

# **Statement of Licensing Principles for Gambling**

## Gambling Act 2005

Effective from 12<sup>th</sup> December 2022



City of Westminster

This Statement of Principles for Gambling of Westminster City Council, the Licensing Authority for the City of Westminster, was prepared under section 349 of the Gambling Act 2005 with regard to the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities under the Gambling Act 2005.

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## Foreword

*The Cabinet Member Communities and Public Protection forward will be added in the final version of this policy prior to its adoption by the Council.*

*Cllr Less the Foreword will be sent to you by the end of the week so it will be cleared separately before being added to the final version of this policy which will then go forward for adoption at Full Council. The frame of the foreword will be:*

- *Fairer Westminster and commitment to publishing a new Gambling Policy*
- *Support vibrant and responsible industry but need to ensure residents are protected.*
- *New Local Area Profile taking a data led approach to risk of harm*
- *The aim of this policy is to make sure venues know what the Council expects, and operators, residents and authorities are able to sufficiently assess applications and properly understand the local risks of vulnerability to gambling related harm in their areas.*
- *Thanks to everyone involved, especially industry representatives for constructive feedback whilst developing the policy.*

## How to use this policy

This Statement of Gambling Policy is for the use of applicants, residents, businesses and responsible authorities. Applicants need to have regard to the policies within this statement when considering and preparing their application. Residents and businesses should review the Licensing Authority's policies when considering an application that is near to them. Responsible Authorities should use the policy along with their expertise and any evidence they must consider whether an application is likely to impact the Licensing Objectives and whether it meets the requirements of the policies within this statement. No matter whether you are an applicant, responsible authority, resident, or other interested party the policies within this statement that apply to the application should be considered as follows:

### *Part C Gambling Risk Assessment Policy*

The Gambling Risk Assessment Policy (C1) applies to all applications. From time to time licence holders will have to review their risk assessment either because of a change in their operation or to ensure it is up to date. This section lays out the expectations of applicants and licence holders to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. Part D Licensing Objectives Policies.

The Licensing Objective Policies (D1, D2 and D3) apply to all applications. Applicants must be able to demonstrate that they will be reasonably consistent with the licensing objectives. The relevant considerations and criteria that the Licensing Authority will take into account are listed within these policies. Each application will be considered on its own merits

having regard to this policy and the Gambling Commission's (which may be issued from time to time).

### *Part E Hours Policy*

The Licensing Authority has set Core Hours which it believes are appropriate for certain premises uses. The Hours Policy (E1) provides the relevant Core Hours for each of the premises uses which are defined within the premises use policies within this statement.

### *Part F Spatial Policies*

The Licensing Authority has produced a Local Area Profile (LAP). Based on the findings of the LAP we have introduced three specific spatial policy approaches within this statement.

- Location Policy (F1)
- Gambling Vulnerability Zones Policy (F2)

If there are application for new licences or variations for premises located within one of these Zones, then the relevant spatial policy will apply. If the premises are located outside of these zones, then the application will be considered based on the other policies within this statement.

Outside of these zones, the Licensing Authority will still expect applicants to demonstrate that they have adequately assessed local risks and put in place sufficient mitigation to address those risks in line with the Location Policy (F1).

### *Part G Premises Uses Policies*

The premises use policies relate to the types of licence that can be issued under the Gambling Act 2005. Each premises use policy provides a

definition that describes the premises operations that will fall under that policy. The policy text will tell you what the licensing authority's policy is for that particular type of premises operation. Some policies have a number of different policy approaches based on whether the premises are located within a Gambling Vulnerability Zone (Policy F2) and whether the hours are within or outside the premises use hours (Policy E). Finally, you should read the supporting text of the policy, this will tell you about the reasons for the policy and give an indication of what the Licensing Authority will be particularly interested in when considering an application.

### *Applicants*

The gambling risk assessment within the application should be used to set out how the proposed premises will operate or what the variation to the licence will do to the current operation of the premises. Applicants should include as much detail as possible in their risk assessment to enable responsible authorities and other parties to understand the operation of the premises. The information provided within the risk assessment should consider the policy requirements contained within this statement. The applicant should demonstrate how the applicant and the operation of the premises will promote the licensing objectives. Similar information should be provided by Applicants for reviews and other types of permissions.

Residents, businesses and responsible authorities will have regard to the information contained within the risk assessment and therefore it is important to provide as much information upon application as possible. Applicants that do not provide enough information are more likely to receive representations from residents, businesses or responsible authorities. As well as the specific policies, applicants should pay particular attention to the appendices to this statement of gambling policy. The appendices include useful information that applicants should take into account when drafting their risk assessment.

Applicants should also take into account reasons for specific policies and the unique characteristics surrounding the area in which the venue is located to draft a risk assessment that would address the concerns of responsible authorities and other parties. Specific reference should be made to issues raised in the Local Area Profile.

