



	<b>Full Licensing Committee Report</b>
<b>Date:</b>	15 <sup>th</sup> July 2015
<b>Subject:</b>	Establishment of a pool of model conditions for gambling premises

## Summary

This report sets out the proposal to establish a pool of model conditions for gambling premises under the Gambling Act 2005 which will mirror the approach taken for Licensing Act 2003 premises licences

## Recommendations

The Committee is recommended to approve the establishment of the of a pool of model conditions for gambling premises which will be updated and amended by the Director of Public Protection & Licensing when necessary.



City of Westminster

# Committee report

Date:	<b>16<sup>th</sup> July 2015</b>
Classification:	<b>For General Release</b>
Title of Report:	<b>Establishment of a pool of model conditions for gambling premises</b>
Report of:	<b>The Director of Public Protection &amp; Licensing</b>
Wards involved:	<b>All</b>
Policy context:	<b>Statement of Licensing Principles for Gambling</b>
Financial summary:	<b>None</b>
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## **1. Background Information**

- 1.1. The Gambling Act 2005 (the Act) requires the Licensing Authority to consider and determine applications for premises licences within its geographical area.
- 1.2 The Act requires the Licensing Authority to aim to permit gambling so far as it is:
  - 1.2.1 in accordance with the Gambling Commissions Codes of Practice
  - 1.2.2 in accordance with the Gambling Commissions Guidance to Licensing Authorities
  - 1.2.3 reasonably consistent with the licensing objectives, and
  - 1.2.4 in accordance with the Council's Statement of Licensing Principles for gambling
- 1.3 To meet the relevant considerations under the Act, applicants can propose conditions as part of their application. Interested parties and responsible authorities will also propose conditions if they feel that conditions would address their concerns.
- 1.4 Each premises licence is subject to mandatory conditions which are prescribed by regulations. These mandatory conditions are specific to the relevant category of premises licence and cannot be removed or amended. In addition to the mandatory conditions there are some categories of premises licences which have default conditions. These conditions restrict the licensable hours for that category of licence. The default conditions can be removed if requested in an application for a new premises licence, a variation of the existing licence or following a review.

## **2. Detail**

- 2.1 Since September 2007 the Licensing Authority has been empowered to permit gambling facilities within Westminster. Since this time the Licensing Authority has imposed a number of conditions on licences to address concerns on the potential impact the operation may have on the licensing objectives. Officers are of the view that there is a need to create a more consistent approach to the wording of conditions. To enable this it is proposed that the Licensing Authority should establish a pool of conditions that operators, interested parties and responsible authorities can use which will achieve this consistent approach.
- 2.2 The Licensing Authority has already established a pool of model conditions for premises licences under the Licensing Act 2003 (2003 Act). The 2003 Act premises licence pool of model conditions has been seen to be an effective way of providing a consistent approach to the wording and imposition of conditions for this licensing regime.
- 2.3 Officers have produced a pool of model conditions for gambling premises which has been drawn up from existing conditions already in place on gambling premises within Westminster, from a list of conditions that the Gambling Commission has pulled together from other local authorities around the Country as best practice and conditions officers have developed themselves to address specific issues that come up from time to time relating to gambling premises.

- 2.4 In order to provide a comprehensive list of conditions for all gambling premises officers have included the mandatory and default conditions along with the pool of model conditions in one document. This document will then form one source of reference for operators, interested parties and responsible authorities. This document is attached at Appendix A to this report.

### **3. Financial Implications**

- 3.1 There will be no financial implications as a result of this report.

### **4. Legal Implications**

- 4.1 There are no perceived legal implications associated with this report. The Licensing Authority has the power to impose conditions on premises licences under section 169 of the Gambling Act 2005. Any conditions proposed must be reasonable and relate to one or more of the licensing objectives. However, the Licensing Authority cannot attach conditions to a premises licence which would prevent compliance with a condition of the operating licence issued by the Gambling Commission which authorises the operator to carry out the activity of which the premises licence is granted.
- 4.2 All conditions attached to a premises licence must be enforceable as if breached the operator would be committing an offence under the Gambling Act 2005 and liable on conviction to a fine, imprisonment or both.

### **5. Staffing Implications**

- 5.1 There will be no staffing implications as a result of this report.

### **6. Reason for Decision**

- 6.1 It is recommended that if the Licensing Authority establishes a pool of model conditions for gambling premises it will aid operators, interested parties and responsible authorities in proposing conditions that will address specific concerns. These conditions will also enable a more consistent approach to the wording of conditions across the City. The pool of model conditions will match the approach that has been taken with alcohol, entertainment and late night refreshment premises licences under the Licensing Act 2003 which has been seen to be successful.
- 6.2 The Council is reviewing the current Statement of Licensing Principles for gambling this year and it is likely that, if the Committee agrees to establish these model conditions they will be referred to within the revised Statement.
- 6.2 In order to allow these conditions to be amended or added to when necessary it is also recommended that any subsequent amendment or update is undertaken by the Director of Public Protection & Licensing.

