should take account of whether there was an unfulfilled demand for gambling facilities. However, unfulfilled demand is not a criterion for a Licensing Authority in considering an application for a premises licence under the Gambling Act. Each application will be considered on its merits without regard to demand.

1.7 The Gambling Commission's guidance for local authorities states that moral objections to gambling are not a valid reason to reject applications for premises licences and that a licensing authority must not consider unmet demand when deciding an application. However, to have regard to, and be reasonably consistent with the licensing objectives we will have to consider whether a particular premises is appropriate for the intended activity.

- 1.8 All references to the Gambling Commission's Guidance relate to the 6<sup>th</sup> Edition (Published in April 2021 and last updated May 2021). These are liable to change as the Guidance is revised from time to time and, if considered necessary, this Statement of Gambling Policy will be revised to comply with any future changes to the Guidance. A copy of the current Gambling Commission Guidance can be found on the Council's website.

## **2. A Profile of the Royal Borough of Kensington and Chelsea**

- 2.1 While the Royal Borough is the smallest of the London boroughs, covering 1,213 hectares (2,997.32 acres), it is also one of the most densely populated local authority areas in this country with 131 people per hectare (53 per acre).

*(Size of local authority and density of population information obtained from the national census of 2011 at the Office of National Statistics)*

- 2.2 The Royal Borough is situated in west London with Westminster City Council to the east, Brent Council to the north, Hammersmith and Fulham Council to the west, and the river Thames to the south. The borough has a large number of nationally and internationally famous buildings, shopping streets, restaurants and museums and attracts a significant number of visitors and tourists daily in addition to the resident population.
- 2.3 Because of the small size of the Royal Borough and the density of its residential population there are very few areas within its boundaries that could be described as solely commercial or shopping areas. Even those that could be described as commercial or shopping areas have significant numbers of residential dwellings above and adjacent to commercial premises, and residential areas in close proximity.

## **3. Consultation on the Statement of Gambling Policy**

- 3.1 Before publishing this Statement of Gambling Policy the Licensing Authority consulted with the Police, the Fire Authority and other Responsible Authorities, representatives of local residents, representatives of local businesses and representatives of those persons carrying on gambling businesses in this Authority's area. This Licensing Authority has also consulted with relevant departments within the Council and neighbouring boroughs.

## **4. Declaration**

- 4.1 In producing this Statement of Gambling Policy, 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, local crime prevention, our public health duties and any responses from those consulted on the Statement.

## **5. Responsible Authorities and Interested Parties**

- 5.1 The Gambling Act 2005 allows for two different types of groups to make representations regarding applications to the Licensing Authority, and also to apply to have existing

licences reviewed by the Authority. These groups are 'Responsible Authorities' and 'Interested Parties'

5.2 The Act defines Responsible Authorities as:

- (a) a licensing authority in England and Wales in whose area the premises are wholly or partly situated,
- (b) the Gambling Commission,
- (c) the chief officer of police for a police area in which the premises are wholly or partly situated,
- (d) the fire and rescue authority for an area in which the premises are wholly or partly situated,
- (e) the local planning authority, in accordance with Part I of the Town and Country Planning Act 1990 (c. 8), for an area in which the premises are wholly or partly situated,
- (f) an authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated,
- (g) a body which is designated in writing for the purposes of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm,
- (h) Her Majesty's Commissioners of Customs and Excise, and
- (i) any other person prescribed for the purposes of this section by regulations made by the Secretary of State.

5.3 Further to the Children and Social Work Act of 2017, Local Safeguarding Children Boards (LSCBs) have been replaced by Local Safeguarding Children Partnerships (LSCPs). Our LSCP covers Kensington and Chelsea and Westminster.

The LSCP meets once quarterly, but applications relating to Gambling Licences require any comments from the 'responsible authorities' within 28 days. Therefore, it would clearly not be appropriate to designate the LSCP as the 'responsible authority' in this area.

The policy of the Licensing Authority is that the 'responsible authority' in relation to the protection of children from harm (see 5.2 'g' above) will be the Council's Children Services Department and, in particular, the Head of Safeguarding, Review and Quality Assurance in that Department.

5.4 Section 158 of the Act states that a person is an 'Interested Party' if, in the opinion of the Licensing Authority, that person;

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

5.5 Should an individual wish to submit an objection to a new premises licence or submit a request for a review of an existing licence, it should be based on the licensing objectives contained within the Act (see Para 1.4). It should be noted that the Act does not include

the prevention of public nuisance and anti-social behaviour as a specific licensing objective.

- 5.6 The Licensing Authority is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party.

The principles for this Authority are that each case will be decided upon its own merits and rigid rules will not be applied to its decision making. It will consider the examples provided in the Gambling Commission's Guidance for Licensing Authorities at paragraph 6.21. In accordance with the Commission's Guidance 'has business interests' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.7 Section 158 of the Gambling Act states that an 'interested party' must (a) 'live sufficiently close to the premises to be likely to be affected by the authorised activities', or (b) 'has business interests that might be affected by the authorised activities', or represents persons who satisfy (a) or (b). The Gambling Commission recommends in its Guidance to Licensing Authorities that Interested Parties could include trade associations and trade unions, and residents' and tenants' associations. However, it fails to mention that those bodies should represent persons or businesses sufficiently close to be likely to be affected by the operation of the premises. (Gambling Commission Guidance for Local Authorities paragraph 6.21). This Authority will follow section 158 of the Act and will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. they live sufficiently close or carry on a business so that they will be likely to be affected by the activities being applied for.

## **6. Exchange of Information**

- 6.1 Licensing Authorities are required to include in their Statement of Gambling Policy 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 respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that Data Protection legislation will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. When the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about gambling premises to help target resources and activities and minimise duplication.

## **7. Enforcement**

- 7.1 Licensing Authorities are required by regulation under the Act 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.

7.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for Local Authorities. We will comply with the 'Regulators Code' and to support or enable economic growth for compliant businesses we will endeavour to:

- understand and minimise negative economic impacts of our regulatory activities;
- minimise the costs of compliance for those we regulate;
- improve confidence in compliance for those we regulate, by providing greater certainty; and
- choose proportionate, transparent and effective approaches to encourage and promote compliance.

This Authority will also act in accordance with its own Enforcement Policy.

7.3 As per the Gambling Commission's Guidance for Licensing Authorities, this Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 This Authority will also, as recommended by the Gambling Commission's Guidance for Licensing Authorities, adopt a risk-based inspection programme. In accordance with the Regulators' Code only those premises identified as being 'high risk' premises will be routinely inspected. Officers will only visit premises where there is a reason to do so, e.g. as part of a complaint investigation.

7.5 The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with the terms and conditions of premises licences and other permissions that they authorise. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will also be dealt with by the Gambling Commission.

7.6 This Licensing Authority also keeps itself informed of developments as regards the work of the Department for Business, Energy & Industrial Strategy in its consideration of the regulatory functions of local authorities. Bearing in mind the principle of transparency, this Licensing Authority's enforcement policy is available on our website.

7.7 It should be noted that if annual fees for premises licences are not paid when required the Licensing Authority may revoke the premises licence under section 193 Gambling Act 2005.

## **8. Protecting Children and other Vulnerable Persons from being harmed or exploited by Gambling**

8.1 As per the Gambling Commission's Guidance for Licensing Authorities, this Licensing Authority expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation or modern slavery.