Applicants may also wish to provide supporting documents to the risk assessment. If additional documentation is to be provided, then it should be submitted when the application is made. Applicants should engage with the local community as much as possible on the proposed application before submitting it to the Licensing Authority. In some cases, pre-engagement with local residents, businesses and responsible authorities can significantly reduce representations to the application and therefore could prevent the need for the application to be determined at a public hearing of the Licensing Authority.

If an application does receive representations the applicant is encouraged to engage with those opposing the application to understand in more detail their concerns and to offer mitigation where possible. Engaging with responsible authorities or other parties as soon as possible after being notified of the representation can enable meaningful discussions that can lead to agreement between both parties. A list of the relevant responsible authorities for the City of Westminster and their contact information is provided at Appendix 5 (which will be updated separately if details change).

### *Relevant representations, responsible authorities, and other parties*

In order for the views of any party to be taken into account in respect of an application, they must qualify as 'relevant', which means representations:

- that are made by any person or responsible authority.
- that are made in writing to the licensing authority.

- that are received by the licensing authority no later than 28 days after the date the application was made (ten working days for a minor variation).
- must relate to the likely effect of the granting of the application upon one or more of the licensing objectives.
- must not (in the case of any person who is not a responsible authority) be considered by the licensing authority as frivolous or vexatious.

When making a representation with regards to an application (either in opposition to or in support) responsible authorities and other parties must only address the likely effect of the grant/variation of the licence on the promotion of the licensing objectives and the relevant policies that apply. Representations cannot be based on issues that do not relate to the licensing objectives, such as moral grounds or whether the premises does not have the benefit of planning permission.

Licensing and Planning are complimentary but legally distinct regimes with their own considerations. Planning permission, or lack thereof, is not a reason to grant or refuse a licensing application. Planning matters will only be considered where they relate to the promotion of the licensing objectives. The relevance of planning matters will be decided on a case-by-case basis.

Where possible representations should include as much detail as possible so that they can be addressed by the applicant at or before a hearing. Responsible authorities or other parties who have made representations are encouraged to engage with applicants if they attempt to make contact to discuss the content and reasons for the representation. This engagement and meaningful discussions between parties can lead to agreement and therefore strengthen the protections and reduce the concerns of the objector.

However, the Licensing Authority does understand that in some cases it will not be possible to come to an agreement. Therefore, the application will be determined at a public hearing of the Licensing Sub-Committee. Residents and businesses who make a representation to an application and do not withdraw it prior to the Licensing Sub-Committee hearing are encouraged to attend these hearings if possible. This will allow residents or business the opportunity to hear the applicant's explanation about how they will operate the premises and to enable resident or business to provide elaborate on their representation and if appropriate, to provide additional information and answer specific questions that the Sub-Committee may have relating to their concerns.

#### *Licensing Advice Project*

The Licensing Authority does understand that residents may not be able to attend a hearing due to other commitments or that they may find the proposition of attending a Licensing Sub-Committee daunting. Citizens Advice Westminster's Licensing Advice Project provides independent, impartial and confidential information, advice and assistance on the licensing process, help in drafting a representation to a particular application and, if required, can represent the resident at a Licensing Sub-Committee hearing on the resident behalf. This service is free for Westminster residents.

Further information on the Westminster Citizens Advice Bureau Licensing Advice Project services can be found at [licensingadvice.org](https://licensingadvice.org). Alternatively, residents can contact them via:

Email: [licensing@westminstercab.org.uk](mailto:licensing@westminstercab.org.uk)

Telephone: 020 7706 6029

Postal Address: Licensing Advice Project, Westminster Citizens Advice Bureau, 21A Conduit Place, W2 1HS

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## Part A. The City of Westminster

*Part A Cover Page to be added by design*

## Part A - The City of Westminster

A1.1 The City of Westminster is an Inner London borough which holds city status, home to just under a quarter of a million people who make up highly diverse local communities. Westminster is world renowned for its theatres and entertainment, as well as national landmarks and districts which include Westminster Abbey, Houses of Parliament, Buckingham Palace, Big Ben, Marble Arch, Mayfair, Oxford Street, Piccadilly Circus, Soho and Trafalgar Square. The city's local economy has national clout, contributing over £55bn to the country's economic output. It is a prestigious business location, housing the international headquarters of many multinational organisations and start-ups.

A1.2 The Council has wide experience in regulating entertainment, including its gambling industry. Licensed gambling in Westminster contributes to London's appeal to tourists and visitors as a vibrant city. Gambling contributes significantly to the UK economy: £8.3 billion (0.4% of UK GVA) in 2019, with casinos in London alone contributing £120 million to the tourism industry, according to DCMS.

A1.3 The Council recognises that good management of its gambling industry, including its impact on residents, amenities, and the local environment, is essential to the continued success of Central London. The Council expects licensed operators to demonstrate best practice by being responsible, open, inclusive and equal operators. It also recognises that there are some people in the borough who are vulnerable to gambling-related harm or suffer

from problem gambling. In fact, Westminster is in the quintile with the highest prevalence of problem gamblers in the country, according to GambleAware data from 2021.