**If you have any queries about this report or wish to inspect one of the background papers please contact Mr Kerry Simpkin on 020 7641 1840 or email him at [ksimpkin@westminster.gov.uk](mailto:ksimpkin@westminster.gov.uk).**

## **Background Papers**

- Gambling Act 2005
- Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007
- Licensing Act 2003 Premises Licence Pool of Model Conditions Document September 2013



City of Westminster

# Mandatory, Default and Westminster's Pool of Model Conditions for Gambling Premises Licences

Gambling Act 2005

1<sup>st</sup> Edition – June 2015

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## 1. Introduction

- 1.1 Westminster City Council is the Licensing Authority under the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within Westminster. The Licensing Authority also has a role in gambling regulation by ensuring compliance with the Act.
- 1.2 The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and the way that gambling operators carry on their activities. They are:
  - (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
  - (b) ensuring that gambling is conducted in a fair and open way.
  - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers, for example to attach conditions on licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.
- 1.4 The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 impose conditions on each category of gambling premises licence under the Act. For ease of reference and to provide a concise document containing all relevant conditions the Licensing Authority has included the mandatory and default conditions in parts 2 and 3 of this document.
- 1.5 The Licensing Authority has developed a pool of Model Conditions in Part 4 of this document to assist gambling operators, responsible authorities and interested parties in providing a consistent approach to dealing with specific issues and concerns.
- 1.6 Gambling operators will identify measures which would mitigate the risk to the licensing objectives should from their local risk assessment undertaken on for that premises. The model conditions will assist prospective and existing licence holders where they consider that specific conditions would cement these proposed measures within the regulatory framework.
- 1.7 Once an application has been made, the responsible authorities and interested parties are encouraged to engage with the applicant if they are considering making a representation to the application.
- 1.8 The model conditions are not an exclusive or exhaustive list of conditions which may be included on a premises licence. It does not restrict any applicant, responsible authority, or other interested parties from proposing any alternative

conditions, nor would it restrict a Licensing Sub-Committee from imposing any reasonable condition on a licence it considers appropriate to aim to permit gambling under section 153 of the Act..

- 1.9 Model conditions are listed numerically and an index is included for ease of reference. This is the first edition of the Mandatory, Default and Westminster's Model Conditions for Gambling Premises Licences that we have produced. We will continue to be updated this document as required and publish it on [www.westminster.gov.uk](http://www.westminster.gov.uk)
- 1.10 If you have any comments relating to this documents content and use please contact the Licensing (Gambling) Team on 020 7641 6500 or email [gambling@westminster.gov.uk](mailto:gambling@westminster.gov.uk).

## 2. Mandatory Conditions

- 2.1 Mandatory conditions are conditions that are specified in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (2007 Regs). The mandatory conditions for each category of premises licences are listed below as conditions with Westminster's own condition reference and the specific regulation, schedule, part and paragraph where those conditions are located within the 2007 Regs.
- 2.2 These mandatory conditions are to be applied to the relevant category of premises licence and cannot be removed or varied in anyway.
- 2.3 Where a mandatory condition, as specified within the 2007 Regs refers to a paragraph that is a separate condition within that part of the schedule we have replaced that paragraph number with the relevant Westminster condition reference.

### 2.4 Converted Casinos

CCM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
CCM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
CCM03	The premises shall not be used for—  a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Reg 3(4)
CCM04	The principal entrance to the premises shall be from a street.	Reg 4, Sch 1, Part 1, Para 1(1)
CCM05	No entrance to the premises shall be from premises that are used wholly or mainly by children, by young persons, or by both.	Reg 4, Sch 1, Part 1, Para 1(2)
CCM06	No customer shall be able to enter the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect	Reg 4, Sch 1, Part 1, Para 1(3)
CCM07	A gap of at least 2 metres shall be maintained between any ordinary gaming table and any other equipment, apparatus or structure used by a person to gamble on the premises.	Reg 4, Sch 1, Part 1, Para 2