- 8.2 The efficiency of such policies and procedures will be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truanting 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.
- 8.3 This Authority will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres. Such measures may include, but would not be limited to, the following:
- Proof of age schemes
  - CCTV
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Specific opening hours
  - Self-barring schemes
  - Notices/signage
  - Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation
  - Clear policies that outline the steps to be taken to protect children from harm;
  - Provision of information leaflets/helpline numbers for organisations such as GamCare and GambleAware.
  - Provision of details on how to access the National Problem Gambling Clinic and provision of the relevant information leaflet.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. This Authority will expect operators to fully comply with the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP), the Social Responsibility Codes in relation to access for children into Gambling premises, their policies and procedures designed to prevent underage gambling, and how they monitor the effectiveness of these. The Social Responsibility Codes, part of the Gambling Commission's LCCP, can be found on the Gambling Commission's website.

- 8.4 The Gambling Commission advises in its Guidance for Licensing Authorities that 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. In appropriate circumstances this Authority will consider the imposition of conditions requiring door supervisors at particular premises.
- 8.5 To assist the Licensing Authority in considering safeguarding concerns, we welcome any information from operators relating to details of where a child or young person repeatedly attempts to gamble on their premises. The Licensing Authority continues to raise awareness, in cooperation with the Metropolitan Police, of child sexual exploitation amongst the business community via Operation Makesafe. To date, efforts have been focussed on providing awareness to hotels, taxi companies and licensed premises.
- 8.6 Larger operators are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. Operators are encouraged to also make the results available to licensing authorities, as far as is practicable.

8.7 As mentioned in paragraph 5.3, the policy of this Licensing Authority is that the 'responsible authority' in relation to the protection of children from harm will be the Council's Family and Children's Services Department and, in particular, the LSCP Manager in that Department.

## 9. Licensing Authority Functions

9.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issuing *Provisional Statements* where premises are intended to provide gambling activities
- Regulating *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing *Club Machine Permits* to *Commercial Clubs*
- Granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issuing *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.
- Registering *small society lotteries* below prescribed thresholds
- Issuing *Prize Gaming Permits*
- Receiving and Endorse *Temporary Use Notices*
- Receiving *Occasional Use Notices*
- Providing information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintaining registers of the permits and licences that are issued under these functions

9.2 It should be noted that local Licensing Authorities are not involved in licensing remote gambling at all. This falls to the Gambling Commission via operating licences and, having merged with the National Lottery Commission on 1 October 2013, the Gambling Commission also regulates the National Lottery. The Financial Services Authority regulates spread betting.

## 10. Premises Licences

10.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State (The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007). Licensing Authorities are able to exclude default conditions where appropriate and also attach additional conditions where relevant.

10.2 In accordance with section 153 of the Gambling Act 2005, 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 is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority's statement of gambling policy.

### **Multiple licences and separation of different premises**

- 10.3 This Authority takes particular note of the Gambling Commission's Guidance for Licensing Authorities, which states that Authorities should pay particular attention when 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, this Authority is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed)
- 10.4 Clearly, there will be specific issues that the Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 10.5 This Authority takes particular note of paragraphs 7.7 to 7.8 and 7.26, 7.31 to 7.35 of the Gambling Commission's Guidance to Licensing Authorities relating to the artificial subdivision of premises. It also takes note of section 152 (1) of the Act and Regulation 12(2) of the **Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007** and will look very carefully at any application that may appear to breach any of these provisions.

This Authority also takes particular note of the Gambling Commission's Guidance, contained in paragraphs 18.28 to 18.32, regarding 'the appropriate licensing environment' for a premises licence. For example, where a premises is licensed to provide bingo facilities then the primary activity must be the provision of bingo, with gaming machines being an ancillary offering in the premises. This Authority also notes the Gambling Commission's Codes of Practice Consolidated for all forms of Gambling that came into effect in April 2018.

### **Plans**

- 10.6 The Licensing Authority will expect compliance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) in relation to the submission of plans with applications.
- 10.7 The Regulations state that plans shall contain the following information:
- the extent of the boundary or perimeter of the premises

- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

### **Planning considerations**

- 10.8 The Licensing Authority is aware that in May 2015 the Government introduced additional planning controls in relation to betting offices, removing them from Class A2 use to a 'sui generis' use. This means that Betting Shops have been taken out of the planning 'use' classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority recommends that applicants for new Gambling Premises Licences should already have been granted permission to use prospective premises for the proposed operation subject of the licence application. Further information can be obtained from the Council's Planning Department
- 10.9 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 can. As per the Gambling Commission's Guidance for Licensing Authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This would include incidents or suspected incidents of child sexual exploitation. Should any specific policy be decided upon regarding areas where gambling premises should not be located, in order to protect children and vulnerable persons from being harmed or exploited by gambling or to address issues of crime and disorder, 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 being upon the applicant to show how potential concerns can be overcome.
- 10.10 This Licensing Authority will seek 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.
- 10.11 Planning: The Gambling Commission Guidance to Licensing Authorities states:
- '7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example 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:

'7.65 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the 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.'

- 10.12 Premises licences granted **must be reasonably consistent with** the licensing objectives. This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions, such as the provision of door supervisors, may be relevant.
- 10.13 Where gambling premises are located in sensitive areas, e.g. near schools, this Licensing Authority will consider imposing restrictions on advertising the gambling facilities on such premises where it is felt relevant and reasonably consistent with the Licensing Objectives.
- 10.14 **Local Area Profile** – a map of this Local Authority's area has been attached as a separate document to this policy, at Appendix F. This document may be reviewed and updated from time to time. The map contains the location of all schools, hostels and homes for vulnerable people, hotspots of anti-social behaviour (ASB), and centres for people with gambling addictions. This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of schools, ASB, hostels/homes for vulnerable people and centres for people with a gambling addiction.
- 10.15 Where paragraph 10.13 applies this Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, particularly in relation to children, young persons and vulnerable people. Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business.

### **Local Risk Assessments**

- 10.16 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their Local Risk Assessment (LRA) how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people or proximity to churches, mosques, temples or any other place of worship. Religious premises and places of worship are often focal points for a percentage

of vulnerable members of the local community, including the homeless community and youth population, and have therefore been included in this policy, rather than for any moral or ethical reasons.

10.17 Some publicly available sources of information to assist in operators completing a LRA include:

- (a) the Crime Mapping website
- (b) Office for National Statistics for local neighbourhood statistics information
- (c) relevant websites or publications by local responsible authorities
- (d) websites or publications by local voluntary schemes and initiatives
- (e) on-line mapping tools
- (f) information leaflets and helpline numbers, from organisations such as GamCare and GambleAware, for customers who may have a gambling addiction.

This Authority will expect applicants for the new grant of, or variation to an existing, licence to also submit their LRA to comply with Licence Conditions and Codes of Practice (LCCP) - Social Responsibility (SR) code 10.1.1 and Ordinary Code provision 10.1.2. We strongly recommend that operators of licensed premises keep their LRA on the individual licensed premises and ensure that it is available for inspection.

The SR codes also states that a LRA must also be submitted when changes in the local environment or the premises warrant a LRA to be conducted again. This may be where:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/ support facilities are opened in the local area).

The Authority will expect the local risk assessment to consider:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children and young people will congregate such as youth clubs, parks, bus stops, cafés, shops, entertainment venues such as cinemas, bowling allies and any other place where children are attracted.
- the demographics of the area in relation to vulnerable groups
- whether the premises is in an area subject to high levels of crime and/or disorder.
- how vulnerable people, including people with gambling dependencies are protected.
- assessing staffing levels when a local college closes and the students begin to vacate the grounds.
- age verification policies such as 'Challenge 25'.
- line of sight from the counter to gambling machines.
- information held regarding self-exclusions and incidences of underage gambling.
- gaming trends that may mirror days for financial payments such as pay days or benefit payments
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, religious places and places of worship, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

- The impact of the COVID-19 pandemic on gaming trends and on operational risks.