A1.4 Westminster has a mid-level of reported demand and usage of treatment for problem gambling. Within the city, there are currently four Gambler's Anonymous or GamCare groups supporting problem gamblers from across London, concentrated in Marylebone and the West End. The city was also previously home to the National Problem Gambling Clinic, now based in the neighbouring borough of Kensington and Chelsea. This service supports 16-20 Westminster residents each year.

A1.5 Overall, the Council's approach to gambling and the industry in Westminster must strike a delicate balance, advocating for responsible licensed premises and the visitor economy, while also mitigating the possible adverse effects of gambling such as crime and disorder, or the exploitation of vulnerable people. The following policy aims to achieve such a balance.

## Part B Our Approach for Licensing in Westminster

*Part B Cover Page to be added by design*



## Part B - Our Approach for Licensing in Westminster

### Requirement to Produce a Statement of Principles

B1.1 Under section 349 of the Gambling Act 2005 (the Act) the Council is required to publish a statement of principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The Gambling Commission's Guidance to licensing authorities (5th Edition) (Commission's Guidance) contains further detail on the form of the council's statement of principles.

B1.2 Gambling is a legitimate regulated activity that is enjoyed by a large number of the population. However, there are a number of people within our society who are at risk of gambling related harm. The Council, as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the city to ensure that they meet the fundamental principles of the Act. In doing so the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm.

B1.3 The Licensing Authority, in carrying out its functions under the Act<sup>1</sup> will aim to permit the use of premises for gambling in so far as it thinks it:

- (a) in accordance with any relevant code of practice under section 24
- (b) in accordance with any relevant guidance issued by the Gambling Commission under section 25
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
- (d) in accordance with this statement of principles for gambling (subject to (a) to (c) above)

B1.4 The aim to permit principle provides wide scope for the authority to impose conditions on a premises licence, reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Commissions Guidance and this policy statement.

B1.5 The Council's statement of principles is intended to be reasonably consistent with the three licensing objectives set out in the Act. These objectives 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.

### Policy Development of this Statement of Principles

B.6 The Act requires that the following people and bodies be consulted on the revision of this statement:

- the Chief Officer of Police;
- people and bodies representing the interests of persons in gambling businesses in the area;

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<sup>1</sup> Section 153, Gambling Act 2005

- people and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

- B1.7 The Council consulted upon the revised statement of principles from XX XXXXXXXXX to XX XXXXXXXXX 202X. A list of those consulted on the revision of the statement of principles is attached at Appendix 1.
- B1.8 This statement of principles was prepared in 2021 and following consultation was agreed by the Council on the XX 2022. This revised statement of principles was published on XX XXXXXXXXX 2022 and has effect from XX XXXXXXXXX 2022.
- B1.9 It should be noted that this statement of principles will not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.
- B1.10 In revising this statement, the Council has had regard to the licensing objectives of the Act, the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities and has had regard to the responses arising from consultation.

## Approach

### Licensing Strategy

- B1.11 This statement of principles, alongside the Council's commitment to a City for All sets out how the Council, as a Licensing Authority,

will undertake its duty to promote the licensing objectives and carry out its licensing functions under the Gambling Act 2005.

- B1.12 The Licensing Authority must have regard to these licensing objectives in carrying out its licensing functions under the Gambling Act 2005. They embody concerns that the council acknowledged in exercising its licensing powers under previous legislation. It has had regard to Gambling Commissions Guidance to Licensing Authorities dated published in April 2021 in drawing up this statement of principles for gambling. The Licensing Authority will always consider the merits of each application. It may make exceptions to its own policies where it is appropriate to do so in order to promote the licensing objectives and it will give reasons for doing this.
- B1.13 The policies within this statement are intended to strike a reasonable balance between different and sometimes competing aims in promoting the licensing objectives. The statement also seeks to support a number of other key aims and purposes which are vitally important. These include supporting the police and Licensing Authority powers to effectively manage local issues; recognising the role that gambling premises play in the local economy; reflecting the needs of local communities and making the most appropriate strategies for their local area; and encouraging greater community involvement and giving residents the opportunity to have their say on decisions which may affect them. The Licensing Authority has shaped its policies very much in line with these aims.
- B1.14 This statement does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and have any such application considered on its individual merits. The way that the Council has delegated authority to determine

applications is shown at Appendix 2. This statement does not override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so under the Act.

B1.15 The Licensing Authority, has discretion on whether to grant applications for licences and to impose conditions on granting and reviewing licences, only when representations relevant to the licensing objectives are made by “responsible authorities” or “other persons” (including residents and businesses). Where no relevant representations are received it is the duty of the Licensing Authority to grant a licence subject only to conditions consistent the mandatory and default conditions (see Appendix 3).