CCM08	No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.	Reg 4, Sch 1, Part 1, Para 3
CCM09	<p>(1) The rules of each type of casino game that is available to be played on the premises shall be displayed in a prominent place within both the table gaming area and other gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.</p> <p>(2) The condition in sub-paragraph (1) may be satisfied by—</p> <ol style="list-style-type: none"> <li>a) displaying a clear and legible sign setting out the rules; or</li> <li>b) making available to customers leaflets or other written material containing the rules.</li> </ol>	Reg 4, Sch 1, Part 1, Para 4
CCM10	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming table, gaming machine or betting machine in order to do so.	Reg 4, Sch 1, Part 1, Para 5
CCM11	A notice shall be displayed in a prominent place at every entrance to the premises stating that no person under the age of 18 years is permitted to enter the premises.	Reg 8, Sch1, Part 5, Para 1
CCM12	<p>(1) This paragraph shall apply to premises which have a gambling area the floor area of which is no less than 200m<sup>2</sup>.</p> <p>(2) In determining the floor area of the gambling area, all areas in which facilities for gambling are provided on the premises shall be taken into account.</p> <p>(3) The premises shall contain a non-gambling area, the floor area of which is no less than 10% of the floor area of the gambling area.</p> <p>(4) The non-gambling area may consist of one or more areas within the premises.</p> <p>(5) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.</p> <p>(6) Facilities for gambling shall not be provided in the non-gambling area.</p> <p>(7) At any time during which facilities for gambling are being provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (5), shall contain recreational facilities that are available for use by</p>	Reg 8, Sch1, Part 5, Para 2

	customers on the premises.	
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## 2.5 Bingos

BIM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
BIM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
BIM03	The premises shall not be used for—  a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Reg 3(4)
BIM04	A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.	Reg 10, Sch2, Part 1, Para 1
BIM05	No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect—  a) a casino premises licence; b) an adult gaming centre premises licence; c) a betting premises licence other than a track premises licence; and	Reg 10, Sch2, Part 1, Para 2
BIM06	(1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.  (2) Any area of the premises to which category B and C gaming machines are located—  a) shall 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 the purpose; b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3).  The reference to supervision in this paragraph means supervision by—  (3)  a) one or more persons whose responsibilities include ensuring children or young persons or both do not	Reg 10, Sch2, Part 1, Para 3

	<p>enter the area; or</p> <p>b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.</p> <p>A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.</p> <p>(4)</p>	
BIM07	<p>(1) 1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.</p> <p>In the case of any other charges in respect of gaming, a</p> <p>(2) notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.</p> <p>The notice in sub-paragraph (2) shall include the following</p> <p>(3) information—</p> <p>a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;</p> <p>b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and</p> <p>c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.</p> <p>The notice may be displayed in electronic form.</p> <p>(4)</p> <p>(5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of “prize gaming”) applies.</p>	Reg 10, Sch2, Part 1, Para 4
BIM08	<p>(1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.</p> <p>The condition in sub-paragraph (1) may be satisfied by—</p> <p>(2)</p> <p>a) displaying a sign setting out the rules,</p> <p>b) making available leaflets or other written material containing the rules, or</p> <p>c) running an audio-visual guide to the rules prior to any bingo game being commenced.</p>	Reg 10, Sch2, Part 1, Para 5
BIM09	Any ATM made available for use on the premises shall be	Reg 10,

	located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Sch2, Part 1, Para 6
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## 2.6 Betting Tracks

BTM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
BTM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
BTM03	The premises shall not be used for—  a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Reg 3(4)
BTM04	No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—  a) a casino premises licence; b) an adult gaming centre premises licence.	Reg 16, Sch 6, Part 1, Para 1
BTM05	A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.	Reg 16, Sch 6, Part 1, Para 2
BTM06	The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.	Reg 16, Sch 6, Part 1, Para 3
BTM07	The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets—  a) will be operating under a valid operating licence; and b) are enabled to accept such bets in accordance with— (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act.	Reg 16, Sch 6, Part 1, Para 4
BTM08	The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.	Reg 16, Sch 6, Part 1, Para 5



BTM09	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Reg 16, Sch 6, Part 1, Para 6
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Mandatory conditions attached to track premises in respect of premises that are horse-race courses