10.18 **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 has noted that the Gambling Commission has stated that:

‘...in considering an application for a premises licence or permit that is in an area noted for particular problems with disorder, organised criminal activity etc, the licensing authority should think about what, if any, controls might be appropriate to prevent those premises being associated with or used to support crime. This may include conditions on the premises licence, such as a requirement for door supervisors.’

‘In the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.’

‘In relation to preventing disorder, licensing authorities have the ability under s.169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in s.178 of the Act.’

10.19 Where alcohol is sold after 23.00 in premises licensed under the Gambling Act 2005 we would expect that there would be the appropriate number of door supervisors employed at the premises.

10.20 However, this Authority will only impose additional conditions on licences where there is clear evidence that such conditions are necessary in order to promote the licensing objectives.

10.21 **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.

10.22 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted that the Gambling Commission's Guidance for Licensing Authorities 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), or at risk of child sexual exploitation. 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.

10.23 As regards the term ‘**vulnerable persons**’, it is noted that the Gambling Commission is not seeking to offer a definition but states that ‘... it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble

beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.' This Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision. This Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues in relation to this licensing objective regarding specific premises such as casinos. In particular, this Authority is aware of SR code 3.5.6 and Ordinary Code 3.5.7 relating to self-exclusion from gambling premises. We expect licence holders to fully comply with these Codes.

10.24 Whilst there may be evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties, public health is not a licensing objective and therefore cannot be taken into account when deciding on applications. The Licensing Authority will, however, continue to liaise with public health colleagues about new and variation applications within the borough, so that we can both continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.

10.25 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, neighbourhood and type of premises; and
- reasonable in all other respects.

The Gambling Act 2005 imposes a number of mandatory and default conditions on the different types of gambling licences. Decisions upon additional, individual conditions will be made on a case by case basis and only where there is clear evidence to support the need for additional conditions. There will be a number of measures this Licensing Authority will consider utilising should there be evidence to support the imposition of conditions, such as the use of door supervisors, appropriate signage for adult only areas etc. This 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.

10.26 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.

- 10.27 It is noted that because of restrictions imposed by the Gambling Act 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.
- 10.28 The Gambling Commission advises in its Guidance for Licensing Authorities that they may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted, though, that there is no requirement for 'in house' door supervisors at casinos or bingo premises to be licensed by the Security Industry Authority (SIA) through a specific exemption contained in Paragraph 17 of Schedule 16 to the Act. However, following clarification from the Department for Culture, Media and Sport (DCMS) and the Security Industry Authority (SIA), any contract staff employed in a Door Supervisor role will still be required to be licensed by the SIA.
- 10.29 For premises other than 'in house' staff employed at casinos and bingo premises, operators and Licensing Authorities may decide that supervision of entrances/machines is appropriate for particular cases but 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.
- 10.30 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This Licensing Authority will make a door supervisor requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 10.31 In relation to 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. It is recommended that applicants provide means 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. Such measures may cover issues such as:
- Proof of age schemes
  - CCTV
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation.

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

10.32 In relation to (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. It is recommended that applicants are able to satisfy the Authority that, for example, there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machine areas. Such measures may include:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare and GambleAware.
- Measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation.

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

10.33 **No Casinos resolution** – At this time this Licensing Authority has not passed a ‘no casino/no additional casinos’ resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, this Statement of Gambling Policy will be updated with details of that resolution. Any such decision will be made by the Full Council.

10.34 Management of areas where category B and C gaming machines are located in gambling premises that admit children and young people

This Authority notes that the Gambling Commission’s Guidance states in Paragraph 7.27 that:

For bingo and Family Entertainment Centre premises, it is a mandatory condition that under-18s should not have access to areas where category B and C gaming machines are located and this is achieved through further mandatory conditions that require the area to be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- supervised at all times to ensure that under-18s do not enter the area, and supervised by either:
  - i. one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
  - ii. CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
- arranged in a way that ensures that all parts of the area can be observed.

A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.

- 10.35 **Betting machines in Betting Premises** - 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 and nature of betting machines an operator wants to offer. This Authority will consider limiting the number of machines only where there is evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence this Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.
- 10.36 **Betting Offices** – This Licensing Authority will look closely at applications to re-site betting offices in the same locality or to extend premises in order to enhance the quality of facilities offered to the public who may wish to use them. The Authority will look at those applications sympathetically where there are no concerns that the Licensing Objectives will be adversely affected. The Authority will also take any complaints relating to the use of Fixed Odds Betting Machines (FOBTs) within Betting Shops extremely seriously and will expect operators to be fully compliant with Social Responsibility Codes 3.5, 3.7.1, 3.7.2 and Ordinary Code Provision 3.5.2.
- 10.37 This Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, the Licensing Authority will contact the Primary Authority for the business. Where there is no Primary Authority Partnership in place, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.
- 10.38 **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 are 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.

- 10.39 **Provisional Statements** - This Licensing Authority notes the Guidance from the Gambling Commission which states that 'It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence' and that 'Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully'.

The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations requires applications for Provisional Statements to be advertised in the same way as applications for Premises Licences. In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they

concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

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

10.40 **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 application is valid and/or whether it is appropriate to carry out the review, given the circumstances. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious or 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 unless there is a material change in circumstances.

- 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 gambling policy.

The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate in relation to the use of the premises.

10.41 The licensing authority expects all premises licence applications to specify opening hours. Particular attention will be paid to the opening hours for Adult Gaming Centres and Family Entertainment Centres which do not have opening hours specified as part of their mandatory conditions.

## 11. Permits and Temporary and Occasional Use Notices

11.1 Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7 to the Gambling Act 2005)

Where an operator does not hold a premises licence but wishes to provide gaming machines, an applicant 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).

11.2 The Act 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(1). The Gambling Commission's Guidance for Licensing Authorities also states: 'In its policy statement, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. ..., licensing authorities may wish to give weight to matters relating to protection of children from being harmed, exploited by gambling or at risk of child sexual exploitation, and to ensure that staff supervision adequately reflects the level of risk to this group.' (24.8)

11.3 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 Family Entertainment Centre (FEC), and if the chief officer of police has been consulted on the application'. The Licensing Authority may also consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and
- that employees are trained to have a full understanding of the maximum stakes and prizes. (24.9)

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

11.4 Statement of Principles – This Licensing Authority has not yet adopted a formal 'Statement of Principles' but 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, including the risk of child sexual exploitation. The efficiency of such policies and procedures will each be considered on their merits. They may include appropriate measures/training for staff as regards suspected truanting 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 or 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.

11.5 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1) to the Gambling Act 2005)

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.

11.6 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 harm, being exploited by gambling, or those at risk of child sexual exploitation. This Authority will also expect the applicant to satisfy it 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 helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for customers who may have a gambling addiction, from organisations such as GamCare and GambleAware.

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.

11.7 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 machines.

11.8 Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3) to the Gambling Act 2005)

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

This Licensing Authority has prepared a Statement of Principles in relation to Prize Gaming Permits 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;
- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm;
- that they have measures in place to prevent child sexual exploitation
- that they meet the objective of carrying out gambling openly and fairly; and,
- that the premises are mainly or wholly used for gambling purposes.

11.9 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.

11.10 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the Licensing Authority cannot attach any further 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.