B1.16 This statement generally reflects the Licensing Authority’s understanding of the concerns of residents, businesses, and responsible authorities at the time it was revised. However, responsible authorities are not bound by this statement and can make any representations if they are concerned over the effect of the grant of any application on the licensing objectives. The Licensing Authority can advise potential applicants if activities require licences. Further information can be accessed on the Council’s website at [westminster.gov.uk/licensing](http://westminster.gov.uk/licensing).

B1.17 There are six policy areas within this statement:

- A policy laying out the Licensing Authority’s expectations with regards to Gambling Risk Assessments (C1)
- Policies supporting each of the licensing objectives (Policies D1, D2 and D3). These apply to all applications. They contain criteria and considerations whose relevance will depend on the type and nature of the application. They refer to matters that may be the subject of conditions.

- A policy on hours (Policy E1) that will apply to certain gambling premises uses.
- Spatial policies which contain special policies on Gambling Vulnerability Zones (Policy F2). These are for areas within the city that have been identified as at risk by the Council’s Local Area Profile.
- Policies that apply to various types of premises use. These outline the way the criteria and considerations will be applied. They reflect the likely impact of types of premises uses and the council’s intention to promote the licensing objectives:
  - Casino Policies (G1)
  - Bingo Premises Policies (G2)
  - Betting (Tracks and Shops) Premises Policies (G3)
  - Adult Gaming Centres Policies (G4)
  - Licensed Family Entertainment Policies (G5)
- Parts with policies that apply to other permissions, notifications, registrations, or entitlements under the Act including Unlicensed Family Entertainment Centres policies, Club permits and entitlements, prize gaming, alcohol licensed premises, post serious incident assessments, reviews of gambling premises and cancellations of permits, temporary and occasional use notices and small society lotteries.

B1.18 The Council has produced a Local Area Profile (LAP) which provides local information on specific risks and vulnerable groups within Westminster. The LAP also provides information on areas that the Council has identified within its Gambling Vulnerability Index as having a greater risk associated with gambling harms than other areas of the city. These areas have been used to develop new policy approaches intended to better protect residents who may be at greater risk of gambling related harm in these areas.

- B1.19 The areas identified as being at greater risk have been designated as Gambling Vulnerability Zones (GVZ) within this statement. The designation and accompanying policy approach are necessary to highlight specific areas of the city where there is greater risk to vulnerable people of gambling related harm.
- B1.20 The absence of a GVZ will not stop responsible authorities, resident or other interested parties making representations to an application relating to vulnerability, nor will it prevent the Licensing Authority from applying conditions to a licence, refusing applications, or revoking licences following a review on the basis that the application or licence will or is adversely impacting the licensing objective of ‘protecting children and other vulnerable persons from being harmed or exploited by gambling.’

### The Functions of the Licensing Authority

- B1.21 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
  - issue Provisional Statements
  - regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
  - issue Club Machine Permits to Commercial Clubs
  - grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
  - receive notifications from alcohol licensed premises (premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003) for the use of two or fewer gaming machines

- issue Licensed Premises Gaming Machine Permits for alcohol licensed premises (premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003) where there are more than two machines
- register small society lotteries below the prescribed thresholds
- issue Prize Gaming Permits
- receive and endorse Temporary Use Notices
- receive Occasional Use Notices for betting at tracks
- provide information to the Gambling Commission regarding details of licences, permits and other permissions issued (see section above on ‘information exchange’)
- maintain registers of the permits and licences that are issued under these functions

- B1.22 It should be noted that the Licensing Authority is not involved in licensing remote gambling. The licensing of remote gambling is the responsibility of the Gambling Commission.

### Applications and plan

- B1.23 The Act<sup>2</sup> requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Authority to plan future premises inspection activity.
- B1.24 It is the Licensing Authority’s policy that it will expect applicants for new premises licences and variations to provide a plan

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<sup>2</sup> Section 51, Gambling Act 2005

showing the indicative layout of the plan. The full requirements for the plans are specified within the relevant Premises Use Policies in Part G.

- B1.25 The Licensing Authority considered the information required by this policy within the plans to be appropriate, in conjunction with the premises' risk assessment, to effectively assess the provision of gambling facilities at the premises. Where this information is not provided, it is more likely that a representation will be made in order to enable the Licensing Authority to accurately assess the likely effect of granting the application relative to the Licence conditions and Gambling Commissions Licence Conditions and Code of Practice and licensing objectives.
- B1.26 The premises plan in itself is only one means by which the Licensing Authority may seek reassurance that the requirements will be met. It may be that conditions attached to the premises licence regarding lines of sight between the counter and the gaming machines, staffing arrangements or security devices are a more effective method of doing so. The Licensing Authority has considered the specific premises uses under the Act and their operation and set out its policy associated with the relevant considerations that it feels must be satisfied within this policy. Local circumstances, concerns raised through representations and the layout of a particular premises are likely to be key factors in determining what is most appropriate for an individual application.