BTM10	<p>(1) This paragraph shall apply to converted track premises licences in respect of premises that are horse-race courses.</p> <p>(2) The licence holder shall ensure that in respect of any part of the track, which immediately before 1st September 2007 was made available for the purposes of complying with a condition imposed under section 13(2) of the 1963 Act (which provides for conditions to be imposed on a certificate under section 13 relating to the places which are to be provided for enabling betting to take place on the track), that part shall continue to be made available for the purposes of enabling betting operators and betting operators' assistants to use it for carrying on business in connection with providing facilities for betting.</p> <p>Sub-paragraph (2) is without prejudice to any application under section 187 of the 2005 Act (application to vary a premises licence) to change the location of the part of the track to which that sub-paragraph applies.</p> <p>(3) Where such an application is granted, sub-paragraph (2) is to have effect as if it required the licence holder to ensure that the part of the track identified in the application as the new location for the area referred to in that sub-paragraph is made available for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.</p> <p>References in this paragraph to an "existing betting area" are to any part of the track which is required to be made available in accordance with the preceding provisions of this paragraph for the purposes of enabling betting operators and betting operators' assistants to carry on business in connection with providing facilities for betting.</p> <p>(4) The charge for admission to an existing betting area for the purposes of carrying on business in connection with providing facilities for betting shall not exceed—</p> <p>(5) a) where payable by a betting operator, five times the cost of the highest charge paid by members of the public who are authorised to enter that part of the track; and</p> <p>b) where payable by a betting operator's assistant, the cost of the highest charge paid by members of the public who are authorised to enter that part of the track.</p>	Reg 16, Sch 6, Part 2, Para 1
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	<p>A betting operator or betting operator's assistant shall not be charged, for admission to an existing betting area, an amount which differs from that charged to any other betting operator or betting operator's assistant for admission to that part of the track.</p> <p>(7) No charges may be made to betting operators and betting operators' assistants who are admitted to the existing betting areas of the track, other than—</p> <p style="padding-left: 40px;">a) the charge for admission in accordance with subparagraphs (6) and (7), and</p> <p>(8) b) charges levied to cover costs reasonably incurred in connection with enabling betting operators and betting operators' assistants to operate in the existing betting area.</p> <p>This paragraph shall not apply after 31st August 2012.</p> <p>(9)</p>	
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BTM11	<p>(1) This paragraph shall apply to all track premises licences in respect of premises that are horse-race courses.</p> <p>The licence holder shall provide a place on the premises where betting operators and betting operators' assistants, including small-scale operators, may carry on business in connection with providing facilities for betting and to which the public may resort for the purpose of betting.</p> <p>(2)</p> <p>(3) The reference in this paragraph to "small-scale operators" shall have the same meaning as prescribed in The Gambling Act 2005 (Definition of Small-scale Operator) Regulations 2006.</p> <p>This paragraph shall not apply to converted track premises licences before 1st September 2012.</p> <p>(4)</p>	Reg 16, Sch 6, Part 2, Para 6
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Mandatory conditions attached to track premises licences in respect of premises that are dog racing tracks

BTM12	<p>A totalisator on the premises shall only be operated—</p> <p style="padding-left: 40px;">a) while the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and</p> <p style="padding-left: 40px;">b) for effecting with persons on the premises betting transactions on dog races taking place on the premises.</p>	Reg 16, Sch 6, Part 3, Para 1
BTM13	<p>(1) 1) At any time during which the totalisator is being lawfully used on the premises—</p>	Reg 16, Sch 6, Part 3,

	<p>a) no betting operator or betting operator's assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and</p> <p>b) there shall be made available on the premises space for betting operators and betting operators' assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day.</p> <p>This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.</p>	Para 2
BTM14	For the purposes of this Part, "totalisator" means the apparatus for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.	Reg 16, Sch 6, Part 3, Para 3

## 2.7 Betting (Other)

BOM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
BOM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
BOM03	<p>The premises shall not be used for—</p> <p>a) the sale of tickets in a private lottery or customer lottery, or</p> <p>b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.</p>	Reg 3(4)
BOM04	A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Reg 14, Sch 5, Part 1, Para 1
BOM05	<p>(1) Access to the premises shall be from a street or from other premises with a betting premises licence.</p> <p>(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.</p>	Reg 14, Sch 5, Part 1, Para 2
BOM06	Subject to anything permitted by virtue of the 2005 Act, or done in accordance with conditions BOM07, BOM08, BOM09 and BOM10 below, the premises shall not be used for any purpose other than for providing facilities for betting.	Reg 14, Sch 5, Part 1, Para 3

BOM07	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.	Reg 14, Sch 5, Part 1, Para 4
BOM08	No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—  a) communicating information about, or coverage of, sporting events, including—  (i) information relating to betting on such an event; and (ii) any other matter or information, including an advertisement, which is incidental to such an event;  b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.	Reg 14, Sch 5, Part 1, Para 5
BOM09	No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.	Reg 14, Sch 5, Part 1, Para 6
BOM10	No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with BOM08	Reg 14, Sch 5, Part 1, Para 7
BOM11	(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.  (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.	Reg 14, Sch 5, Part 1, Para 8
BOM12	A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.	Reg 14, Sch 5, Part 1, Para 9

## 2.8 Adult Gaming Centres

AGM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
AGM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)

AGM03	The premises shall not be used for—  a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Reg 3(4)
AGM04	A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Reg 12, Sch 3, Para 1
AGM05	No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.	Reg 12, Sch 3, Para 2
AGM06	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Reg 12, Sch 3, Para 3
AGM07	(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.  (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.	Reg 12, Sch 3, Para 4