#### 11.11 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).

11.12 The Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account of a number of matters as outlined in sections 25.45 to 25.49 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

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

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

11.14 There is also a 'fast-track' application procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). It should be noted that commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance for Licensing Authorities states: 'Under the fast-track procedure there is no opportunity for objections to be made by the

Commission or the police, and the ground upon which an authority can refuse a permit are reduced.’ and ‘grounds on which an application under the process may be refused are:

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

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.

#### 11.15 Temporary Use Notices (TUN)

There are a number of statutory limits as regards temporary use notices. It is noted that the Gambling Commission Guidance states that ‘The meaning of ‘premises’ in part 8 of the Act is discussed in Part 7 of this guidance. The definition of ‘a set of premises’ will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition, licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. For example, a large exhibition centre with a number of exhibition halls may come within the definition of ‘premises’. A TUN should not then be granted for 21 days in respect of each of its exhibition halls. In relation to other covered areas, such as shopping centres, the Licensing Authority will need to consider whether different units are in fact different ‘sets of premises’, given that they may be occupied and controlled by different people. This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a number of sections of one building so that the whole place that could be described as one set of premises.

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 (Statutory Instrument number 2007/3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

#### 11.16 Occasional Use Notices:

This notice allows for betting on a track without the need for a premises licence on 8 days or less in a calendar year. 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. This Licensing Authority will consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

## 12. Small Society Lotteries

12.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission); and
- exempt lotteries (including small society lotteries registered by the Licensing Authority)

12.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:

- small society lotteries
- incidental non-commercial lotteries
- private lotteries
- private society lotteries
- work lotteries
- residents' lotteries
- customer lotteries

12.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on the Council's web-site at:

<https://www.rbkc.gov.uk/other-licences-and-registration/lottery-registration>

or by contacting the Licensing Team on 020 7341 5152 or by email at [licensing@rbkc.gov.uk](mailto:licensing@rbkc.gov.uk).

12.4 Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the society's principal office is situated in another area it will inform the society as soon as possible and where possible, will inform the other Licensing Authority.

12.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, codes of practice and any guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's guidance.

12.6 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of his registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the

Society concerned. The Licensing Authority will accept society lottery returns either manually but preferably electronically by emailing: [licensing@rbkc.gov.uk](mailto:licensing@rbkc.gov.uk)

- 12.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 12.8 The Licensing Authority may refuse an application for registration if in their opinion:
- the applicant is not a non-commercial society;
  - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
  - information provided in or with the application for registration is false or misleading.
- 12.9 The Licensing Authority will ask applicants to set out the purposes for which the society is established and will ask the society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may also seek further information from the society.
- 12.10 Where the Licensing Authority intends to refuse registration of a society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.
- 12.11 The Licensing Authority may revoke the registered status of a society if it thinks that it would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 12.12 Where a society employs an external lottery manager, it will need to satisfy itself that the manager holds an operator's licence issued by the Gambling Commission, and the Licensing Authority will expect this to be verified by the society.

### 13. OTHER INFORMATION

- 13.1 **Equalities Implications** - Section 149 of the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Royal Borough has an Equal Opportunities Policy and this revised Statement of Gambling Policy will be monitored for any adverse impact on the promotion of opportunities for all.
- 13.2 Legal Implications - **Review of the Statement of Gambling Policy** - Under the Gambling Act 2005, the Licensing Authority must carry out a review of its Gambling

Policy every three years. That review needs to be consulted on and the Council needs to consider whether it is appropriate to make any revisions to the draft Policy before the Policy is formally approved by full Council. In accordance with the Act, the Licensing Authority intends to carry out a further full review of its Policy no later than 2024 and, prior to publishing the revised version, it intends to consult fully with those groups and individuals who were consulted in relation to this version, as well as any other persons or groups who may be considered relevant at that time.

In addition, within the three year period the Licensing Authority will review its Statement of Gambling Policy whenever it feels that relevant issues have arisen - for example, if any further significant amendments are made to the Gambling Act 2005, Guidance or Codes of Practice.

- 13.3 **Email Alerts** - If you are interested in being notified about new applications you can [register on our website](#) for licensing application email alerts and receive regular updates about applications in your area. A MyRBKC account is required.

Any website links within this document that do not work will be updated or removed.

## Appendix A: Glossary of Terms

**Default Conditions** - Conditions that will apply through Statute unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

**Casino Premises Licence Categories** - a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements.

**Child** - Individual who is less than 16 years old.

**Code of Practice**: Means any relevant code of practice under section 24 of the Gambling Act 2005

**Lottery** - An arrangement where 1) persons are required to pay to participate in the arrangement 2) in the course of the arrangement, one or more prizes are allocated to one or more members of a class 3) the prizes are allocated by a series of processes, and 4) the first of those processes relies wholly on chance.

**Exempt Lotteries** - Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:

- Small Society Lottery (required to register with Licensing Authorities).
- Incidental Non-Commercial Lotteries e.g. raffle at a dance/church fair
- Private Lotteries e.g. raffle at a student hall of residence
- Customer Lotteries e.g. supermarket holding a hamper raffle

**External Lottery Manager** - An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

**Large Lottery** - Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceed £250,000. This requires an Operating Licence.

**Licensing Committee** - A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority in Gambling matters.

**Licensing Sub Committee** - A sub-committee of members appointed from the Licensing Committee to whom the functions of the licensing committee can be delegated under the Act to determine applications.

**Mandatory Conditions** - Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.

**Operating Licences** - Licences to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.

**Personal Licence** - Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.

**Premises Licence** - Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and some family entertainment centres.

**Premises** - Premises is defined in the Act as 'any place'. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to 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. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

**Primary Authority** – Where a chain of businesses and a specific Local Authority agree, that Authority becomes the 'Primary Authority' for those businesses. The authority will ensure consistent regulation, improving the professionalism of front-line regulators, and giving businesses a say in their regulation. Where another Local Authority has concerns about compliance issues, it must refer to the Primary Authority for directions.

**Private Lotteries** - 3 Types of Private Lotteries:

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;
- Prize Gaming - Where 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. The prizes will be determined by the operator before play commences.

**Provisional Statement** - Where an applicant can make an application to the Licensing Authority in respect of premises that he:

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

**Small Lottery** - Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

**Small Society Lottery** - A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

**Temporary Use Notice** - To 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.

**Vehicles** - Defined as trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.

## Appendix B: Delegation of Functions

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Officers
Final approval of 3 year Licensing Policy	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/ Representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
Application for a transfer of a licence		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
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 a club gaming/club machine permit		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
Cancellation of a club gaming/club machines permit		X	

Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## Appendix C: Categories of Gaming Machines

### CATEGORIES OF GAMING MACHINE

#### CATEGORY MAXIMUM STAKE MAXIMUM PRIZE

*These stakes and prizes are subject to change by Central Government*

Machine category	Maximum stake (from April 2019)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act Casino and Regional Casinos
B2	£2	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above

<b>Machine category</b>	<b>Maximum stake (from April 2019)</b>	<b>Maximum prize (from January 2014)</b>	<b>Allowed premises</b>
<b>D non-money prize (other than crane grab machine)</b>	30p	£8	All of the above.
<b>D non-money prize (crane grab machine)</b>	£1	£50	All of the above.
<b>D combined money and non-money prize (other than coin pusher or penny falls machines)</b>	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
<b>D combined money and non-money prize (coin pusher or penny falls machine)</b>	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

## Appendix D: USEFUL CONTACTS

If you wish to make any comments on the Royal Borough of Kensington and Chelsea's Gambling Policy or if you want further information regarding the Gambling Act 2005 please contact:

The Licensing Team Manager  
The Royal Borough of Kensington and Chelsea  
37 Pembroke Road  
London  
W8 6PW