### Responsible Authorities

- B1.27 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under section 157(h) of the Act to designate, in writing, a body which is

competent to advise the authority about the protection of children from harm.

- B1.28 The principles are:
- the need for the body to be responsible for an area covering the whole of the council's area; and
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- B1.29 In common with its practice under the Licensing Act 2003, the Council designates the Area Child Committee to advise on the protection of children from harm. The Council's Environmental Health Consultation Team will be the designated contacts for the Area Child Committee. The Responsible Authorities are:
- the Council's Licensing Service (as licensing authority)
  - the Gambling Commission
  - the Metropolitan Commissioner of Police
  - the London Fire Brigade
  - the Council's Planning Department (as planning authority)
  - the Council's Environmental Health Consultation Team (as the authority minimising or preventing the risk of environmental pollution and/or harm to human health)
  - H.M. Revenue and Customs
- B1.30 The Secretary of State has not prescribed any further Responsible Authorities. The contact details of all the Responsible Authorities in relation to the Act are available at Appendix 5.

### Interested Parties

B1.31 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined under the Act<sup>3</sup> as follows: “For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

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

B1.32 When determining whether a person is an interested party for the purposes of the Act the Licensing Authority will not apply rigid rules but will apply the principle that ‘each case will be decided upon its merits.’

B1.33 In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account the:

- size of the premises.
- nature of the premises
- distance of the premises from the habitual residence or workplace of the person making the representation.
- potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
- circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.

B1.34 In determining whether a person or organisation "has business interests" the Licensing Authority will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.

B1.35 The Licensing Authority will regard bodies such as trade associations, trade unions, residents' and tenants' associations, and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The Licensing Authority will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.

B1.36 In principle, the Licensing Authority will allow any person to represent an interested party, but it may seek to have it confirmed that the person genuinely represents the interested party. The Licensing Authority will generally require evidence that a person/body (e.g. an advocate or relative) ‘represents’ someone. If persons representing interested parties are Councillors or Members of Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.

B1.37 If individuals wish to approach their Ward Councillor to ask them to represent their views, then those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts, then either interested parties or Councillors should contact the Licensing Service for advice.

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<sup>3</sup> Section 158, Gambling Act 2005

## Commenting on a licence application

**B1.38** If ‘interested parties’ or ‘responsible authorities’ wish to comment on an application for a premises licence relating to the licensing objectives, they can make a ‘representation’. The Licensing Authority can only consider representations if made by either an ‘interested party’ or ‘responsible authority’.

**B1.39** A representation is a statement that outlines any comments that the party making the representation wants to be taken into consideration by the Licensing Authority when determining the application. In all cases representations will need to be ‘relevant’. The only representations likely to be relevant are those that meet one or more of the following criteria:

- relate to the licensing objectives
- relate to relevant matters in our gambling policy
- relate to relevant matters in the Gambling Commission’s Guidance to Local Authorities
- relate to relevant matters in the Gambling Commission’s Codes of Practice
- relate to the premises that are the subject of the application, and,
- are neither frivolous nor vexatious nor will certainly not influence the authority’s determination of the application.

## Factors that will not be relevant

**B1.40** Any representations to new premises or requests for a review should be based on the licensing objectives of the Act. Unlike the Licensing Act 2003, the Act does not include the prevention of public nuisance as a specific licensing objective.

**B1.41** The Licensing Authority will not take into account representations that are:

- repetitive, vexatious or frivolous,
- from a rival gambling business where the basis of the representation is unwanted competition,
- moral objections to gambling,
- concerned with expected demand for gambling, and/or
- anonymous

**B1.42** Details of applications and representations referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available and placed on the Council’s website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will however be removed from representations in the final website version of reports

**B1.43** Names and addresses of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is specifically asked to do so.

## Determining Applications

### How the Licensing Authority decides whether to grant or refuse an application

**B1.44** Where we receive an application for a gambling premises licence, we will aim to permit the use of premises for gambling where it is considered:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission,
- (b) in accordance with any relevant guidance issued by the Gambling Commission,
- (c) reasonably consistent with the licensing objectives (subject to a and b), and,
- (d) in accordance with this policy (subject to a – c).

B1.45 The Licensing Authority has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above (e.g. the committee cannot reject applications on moral grounds).

B1.46 Each case will be decided on its merits.

B1.47 The Licensing Authority will not have regard to any demand issues for the premises.

B1.48 Where an area has known high levels of organised crime the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable to address the risk to the licensing objectives.

B1.49 Rather than reject applications outright, wherever possible the Licensing Authority will look to work with the applicant and seek licence conditions that uphold the licensing objectives and address the concerns that have been raised. However, where there are reasons that granting a licence would not be consistent with section 153 of the Act, as set out paragraph B1.45 (a) to (d) above, the application will normally be refused.