## 2.9 Family Entertainment Centres

FEM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
FEM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
FEM03	The premises shall not be used for—  a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Reg 3(4)
FEM04	No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—  a) a casino premises licence; b) an adult gaming centre premises licence;	Reg 13, Sch 4, Para 1

	c) a betting premises licence other than a track premises licence.	
FEM05	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Reg 13, Sch 4, Para 2
FEM06	<p>(1) Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located—</p> <ul style="list-style-type: none"> <li>a) shall 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 the purpose;</li> <li>b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and</li> <li>c) shall be arranged in such a way so as to permit all parts of the area to be observed by the persons mentioned in sub-paragraph (2).</li> </ul> <p>(2) The reference to supervision in this paragraph means supervision by—</p> <ul style="list-style-type: none"> <li>a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or</li> <li>b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.</li> </ul> <p>(3) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use.</p>	Reg 13, Sch 4, Para 3
FEM07	<p>(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.</p> <p>(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.</p>	Reg 13, Sch 4, Para 4

### 3. Default Conditions

3.1 Default conditions are conditions that are specified in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (2007 Regs). The default conditions for each category of premises licences are listed below as conditions with Westminster's own condition reference and the specific regulation, schedule, part and paragraph where those conditions are located within the 2007 Regs.

3.2 These default conditions will be applied to the relevant category of premises licence unless the applicant or licensee specifies that the default conditions are to be removed within their new or variation application.

3.3 Where a default condition, as specified within the 2007 Regs refers to a paragraph that is a separate condition within that part of the schedule we have replaced that paragraph number with the relevant Westminster condition reference.

#### 3.4 Converted Casinos

CCD01	No facilities for gambling shall be provided on the premises between the hours of 6am and noon on any day.	Reg 9, Sch 1, Part 6
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#### 3.5 Bingos

BID01	Subject to BID02, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.	Reg 11, Sch 2, Part 2, Para 1
BID02	The condition in BID01 shall not apply to making gaming machines available for use.	Reg 11, Sch 2, Part 2, Para 2

#### 3.6 Betting Tracks

BTD01	Subject to condition BTD02, no facilities for gambling shall be provided on the premises between the hours of 10pm on one day, and 7am on the next day.	Reg 17, Sch 6, Part 4, Para 1
BTD02	The prohibition in condition BTD01 does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.	Reg 17, Sch 6, Part 4, Para 2

#### 3.7 Betting (Other)

BOD01	No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.	Reg 15, Sch 5, Part 2
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## 4. Model Conditions

- 4.1 The following model conditions can be used by the applicant of a new premises licence, provisional statement or licensees varying their application. The applicant or licensee can select the conditions that they feel will enable them to demonstrate how they will ensure that the premises will operate so as not to impact the licensing objectives.
- 4.2 Gambling operators are recommended during their local risk assessment process to identify control measures, such as conditions to mitigate the impact on the licensing objectives by that premises. These models conditions can be selected to address the risk of impacts identified in these assessments.
- 4.3 These conditions can also be used by responsible authorities or interested parties when making representations on applications submitted to the Licensing Authority. The Licensing Sub-Committee when determining applications will have regard to these conditions and may choose to add one or more conditions or variations of them depending on the concerns raised during the determination process.
- 4.4 The model conditions are not intended to be used as blanket conditions applied to each premises licence. It may appear from the list that the conditions are repetitive, however there are subtle differences so gambling operators; responsible authorities and interested parties are advised to find the most appropriate condition to mitigate the identified risk.
- 4.5 The model conditions set out in this section are not an exhaustive list and new or amended versions of model conditions can be produced to meet the specific requirements of that application.
- 4.6 The model conditions have been put under general topic headings to assist in identifying particular conditions that may address specific issues raised. By the side of each condition a reference to the relevant licensing objective that they relate is indicated. The codes used for the licensing objectives are:

CD - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.

FO - ensuring that gambling is conducted in a fair and open way.

CV - protecting children and other vulnerable persons from being harmed or exploited by gambling.