Telephone: 020 7341 5152  
Email: [licensing@rbkc.gov.uk](mailto:licensing@rbkc.gov.uk)

Information is also available from:

The Department for Digital, Culture, Media and Sport  
100 Parliament Street  
London  
SW1A 2BQ

Internet: [www.culture.gov.uk](http://www.culture.gov.uk)  
Email: [gambling@culture.gov.uk](mailto:gambling@culture.gov.uk)  
The Gambling Act can be viewed at:

<http://www.legislation.gov.uk/all?title=Gambling%20Act%202005>

The Gambling Commission's Guidance can be viewed at:

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

The Metropolitan Police Licensing Officer can be contacted regarding gambling issues within the Royal Borough of Kensington and Chelsea on:

Telephone: 020 7370 5319  
Email: [AWMailbox.licensing@met.police.uk](mailto:AWMailbox.licensing@met.police.uk)

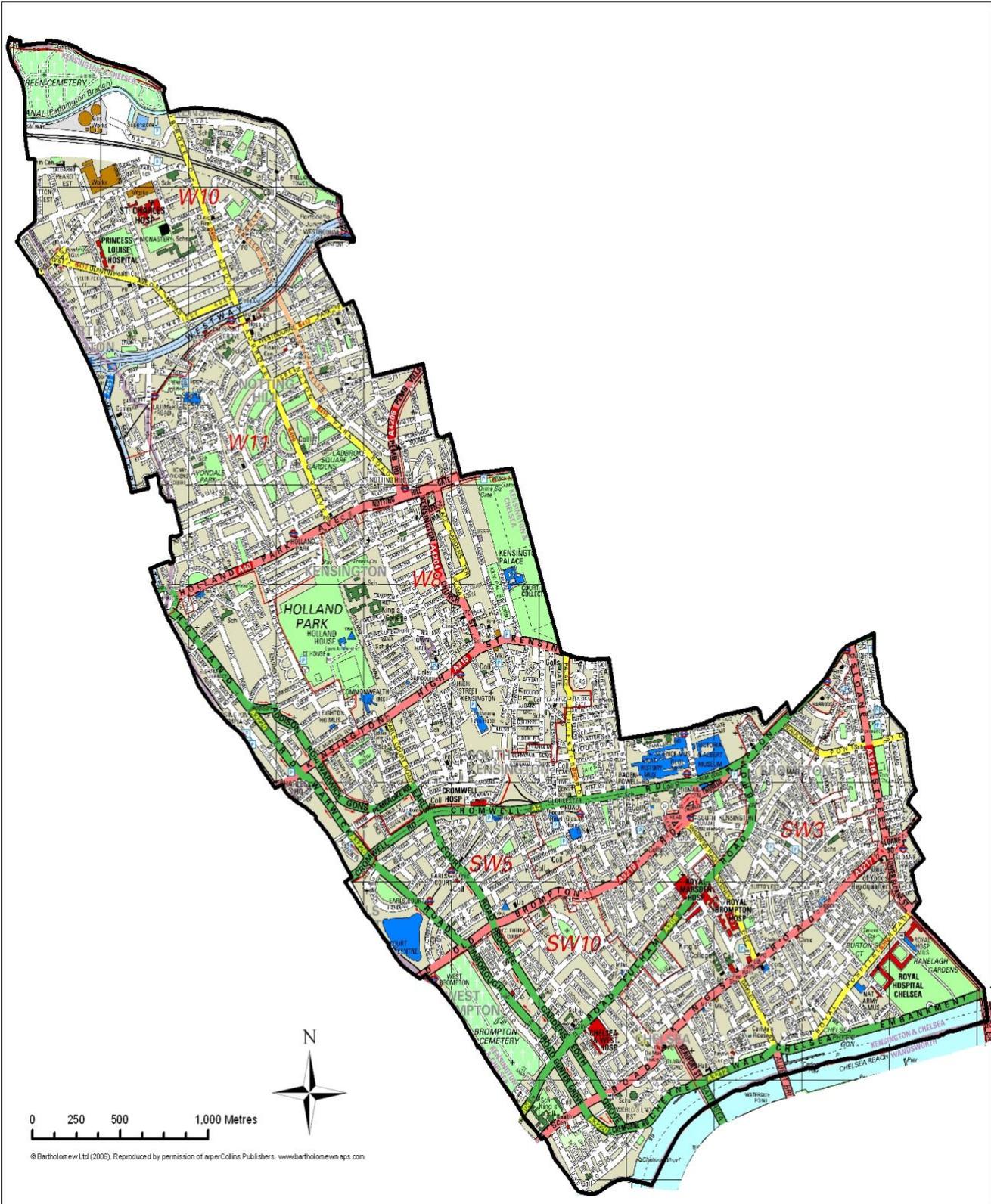
## RESPONSIBLE AUTHORITY CONTACTS

- 1) The Licensing Authority  
Royal Borough of Kensington and Chelsea  
The Licensing Team  
37 Pembroke Road  
London W8 6PW  
[licensing@rbkc.gov.uk](mailto:licensing@rbkc.gov.uk)
- 2) The Gambling Commission  
4<sup>th</sup> Floor  
Victoria Square House  
Victoria Square  
Birmingham B2 4BP  
[licensing@gamblingcommission.gov.uk](mailto:licensing@gamblingcommission.gov.uk)
- 3) Metropolitan Police Licensing Office  
C/o Council Offices  
37 Pembroke Road  
London W8 6PW  
[AWMailbox.licensing@met.police.uk](mailto:AWMailbox.licensing@met.police.uk)  
Please note that Council staff do not have authority to accept service of documents on behalf of the Metropolitan Police
- 4) The Fire Authority:  
Licensing Administrator  
LFEPA, Fire Safety Regulation  
South West Area 4  
169 Union Street  
London SE1 0LL  
  
[FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)
- 5) The Planning Authority:  
Royal Borough of Kensington and Chelsea  
Team Leader  
Planning Enforcement  
Planning Department  
The Town Hall  
Hornton Street  
London W8 7NX  
[planning@rbkc.gov.uk](mailto:planning@rbkc.gov.uk)
- 6) The Authority which has functions in relation to pollution to the environment:  
The Team Manager  
Noise and Nuisance Team  
Royal Borough of Kensington and Chelsea  
37 Pembroke Road  
London W8 6PW  
[noise@rbkc.gov.uk](mailto:noise@rbkc.gov.uk)
- 7) The Authority which has functions in relation to harm to human health:

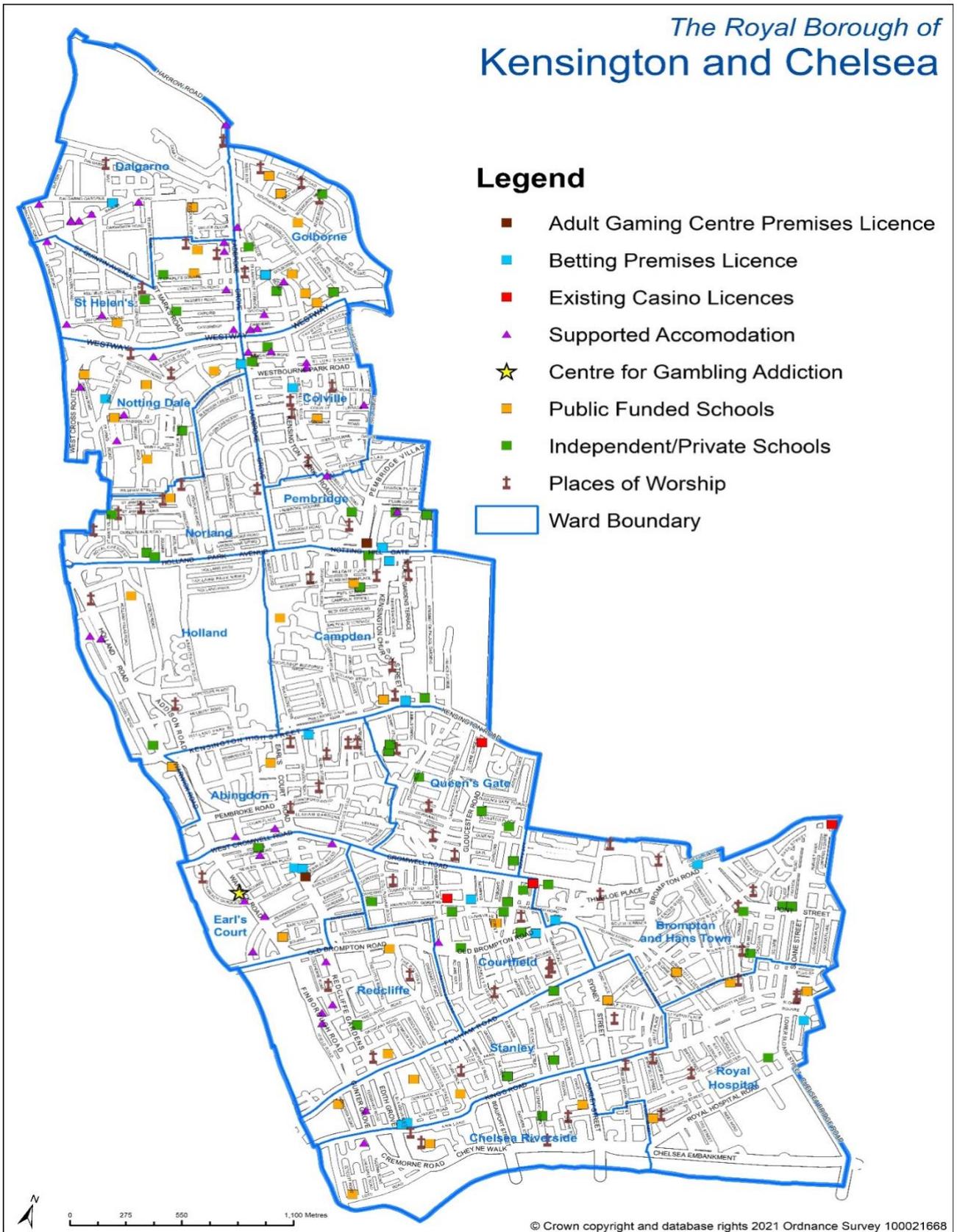
The Team Manager  
Health and Safety Team  
Royal Borough of Kensington and Chelsea  
37 Pembroke Road  
London W8 6PW  
[Environmentalhealth@rbkc.gov.uk](mailto:Environmentalhealth@rbkc.gov.uk)

- 8) Officer competent to advise about the protection of children from harm:  
Angela Flahive, Head of Safeguarding, Review and Quality Assurance  
Room 242, Kensington Town Hall,  
Hornton Street, London W8 7NX  
[angela.flahive@rbkc.gov.uk](mailto:angela.flahive@rbkc.gov.uk)
- 9) HM Revenue and Customs  
Excise Processing Team  
BX9 1GL  
[nru.betting&gaming@hmrc.gsi.gov.uk](mailto:nru.betting&gaming@hmrc.gsi.gov.uk)

# Appendix E: Map of the Royal Borough of Kensington and Chelsea



**Appendix F: Maps of The Royal Borough of Kensington and Chelsea to assist with Local Area Profiles (July 2021)**



# Kensington & Chelsea Antisocial Behaviour (ASB) across 12 months

From 22 July 2020 to 22 July 2021 –

Red - High Volume of ASB  
Orange – Medium Volume of ASB  
Yellow – Low Volume of ASB



## Appendix G: List of Consultees

In addition to various internal Council Departments, statutory consultees and premises licenced to provide gambling in this Borough, the following individuals and organisations were sent a copy to the Royal Borough of Kensington and Chelsea's Draft Statement of Gambling Policy and invited to comment on the contents.

<b>NAME</b>	<b>ADDRESS</b>
RBKC Website	
RBKC Consultation Hub	Royal Borough of Kensington and Chelsea
All Members of the Council	
RBKC Residents' Associations	
Community Groups	
Faith and Multi Faith Groups	
Poppleston Allen Solicitors	Nottingham Office: 37 Stoney Street , The Lace Market, Nottingham, NG1 1LS
Woods Whur Solicitors (London)	42-46 Princelet Street E1 5LP
British Institute of Innkeeping (Bii)	Infor House, 1 Lakeside Road, Farnborough, GU14 6XP
British Amusement Catering Trade Association (BACTA)	29-30 Ely Place London. EC1N 6TD
National Casino Industry Forum	Carlyle House, 235-237 Vauxhall Bridge Road, London SW1V 1EJ
Association of British Bookmakers	Ground Floor Warwick House 25 Buckingham Palace Road, London SW1W 0PP
British Beer and Pub Association	Ground Floor, 61 Queen Street London EC4R 1EB
The Bingo Association Limited	Lexham House, 75 High St North Dunstable LU6 1JF
Grosvenor Casinos Limited	Rank Group, TOR, Saint-Cloud Way, Maidenhead, SL6 8BN
Coastbright Ltd.	Maxims Casino Club, 1A Palace Gate, South Kensington London W8 5LS
Stanley Casinos Ltd.	Cromwell Mint Casino 43-45 Cromwell Road London SW7 2EF
GamCare	1st Floor, 91-94 Saffron Hill, London, EC1N 8QP
Paddy Power	500 King's Road, London SW10 0LE
Paddy Power	131 Ladbroke Grove, London, W11 1PN

Paddy Power	209 Kensington High Street, London W8 6BD
Paddy Power	Crowne House (5th Floor) 56-58 Southwark Street London SE1 1UN (Sarah Gibson)
Coral	Ground Floor, 72-74 Notting Hill Gate, London, W11 3HT 327 Portobello Road London W10 5SA 6 Blenheim Crescent London W11 1NN
Ladbrokes Plc	Imperial House Imperial Drive Rayners Lane Harrow HA2 7JW
William Hill	Greenside House, 50 Station Road, Wood Green. London N22 7TP
Bet Fred	Head Office, 56-58 Benson Rd, Birchwood, Warrington WA3 7PQ
The Chair of the RBKC Safeguarding Adults Executive Board Local Chamber of Commerce	Suite 313 56 Gloucester Road LONDON SW7 4UB
Director of Public Health Remote Gambling Association	27 Buckingham Palace Rd, London SW1W 0PP

# GOSSCHALKS

BY EMAIL ONLY

Licensing Department

Royal Borough of Kensington and Chelsea Council

**Please ask for:** Richard Taylor

**Direct Tel:** 01482 590216

**Email:** rjt@gosschalks.co.uk

**Our ref:** RJT / CME / 123267.00001  
#GS4098505

**Your ref:**

**Date:** 15 September 2021

Dear Sirs,

## **Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

### **The Betting and Gaming Council**

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**
- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

### **Betting and Gaming in the UK**

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

### **Problem Gambling**

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

### **Working in partnership with local authorities**

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can

be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

### **Differentiation between Licensing Act 2003 and Gambling Act 2005 applications**

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Considerations specific to the draft Gambling Act 2005 Statement of Policy**

Paragraph 1.5 inserts the word “generally” into a paraphrased version of s153 Gambling Act 2005. It is not correct to say that the licensing authority “will generally” aim to permit the use of premises for gambling. The Act requires that the authority shall aim to permit the use of premises for gambling. Accordingly the word “generally” should be deleted.