B1.50 In accordance with the Gambling Commissions Guidance to Licensing Authorities, the Licensing Authority will circulate 'clear

and comprehensive' reasons for any decision to all parties. We will also cite the extent to which decisions have been made in accordance with this statement and the Guidance from the Gambling Commission.

How the licensing committee decides what conditions to apply to premises licences.

B1.51 Premises Licences may be subject to any or all of the following:

- conditions specified in the Gambling Act 2005
- conditions specified in the regulations issued by the Secretary of State
- conditions attached at a hearing by the Licensing Sub-Committee determining that application

B1.52 With respect to conditions, the Licensing Authority can:

- issue licences without modifying conditions set out in the Act and by the Secretary of State
- exclude default conditions
- attach conditions where it is believed to be appropriate
- conditions may be general in nature (i.e. they attach to all licences of a particular premises type e.g. all casinos) or they may be specific to a particular licence.

B1.53 The Licensing Authority will ensure that any conditions imposed on a licence are:

- proportionate to the circumstances which they are seeking to address
- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for



- fairly and reasonably related to the scale and type of premises
- reasonable in all other respects.

B1.54 There are also conditions, which the Licensing Authority cannot attach to premises licences. These are:

- conditions that make it impossible to comply with an operating licence condition.
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions that require membership of a club or body. (The Gambling Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
- conditions relating to stakes, fees, winnings or prizes
- conditions relating to demand for the premises

B1.55 Decisions about conditions will be taken on a case-by-case basis considering an representations that have been made, any written or oral evidence presented to the Licensing Authority and after having regard to the Gambling Commissions Licence Conditions and Codes of Practice, Gambling Commissions Guidance to Licensing Authorities, the licensing objectives and the policies within this statement of Policy.

#### Determining whether to review a licence

B1.56 After a licence is granted, where the day-to-day operation of a gambling premises is not felt to be 'reasonably consistent with the licensing objectives', a review of the premises licence can be requested at any time.

B1.57 A review may be initiated by the Licensing Authority or because of an application for review from an interested party or responsible authority. Where it is the Licensing Authority that initiate the review, they may do this for a whole class of premises (e.g. all Adult Gaming Centres or in relation to particular premises). The Licensing Authority can review a licence for any reason it thinks appropriate.

B1.58 Where an application for review is received from an interested party or responsible authority, as a licensing authority we must decide whether to go ahead with the review. The application for review will be considered based on the following:

- does the request raise issues other than those found under the Gambling Commission's Guidance, Codes of Practice, the licensing objectives or policies within this statement?
- is it irrelevant, frivolous or vexatious?
- is it so minor that the authority will certainly not wish to revoke or suspend the licence or remove, amend or attach conditions?
- is it substantially the same as a previous application for review relating to the same premises?
- is the application for review substantially the same as a representation made at the time the application for a premises licence was considered?

B1.59 If the answer to any of the above questions is 'yes', the request for review may be rejected. The purpose of the review is to determine if the Licensing Authority should take any action in relation to the licence. If action is needed, the options are to either:

- revoke the premises licence

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

B1.60 To decide what action, if any, needs to be taken following an application for review, the Licensing Sub-Committee will make its determination:

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with relevant guidance issued by the Gambling Commission,
- in so far as it is reasonably consistent with the licensing objectives,
- in accordance with this statement of principles for gambling.

B1.61 The Licensing Sub-Committee will also consider any relevant representations and information given at the hearing. Evidence associated with compliance with the Gambling Commissions Licence Conditions and Codes or Practice and/or its Guidance to Licensing Authorities may be obtained directly from the Gambling Commission.

## Enforcement

B1.62 The principles to be applied by the council 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, are stated below:

B1.63 The Council operates a risk-based approach to compliance and enforcement. In carrying out its enforcement function the council will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to the Commissions Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- proportionate: only intervening when necessary: Remedies will be appropriate to the risk posed, and costs identified and minimised;
- accountable: able to justify its decisions, and be subject to public scrutiny;
- consistent: implementing rules and standards fairly in a joined-up way;
- transparent: open, and keep conditions placed on premises licences simple and user friendly; and
- targeted: focusing on the problems and aiming to minimise the side effects.

B1.64 The main enforcement and compliance role for the council is to ensure compliance with the premises licence and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the council, but the council will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

## Annual Fees

B1.65 Holders of a premises licence must pay the annual fee prior to the anniversary of the issue of the licence each year<sup>4</sup>. Failure to do so will result in the revocation of the premises licence unless the Licensing Authority determines the failure is due to an administrative error<sup>5</sup>. There is no definition of administrative error and the Licensing Authority, in the first instance, will seek clarification from the licence holder as to the reason for the failure to pay the fee. If the Licensing Authority is satisfied that the failure to pay on time was due to an administrative error, it will allow the operator to pay the annual fee within a reasonable period. The Licensing Authority considers this reasonable period to be no longer than 14 days from the date that the operator was first notified about the failure to pay the annual fee.