### 4.7 Hours

MC1	No facilities for gambling shall be provided on the premises between the hours of [insert time] on one day and [insert time] on the next day.	CD, FO & CV
MC2	No facilities for gambling shall be provided on the premises between the hours of [insert time] and [insert time] on any day.	CD, FO &

		CV
MC3	The premises shall not provide gambling facilities between the hours of [insert time] and [insert time].	CD, FO & CV
MC4	There shall be no admittance or re-admittance to the premises after [enter time].	CD & CV

#### 4.8 CCTV

MC5	<p>The venue shall install and maintain a comprehensive CCTV system at the premises as per the minimum requirements of the Metropolitan Police Licensing Team. This system should cover:</p> <ul style="list-style-type: none"> <li>a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions.</li> <li>b) The areas of the premises to which the public have access (excluding toilets)</li> <li>c) Gaming machines and the counter area</li> </ul> <p>The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of thirty one days with date and time visible. Recordings shall be immediately arranged by a member of staff for handover to Police or authorised officer following their request..</p>	CD
MC6	A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to arrange for Police to view recent data or footage with the absolute minimum of delay when requested.	CD
MC7	There shall be [insert number] external cameras which will provide live images to staff in the service counter area.	CD
MC8	Notices indicating that CCTV is in use at the premises shall be placed at or near the entrance to the premises and within the premises.	CD
MC9	A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering exiting the premises.	CD
MC10	<p>The licensee shall:</p> <ul style="list-style-type: none"> <li>a) provide training on the CCTV system and how to access the footage if requested to do so by the police or other authorised officers as part of the staff induction training programme or when the system is changed, and</li> <li>b) periodically provide refresher training to all of its staff working at these premises on the CCTV viewing process.</li> </ul>	

	Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Police or Licensing Authority as soon as practicable.	
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#### 4.9 Door Supervision

MC11	At least [enter number] SIA licensed door supervisors shall be on duty at every entrance and exit to the premises at all times whilst it is operating under this licence.	CD & CV
MC12	A minimum of [insert number] SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.	CD & CV
MC13	At least [insert number] SIA licensed door supervisors shall be on duty at every public entrance and exit of the premises at all times whilst it is open for business.	CD & CV
MC14	[insert number] of SIA Licensed Door Supervisors are to be on duty at the premises during the whole of permitted hours	CD & CV
MC15	No patrons shall be admitted or re-admitted to the premises after [enter time] unless they have passed through a metal detecting search arch and, if the search arch is activated or at the discretion of staff, then physically searched, which will include a 'pat down search' and a full bag search.	CD & CV
MC16	All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.	CD & CV
MC17	All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.	CD & CV
MC18	The licence holder shall ensure that the outside areas of the premises are monitored so as to ensure there is no crime, disorder, public nuisance or obstruction of the public highway.	CD & CV

#### 4.10 Children and Young People

MC19	The Licensee shall maintain a bound and paginated 'Challenge [21/25 delete as appropriate] Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.	CV
MC20	Prominent signage and notices advertising the Challenge [21/25 delete as appropriate] will be displayed showing the operation of such policy	CV

MC21	Third party testing on age restricted sales systems shall be carried out on the premises a minimum of [insert frequency] a year.	CV
MC22	Third party testing on age restricted sales systems purchasing shall take at least [insert frequency] a year and the results shall be provided to the Licensing Authority upon request.	CV
MC23	The licensee shall not allow their logos or other promotional material to appear on any commercial merchandising which is designed for use by children.	CV
MC24	All tills shall automatically prompt staff to ask for age verification identification when placing a bet.	CV
MC25	A Challenge [21/25 delete as appropriate] proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.	CV
MC26	The licensee will ensure, through regular checks and intervention, that customer's children are not left unsupervised outside the premises	CV
MC27	The licensee will ensure, though regular checks and intervention that children will not congregate outside the premises.	CV

#### 4.11 Documents Provided to the Licensing Authority

MC28	The licensee shall provide the Licensing Authority with their compliance/operating manual which sets out all of the premises policies to meet the regulatory requirements under the Gambling Act 2005 and shall provide a copy of any update or revision as soon as practicable following the implementation of that change.	CD, FO & CV
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#### 4.12 Entrances and Doors

MC29	A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which will be operable from the ground floor cashier counter by staff.	CD & CV
MC30	An Infra-Red Beam connected to a sounder will be installed and maintained at the entrance of the premises so as to notify staff when a customer enters or exits the premises.	CD & CV

#### 4.13 Staffing Levels

MC31	There shall be no pre-planned single staffing at any time.	CD &
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		CV
MC32A	There shall be no pre-planned single staffing after 20:00. Should the premises be single staffed after this time the magnetic door locking system must be in constant use.	CD & CV
MC32B	No pre-planned single staffing after 8pm and, when this is unavoidable, a Maglock shall be in constant use on the entrance/exit door.	CD & CV
MC33	There will be a minimum of [enter number] staff will be present at all times when the premises is open.	CD & CV
MC34	There will be a minimum of two members of staff after 10pm.	CD & CV
MC35	A minimum of two members of staff will be on duty for the duration of the period in which licensable activities are taking place on the premises.	CD & CV