Paragraph 10.8 should be redrafted, and perhaps amalgamated with paragraph 10.10 so that it is clear that whilst the Licensing Authority may “recommend” that applicants for new premises licences have already obtained planning permission, the authority cannot take this into account nor the likelihood of whether a scheme will be granted planning or building approval when making its decisions (s210 Gambling Act 2005 and paragraph 10.10 of the draft policy.)

The following paragraph (10.9) should be redrafted to remove the sentence which suggests that a policy may be adopted regarding areas where gambling should not be located. Any such policy is likely to be unlawful and is certainly contrary to the s153 “aim to permit” principle detailed in paragraph 10.2.

Paragraph 10.15 should be redrafted. The application does not require an explanation of how the proposals will not exacerbate any problems to individuals in the vicinity. This is a matter for the local area risk assessment in which an applicant will identify risks posed by the provision of the gambling facilities proposed and detail policies, procedures and control measures in place to mitigate the risk. Furthermore, an applicant will not need to tailor an application nor propose licence conditions. The default conditions that attach to all premises licences are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives. Additional conditions would only be required where there is evidence that the policies, procedures and control measures contained within the risk assessment do not adequately address the risk posed by the provision of gambling facilities proposed.

Paragraph 10.17 should also be redrafted to delete matters that are not relevant to any assessment of risk to the licensing objectives. SR Code Provisions 10.1.1 and 10.2.2 provide for “relevant matters identified in the licensing authority’s statement of licensing policy” to be taken into account. The list of bullet points detailing examples of matters that the licensing authority expects to be considered needs therefore only to reflect matters that are relevant to the licensing objectives. For example, “*gaming trends that may mirror days for financial payments such as pay days or benefit payments*” can only be relevant to an assessment of risk to the licensing objectives if the authority’s view is that anyone in receipt of benefits or indeed paid employment is deemed vulnerable or likely to commit crime as a result of gambling. This cannot be correct and references to any issue that is not relevant to the licensing objectives should be removed.

## **Conclusion**

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



**GOSSCHALKS LLP**

**From:** Titcombe, Heidi: RBKC <[Heidi.Titcombe@rbkc.gov.uk](mailto:Heidi.Titcombe@rbkc.gov.uk)>

**Sent:** 17 September 2021 12:03

**To:** Johnson, Fiona: RBKC <[Fiona.Johnson@rbkc.gov.uk](mailto:Fiona.Johnson@rbkc.gov.uk)>; Planning: PC-PlanSvc: RBKC <[Planning@rbkc.gov.uk](mailto:Planning@rbkc.gov.uk)>; Mehaffy, Keith: RBKC <[Keith.Mehaffy@rbkc.gov.uk](mailto:Keith.Mehaffy@rbkc.gov.uk)>; ian.Davis <[ian.Davis@met.police.uk](mailto:ian.Davis@met.police.uk)>

**Subject:** [DPS:J8:40009961:A] RE: Consultation – Kensington and Chelsea Statement of Gambling Policy

Dear Fiona,

I have included a few comments on the report for your consideration.

Kind regards

Heidi

**Heidi Titcombe**

**Principal Solicitor and Manager of the Licensing and Highways Legal Team**

On behalf of the Director of Law  
Bi-borough Legal Services  
Kensington and Chelsea Council  
Westminster City Council

Mobile: 07739 314073



THE ROYAL BOROUGH OF  
**KENSINGTON  
AND CHELSEA**



**City of Westminster**

**From:** MCDONNELL, EDWARD <EDWARD.MCDONNELL@london-fire.gov.uk>  
**Sent:** 06 August 2021 15:43  
**To:** SLP Consultation <slpconsultation@rbkc.gov.uk>  
**Subject:** FW: Consultation – Kensington and Chelsea Statement of Gambling Policy

Good afternoon,

Please see the Brigade's response below.

Regards

Edward McDonnell

London Fire Brigade

Fire Safety Regulation Admin

169 Union Street

London

SE1 0LL

T: Switchboard 020 8555 1200 x89170

E: [FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)

#### **Email disclaimer**

The information in this email may contain confidential or privileged materials.

Please read the full email disclaimer notice at [london-fire.gov.uk/EmailDisclaimer](http://london-fire.gov.uk/EmailDisclaimer)

For fire safety advice please go to [london-fire.gov.uk/YourSafety](http://london-fire.gov.uk/YourSafety)

**From:** THOMAS, CORDWELL <[CORDWELL.THOMAS@london-fire.gov.uk](mailto:CORDWELL.THOMAS@london-fire.gov.uk)>  
**Sent:** 06 August 2021 15:39  
**To:** MCDONNELL, EDWARD <[EDWARD.MCDONNELL@london-fire.gov.uk](mailto:EDWARD.MCDONNELL@london-fire.gov.uk)>  
**Cc:** WINSON-HOCKLEY, MARTIN <[MARTIN.WINSON-HOCKLEY@london-fire.gov.uk](mailto:MARTIN.WINSON-HOCKLEY@london-fire.gov.uk)>; BRAND, SARAH <[sarah.brand@london-fire.gov.uk](mailto:sarah.brand@london-fire.gov.uk)>; FSR-AdminSupport <[FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)>  
**Subject:** RE: Consultation – Kensington and Chelsea Statement of Gambling Policy

Afternoon Edward

Thank you for forwarding Draft Consultation policy. We wish not to provide representation.

Regards

**Cordwell Thomas**  
**Fire Safety Inspecting Officer**  
**Kensington & Chelsea and Hammersmith & Fulham**  
**Fire Safety Regulation**

London Fire Brigade  
169 Union Street London SE1 0LL  
T: 020 8555 1200 Ext: 34446  
M: 07881 510 209  
E: [Cordwell.Thomas@london-fire.gov.uk](mailto:Cordwell.Thomas@london-fire.gov.uk)

[london-fire.gov.uk](http://london-fire.gov.uk)



For fire safety advice please go to [www.london-fire.gov.uk/YourSafety](http://www.london-fire.gov.uk/YourSafety)  
Visit our website at [www.london-fire.gov.uk](http://www.london-fire.gov.uk)

London Fire Brigade  
For advice about to how to stay safe from fire and other emergencies, please go [london-fire.gov.uk/Safety](http://london-fire.gov.uk/Safety)

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Call, email or text the Mind Blue Light Infoline 0300 303 5999  
(Open Monday to Friday, 9am to 6pm)  
Text 84999 or email [bluelightinfo@mind.org.uk](mailto:bluelightinfo@mind.org.uk)



**From:** [ian.Davis@met.police.uk](mailto:ian.Davis@met.police.uk) [ian.Davis@met.police.uk](mailto:ian.Davis@met.police.uk)  
**Sent:** 17 September 2021 13:16  
**To:** Titcombe, Heidi: RBKC [Heidi.Titcombe@rbkc.gov.uk](mailto:Heidi.Titcombe@rbkc.gov.uk); Johnson, Fiona: RBKC [Fiona.Johnson@rbkc.gov.uk](mailto:Fiona.Johnson@rbkc.gov.uk); Planning: PC-PlanSvc: RBKC [Planning@rbkc.gov.uk](mailto:Planning@rbkc.gov.uk);  
Mehaffy, Keith: RBKC [Keith.Mehaffy@rbkc.gov.uk](mailto:Keith.Mehaffy@rbkc.gov.uk)  
**Subject:** RE: [DPS:J8:40009961:A] RE: Consultation – Kensington and Chelsea Statement of Gambling Policy

No comment.

regards

Pc Ian Davis 3420AW  
Police Licensing Officer  
Royal Borough of Kensington & Chelsea  
0207 370 5319

**From:** Mehaffy, Keith: RBKC <[Keith.Mehaffy@rbkc.gov.uk](mailto:Keith.Mehaffy@rbkc.gov.uk)>  
**Sent:** 19 September 2021 18:31  
**To:** Johnson, Fiona: RBKC <[Fiona.Johnson@rbkc.gov.uk](mailto:Fiona.Johnson@rbkc.gov.uk)>  
**Subject:** RE: Consultation – Kensington and Chelsea Statement of Gambling Policy

Hi Fiona

I have read through the statement of Gambling Policy and confirm that I Hve no comments to make on it from a prevention of public nuisance key objective.