## Exchange of Information

B1.66 The Council will act in accordance with the Act<sup>6</sup> in its exchange of information with those bodies listed<sup>7</sup> within the Act. Any information provided to a relevant body in so far as the General Data Protection Regulations 2018 will not be contravened. The council will also have regard to the Commissions Guidance on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

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<sup>4</sup> Section 184(1)(b) Gambling Act 2005

<sup>5</sup> Section 193 Gambling Act 2005

<sup>6</sup> Section 350, Gambling Act 2005

<sup>7</sup> Schedule 6, Gambling Act 2005

## Public Registers

B1.67 The Licensing Authority maintains a public register in accordance with the Act<sup>8</sup>. The authority's register is made available online on the council's website. Any person can access this register and review extracts from it.

B1.68 The Licensing Authority will provide extracts from the public register when a request is received. All requests must be made in writing and sent either via post or via email to the Licensing Service. If a hard copy of the register or an extract from it is required a fee will be charged. Please see the councils Licensing Fees list for the current fee.

## Related Legislation, Strategies, and Initiatives

B1.69 The Council has adopted a variety of strategies to protect and promote Westminster's status as a world class city. These are outlined in Appendix 4. The council has taken initiatives to prevent anti-social behaviour, noise, and degradation of the street environment. These problems which can be associated with gambling premises. A combination of licensing and planning powers, and effective management of the street environment, is required to tackle these problems.

B1.70 The Council as the local Planning Authority is a responsible authority and can make representations on applications. However, it can only make representations related to the licensing objectives. Planning concerns relating to the character and function of an area and aspects of amenity that fall outside of

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<sup>8</sup> Section 153, Gambling Act 2005

the scope of the licensing objectives cannot be considered. For example, a large gambling premises might be unacceptable in a conservation area characterised by small retail units on planning grounds of character and function, whereas licensing objectives might not apply.

- B1.71 The absence of lawful planning use for an activity is not of itself a matter for licensing. The Licensing Sub-Committee and the applicants may be informed of the planning status of premises where licences are sought, by providing this information in reports on licensing applications. Only in exceptional cases has the council as the planning authority made representations as a responsible authority. Whether the premises have planning permission or whether a lawful use exists are matters that are taken up separately by the planning authority.
- B1.72 The Council as a Planning Authority has planning policies which apply differently in the Gambling Vulnerability Zones and other areas. These are policies which relate to planning concerns and are related to development, including the use of buildings and land. They contain criteria related to sizes of premises and the use of premises rather than to individual licensable activities.

#### Other Relevant Legislation

- B1.73 Many other statutory requirements apply to gambling premises such as fire safety, planning, building control, public health, food hygiene, alcohol and late-night refreshment licensing and trading standards. The council must also have regard to its duties under Section 17 of the Crime and Disorder Act 1998, to prevent crime and disorder. The council is committed to avoiding duplication with other regulatory regimes as far as possible. Conditions will only be attached to premises licences if they are considered

appropriate to promote the licensing objectives and are not required under other legislation.

#### Equality & Inclusion in Gambling Premises

- B1.74 Westminster City Council is committed to creating Vibrant Communities through our City for All vision. This includes achieving equality and inclusion in all that we do, to improve the quality of life and opportunities for all people who live, work and visit our city.
- B1.75 We are already proud to be called home to our diverse resident population, but there is more we can do through our role as a Licensing Authority to ensure our city is open and accessible to all. It is unlawful for any gambling venue to discriminate against anyone based on race, sex, sexual orientation, age or any of the protected characteristics under the Equality Act 2010. However, equality and inclusion for us extends beyond this. In the wider leisure industry, we have experienced discriminatory policies that refuse admittance to venues simply because someone may not be the right 'look' or 'fit'. Discriminatory policies such as these are inherently damaging to the individual, our wider community, as well as our economy.
- B1.76 We want to remain one of the most visited places in the world as well as ensuring our residents continue to access and take advantage of living in the centre of London. This means we need to hold ourselves, as well as the venues and businesses we licence, to account to ensure that together we continue to promote and offer equal opportunities and inclusive experiences for everyone.

## *Legal Context*

### *Your Duty as a Licensed Venue Operator*

- B1.77 Applicants and licensees must make themselves familiar with the law and their responsibilities set out within the Equality Act 2010 (2010 Act) and relevant guidance for businesses, which can be found on the Equality & Human Rights Commission website.
- B1.78 The 2010 Act makes discrimination against any person (including employees and customers) unlawful. The 2010 Act defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation<sup>9</sup>.
- B1.79 Any activity in breach of the 2010 Act may be considered an offence and will lead to enforcement by the Equality and Human Rights Commission.