#### 4.14 Cashier Counters and Safe Havens

MC36	The licensee shall maintain a full height polycarbonate or 11.5mm minimum thickness laminated glass security screen counter on the ground floor of the premises.	CD
MC37	A full-height security screen shall be installed at the cashiers counter.	CD
MC38	Full height security bars which are spaced at adequate intervals to prevent a person from reaching through will be installed at the cashiers counter	CD
MC39	The licensee shall install a Safe Haven [add location of safe haven] which includes a secure door with peephole, CCTV Monitor, Telephone, Safe Guard system, maglock control button and any other systems deemed appropriate by the licensee.	CD

#### 4.15 Identification of Offenders or Problem Persons

MC40	The licensee shall provide Spit Kits within the premises and provide staff training on the use of these kits.	CD
MC41	If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training.	CD
MC42	The Licensee shall implement a policy of banning any customers	CD

	who engage in crime or disorder within or outside the premises.	
MC43	The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.	

#### 4.16 Seating

MC44A	The licensee shall ensure that all seating within the premises are either secured to the floor or are weighted to prevent lifting	CD
MC44B	The licensee shall ensure that all gaming machine seating within the premises are weighted to prevent lifting	CD

#### 4.17 Alarms (Premises and Personal)

MC45A	Each member of staff will be provided and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff or that staff member is lying horizontal for a pre-determined period of time.	CD
MC45B	Lone working staff will be provided and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff or that staff member is lying horizontal for a pre-determined period of time.	CD
MC46	The licensee shall install and maintain an intruder alarm on the premises.	CD
MC47	The premises shall install and maintain a panic button behind the cashiers counter.	CD
MC48	The premises shall install and maintain a panic button behind the cashiers counter that will alert the premises security once pressed.	CD
MC49	An attack alarm shall be installed and maintained behind the cashier counter which would alert [operator name] Security and the police.	CD
MC50	An attack alarm shall be installed and maintained behind the cashier counter which would alert the police.	CD

#### 4.18 Toilets

MC51	A Maglock device will be installed and maintained on the customer toilet door which will be operated by a member of staff from the cashiers counter.	CD & CV
MC52	The Licensee shall install and maintain an ultraviolet lighting	CD

	system in the customer toilet.	& CV
MC53	The licensee will ensure that customer toilets are checked [insert time interval] for evidence of drug taking.	CD & CV

#### 4.19 Restrictions on Food and Beverages

MC54	Only refreshments purchased or supplied on the premises may be consumed on the premises	CV
MC55	The hot refreshment vending machine and refreshment facilities shall be provided for customers and staff use only.	CV

#### 4.20 Signage, Promotional Material and Notices

MC56	<p>The licensee shall place and maintain a sign at the entrance of the premises stating that access to the premises will be excluded to the following people:</p> <ul style="list-style-type: none"> <li>a) Anyone who is under the age of 18,</li> <li>b) Anyone who appears to be under the age of 21 and is unable to provide proof of age that they are over the age of 18,</li> <li>c) Only refreshments purchased or supplied on the premises may be consumed on the premises,*</li> <li>d) Anyone who is barred from the premises, and</li> <li>e) Anyone who has alcohol on their person or appears to be under the influence of alcohol or substances.</li> </ul> <p><i>* Only to be added if model condition MC54 is proposed.</i></p>	CD & CV
MC57	<p>The Licensee shall place and maintain a sign at the entrance which states that 'only refreshments purchased on the premises may be consumed on the premises'.</p> <p><i>Only to be added if model condition MC54 is proposed.</i></p>	CV
MC58	All notices regarding gambling advice or support information must be translated into both simplified and traditional Chinese.	FO & CV
MC59	All public signage/documentation relating to age restrictions, gambling advice and gambling support information (e.g. GamCare or similar support service) is displayed or provided on the premises in written English and Chinese (Simplified and Traditional).	FO & CV
MC60	All public signage/documentation relating to age restrictions, gambling advice and gambling support information (e.g. GamCare or similar support service) is displayed or provided on the premises in written English and [insert language relevant to the local population].	FO & CV

MC61	Prominent GamCare documentation will be displayed at the premises.	FO & CV
MC62	The licensee shall ensure that no ethnicity specific gambling promotion is provided or advertised on the premises which is designed and/or intended to entice participation in gambling by the local community.	CV
MC63	The licensee shall ensure that no gambling promotion is provided or advertised on the premises which is designed and/or intended to entice participation in gambling by the local [insert ethnicity] community.	CV

#### 4.21 Enticement Promotions

MC64	The licensee shall not offer any enticement promotions, such as happy hours during which gaming machines stakes are reduced.	FO & CV
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#### 4.22 Staff Training