Hope this is helpful

Keith

**Keith Mehaffy**  
**Area Senior Environmental Health Officer**  
Noise and Nuisance Team  
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THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

## APPENDIX B

### STATEMENT OF GAMBLING POLICY (SGP 2022 - 2025)

#### RECORD OF RESPONSES TO PUBLIC CONSULTATION 06 August 2021 – 19 September 2021

NAME/ORGANISATION	COMMENTS	RELEVANT TO SGP	SGP REVISED YES/NO	NEW/AMENDED PARAGRAPH
Gosschalks Solicitors on behalf of the Betting and Gaming Council (BGC)	1) Amend the wording of paragraph 1.5 from 'will generally aim to permit the use of premises for gambling' as the Act requires that Licensing Authorities (LAs) shall aim to permit premises for gambling.	Yes	Yes	The words 'will generally' are deleted and replaced with 'shall aim'.
	2) Paragraph 10.8 should be redrafted, and perhaps amalgamated with paragraph 10.10 so that it is clear that whilst the LA may "recommend" that applicants for new premises licences have already obtained planning permission, the authority cannot take this into account nor the likelihood of whether a scheme will be granted planning or	Yes	No	The two paragraphs are clear and lawful. The LA is purely making a recommendation which LAs are entitled to do.

NAME/ORGANISATION	COMMENTS	RELEVANT TO SGP	SGP REVISED YES/NO	NEW/AMENDED PARAGRAPH
	<p>building approval when making its decisions (s210 Gambling Act 2005 and paragraph 10.10 of the draft policy.)</p> <p>3) Paragraph (10.9) should be redrafted to remove the sentence which suggests that a policy may be adopted regarding areas where gambling should not be located. Any such policy is likely to be unlawful and is certainly contrary to the s153 “aim to permit” principle detailed in paragraph 10.2.</p>	Yes	Yes	<p>Paragraph 10.9 is very clear that there is no such policy now and there is no intention to implement such a policy at this time. The paragraph goes on to say that should such a policy be introduced it would not preclude any application being made, and applications will be considered on their merits. The writer states that it would be ‘likely’ to be unlawful, but that would be a matter for the courts to decide. Section 153 does state that LAs should ‘aim to permit the use of premises for gambling’ but that statement is subject to being, amongst other matters, ‘in accordance with the statement published by the authority under section 349’. Having considered all these matters, the following words ‘in order to the protect children and vulnerable persons from being harmed or exploited by gambling or to address issues of crime and disorder’ has been added to the sentence in question.</p>

NAME/ORGANISATION	COMMENTS	RELEVANT TO SGP	SGP REVISED YES/NO	NEW/AMENDED PARAGRAPH
	<p>4) Re-draft paragraph 10.15 as an application does not require an explanation of how the proposals will not exacerbate any problems to individuals in the vicinity. This is a matter for the local area risk assessment in which an applicant will identify risks posed by the provision of the gambling facilities proposed and detail policies, procedures and control measures in place to mitigate the risk.</p> <p>Furthermore, an applicant will not need to tailor an application nor propose licence conditions. The default conditions that attach to all premises licences are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives.</p>	Yes	No	<p>In order for LAs to fully and properly assess an application, full details of the proposal is required. Assessments can be standard documents and can be completed with varying amounts of detail. New issues may arise in the local area which may not be incorporated in the assessment. LAs must have information in the application for them to make an informed decision. LAs should not be expected to rely on assessments of varying detail, from different applicants. It is right that LAs give guidance.</p> <p>The letter contends in the 2<sup>nd</sup> part of this paragraph that an applicant should not tailor nor propose conditions. It is right for the LA to expect and examine information to ensure a proposal complies with the objectives and it is the applicant who should lodge an application which is specific to their style of trade and premises. Each case will be heard on its own merits.</p> <p>Areas, style of building and style of operation will differ and therefore the addition of</p>

NAME/ORGANISATION	COMMENTS	RELEVANT TO SGP	SGP REVISED YES/NO	NEW/AMENDED PARAGRAPH
	<p>Additional conditions would only be required where there is evidence that the policies, procedures and control measures contained within the risk assessment do not adequately address the risk posed by the provision of gambling facilities proposed.</p> <p>5) Paragraph 10.17 should also be redrafted to delete matters that are not relevant to any assessment of risk to the licensing objectives. SR Code Provisions 10.1.1 and 10.2.2 provide for “relevant matters identified in the licensing authority’s statement of licensing policy” to be taken into account. The list of bullet points detailing examples of matters that the licensing authority expects to be considered needs</p>	Yes	No	<p>conditions, specific to that application, may be appropriate and neither the applicant or the LA should be restricted or prevented from proposing conditions to promote the objectives.</p> <p>All the bullet points relate to the objectives and this is an expectation suggested by the Council, not a demand. Paragraph 10.17 will not be amended at this time.</p>

NAME/ORGANISATION	COMMENTS	RELEVANT TO SGP	SGP REVISED YES/NO	NEW/AMENDED PARAGRAPH
	therefore only to reflect matters that are relevant to the licensing objectives.			
Legal Services	<p>1) The words 'Implications – Section 149 of the' should be added to the beginning of Paragraph 13.1</p> <p>2) The words 'Legal Implications' should be added to the beginning of paragraph 13.2.</p> <p>3) The sentence 'That review needs to be consulted on and the Council needs to consider whether it is appropriate to make</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Paragraph 13.1 amended.</p> <p>Paragraph 13.2 amended to reflect this</p> <p>Paragraph 13.2 amended to reflect this suggestion.</p>

NAME/ORGANISATION	COMMENTS	RELEVANT TO SGP	SGP REVISED YES/NO	NEW/AMENDED PARAGRAPH
	<p>any revisions to the draft Policy before the Policy is formally approved by full Council' should be added to Paragraph 13.2.</p> <p>4) Penultimate sentence of paragraph 13.2 to be revised and the words:</p> <ul style="list-style-type: none"> <li>• 'who were' to be added before the word 'consulted'</li> <li>• 'in relation to' to be added after the word 'consulted'.</li> <li>• 'on' to be deleted after 'in relation to'</li> <li>• 'as well as any other persons or groups who may be considered relevant at that time' to be added to end of the sentence.</li> </ul>	Yes	Yes	Paragraph 13.2 amended to reflect these suggestions.
Fire Authority	No additional comments	Not applicable	Not applicable	No additional comments

<b>NAME/ORGANISATION</b>	<b>COMMENTS</b>	<b>RELEVANT TO SGP</b>	<b>SGP REVISED YES/NO</b>	<b>NEW/AMENDED PARAGRAPH</b>
The Metropolitan Police	No additional comments	Not applicable	Not applicable	No additional comments
RBKC Environmental Health Dept	No additional comments	Not applicable	Not applicable	No additional comments