MC65	<p>The licensee shall:</p> <ul style="list-style-type: none"> <li>a) provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme.</li> <li>b) periodically provide refresher training to all of its staff working at these premises on the specific local risks to the licensing objectives.</li> </ul> <p>Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Licensing Authority as soon as practicable.</p>	CD, FO & CV
MC66	<ul style="list-style-type: none"> <li>a) The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training.</li> <li>b) Participation in this training shall be formally recorded and the records produced to the police or licensing authority upon request.</li> </ul>	CD, FO & CV
MC67	New and seasonal staff must attend induction training and receive refresher training every six months.	CD, FO & CV

#### 4.23 Recording of Incidents and Visits

MC68	An incident log shall be kept for the premises and made available on request to an authorised officer of the City Council or the	CD
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	Police which will record the following; <ul style="list-style-type: none"> <li>a) All crimes reported to the venue;</li> <li>b) Any complaints received regarding crime and disorder;</li> <li>c) Any incidents of disorder;</li> <li>d) Any faults in the CCTV system; and</li> <li>e) Any visit by a relevant authority or emergency service.</li> </ul>	
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#### 4.24 Customer Bags and Belongings

MC69	Customer shall not be permitted to leave bags or other belongings at the premises.	CV
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#### 4.25 Homeless and Street Drinking

MC70	The licensee will contact the local homeless hostels/shelters and offer to provide information on problem gambling support services and how their residents can self-exclude from [operator name] premises.	CV
MC71	The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.	CD & CV
MC72	The Licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.	CD & CV

#### 4.26 Police Reporting Protocols and Crime Prevention

MC73	The Licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.	CD
MC74	Prior to opening the Licensee shall meet with the Crime Prevention Officer in order to discuss any additional measures to reduce crime and disorder.	CD

#### 4.27 ATMs

MC75	There shall be no cash point or ATM facilities on the premises.	CD & CV
MC76	The ATM shall be located so that the staff behind the cashiers desk has direct line of sight to the machine and customers using it.	CD & CV

MC77	Signage shall be placed on or immediately next to the ATM to warn customers to cover the keypad when entering their PIN number	CD
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#### 4.28 Gaming Machines and Self Service Betting Terminals (SSBTs)

MC78	Gaming machines shall be sited in the locations specified on the premises plans	CD & CV
MC79	Gaming machines shall be sighted so that the cashiers from all counter positions have direct line of sight of the machines and the customers using them.	CD & CV
MC80A	Gaming machines shall not be emptied whilst customers are present on the premises and the doors are unlocked.	CD
MC80B	Self Service Betting Terminals shall not be emptied whilst customers are present on the premises and the doors are unlocked.	CD
MC80C	Gaming Machines and Self Service Betting Terminals shall not be emptied whilst customers are present on the premises and the doors are unlocked.	CD
MC81A	Gaming Machines shall not be emptied when there is only one member of staff on the premises.	CD
MC81B	Self Service Betting Terminals shall not be emptied when there is only one member of staff on the premises.	CD
MC81C	Gaming Machines and Self Service Betting Terminals shall not be emptied when there is only one member of staff on the premises.	
MC82	The number of Self Service Betting Terminals (SSBT's) permitted on the premises is [insert number]	CV
MC83	The over 18 area containing the category C gaming machines will be enclosed with a floor to ceiling partition wall with one point for egress and ingress.	CV
MC84	Privacy screening, known as a 'gaming machine pod' shall not enclose the customer to such a degree that would restrict the customer's peripheral vision of the premises when playing the machine in either a standing or sitting position and prevent a member of staff from observing that person.	CD & CV
MC85	No other gambling facilities shall be provided in a gaming machine enclosure so as to allow a customer the ability to play the machine and participate in other forms of gambling.	CV

#### 4.29 Multiple Storey Venues

MC86	Access to the [floor number] floor of the premises will be controlled by members of staff and a door which can only be operated by members of staff will be positioned at the bottom of the stairs thereby restricting access to only those with staff approval.	CD
MC87	A minimum of one member of staff shall be present at all times when the [floor number] floor is being used by customers.	CD & CV
MC88	The licensee shall install and maintain an internal intercom/phone system to enable staff to communicate with one another on all floors of the premises.	CD & CV
MC89	The licensee shall install monitors within the staff cashier counter areas on all floors that will display live CCTV footage from inside and outside the premises.	CD & CV
MC90	An attack alarm shall be installed and maintained behind the ground and first floor cashier counters which would alert [operator name] Security and the police.	CD
MC91	A magnetic locking (Maglock) device will be installed and maintained on the customer toilet door on the [floor number] floor which will be operated by a member of staff from the cashiers counter on the [floor number] floor.	CD & CV

#### 4.30 Betwatch Scheme

MC92	As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the City of Westminster Betwatch scheme	CD & CV
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