### *Public Sector Duty.*

- B1.80 The Council must have regard to its public sector equality duty under the 2010 Act<sup>10</sup>. In summary a Public Authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

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<sup>9</sup> Section 149 (7), Equality Act 2010

<sup>10</sup> Section 149, Equality Act 2010

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- our expectations on licensed venues to promote equality & inclusivity

- B1.81 There is no one size fits all approach to making a venue inclusive, and each operator will need to make an assessment of its own practices and policies. However, the following are common and best practice examples that could be adopted:
- Inclusive and transparent policies (for example, admittance policies may clearly stipulate adherence to a dress code and refusal if there are concerns about a customer; however, they must not prevent admittance based on any of the protected characteristics.)
  - Robust complaints procedures that make it easy for customers who feel they have been discriminated against to raise their concerns and understand how this will be investigated or managed.
  - Accessible venue layouts that make venues welcoming.
  - Comprehensive training on equality and inclusion for all staff. It is important that any training is regularly refreshed.

### *Using the Licensing Process*

- B1.82 We will use the Licensing Process to ensure both Operators and the Council are compliant in carrying out their legal obligations. This includes:
- providing pre-application advice to applicants.
  - determining licensing applications and reviews.
  - making representations as a responsible authority.
  - applying for reviews in appropriate circumstances.

- defending appeal decisions

B1.83 In practice this means that the Council through this licensing process will identify applicants that do not provide sufficient information on how they are promoting equality and inclusivity and could make a representation to require that the applicant address the issue or explain to members of the Licensing Sub-Committee why they have not done so.

### *Council Commitments*

B1.84 Over the duration of this statement the Council will:

- ensure that any strategy or policy affecting the gambling industry is always underpinned by the promotion of equality and inclusivity.
- publish progress on our equality commitments as part of its annual report on compliance with the Equality Duty

### *Promoting Environmental Best Practice in Gambling Premises*

#### *Our expectations*

B1.85 Gambling premises in Westminster can make a contribution to creating a cleaner and greener city, by not only meeting their regulatory duties, but by following best practice including:

- minimising waste and following the waste hierarchy of reduce, reuse, recycle.
- improving energy efficiency in heating, cooling and use of power.
- reducing the traffic on our roads as a result of business use (e.g. freight and servicing).
- minimising waste

B1.86 Minimising waste, especially of single use, non-recyclable materials (e.g. plastic cups, plastic stirrers, laminated or plastic promotional material or advertising), is an important step to reducing the environmental impact of gambling premises. It can also help a business to become more efficient as well as demonstrating its commitment to its customers that it is a sustainable business.

B1.87 Ways that gambling premises can minimise waste include:

- where food is served, using online menus instead of printed versions, or where menus and promotional materials are printed, ensuring they are on recycled materials and are not single use
- allowing members of the public to refill water bottles to reduce plastic bottle waste.
- ensure gambling accessories, (e.g. betting slips) are fully recyclable and that sufficient recycling facilities are available within the premises.
- improving recycling rates across all aspects of your business, forward facing and back office.
- training staff on sustainability best practices and referring them to the Councils climate emergency webpage for additional information and support.
- reviewing options for reused and upcycled furnishings and fittings.

#### *Improving energy efficiency*

B1.88 Westminster’s gambling venues form part of the West End’s bright lights. However, increasing energy efficiency across the city will be key to achieving carbon neutrality by 2040. Many venues

will also benefit financially from improving energy efficiency (e.g. converting to LED lighting can save £2,000 per year).

- B1.89 There are several ways that gambling venues can improve energy efficiency and tackle the climate emergency, including:
- procuring energy efficient equipment including gaming machines.
  - ensuring lighting is turned off when not in use and is as efficient as possible where used.
  - minimising the use of outdoor heaters and using energy efficient ones where necessary; this also helps to avoid fume emissions which cause a nuisance and contribute to air pollution.
  - closing doors during the colder months to keep heat in.

#### *Reducing the traffic on our roads*

- B1.90 We know that road transport causes 58% of NOx pollution in Westminster and tackling poor air quality caused by road traffic is a priority for Westminster City Council. Gambling venues increase traffic on Westminster's roads through deliveries from suppliers which can cause considerable noise nuisance for residents. Gambling venues can help address the environmental impact of road traffic by:
- developing and implementing bespoke delivery and servicing plans that minimise traffic.
  - consolidating suppliers and procuring locally.
  - minimising waste and waste collections.
  - avoiding personal deliveries to venues.

#### *Council Commitments*

- B1.91 The Council encourages and will support gambling premises operators to promote environmental best practice. The Council will:
- over the duration of this Statement of Licensing Policy the Council will ensure that any strategy or policy affecting the gambling industry is always underpinned by the promotion of environmental best practice.
  - establish a Climate Action Group to undertake a root and branch review of our carbon footprint and sustainability across the Council, and work with our partners in a Climate Emergency Alliance to develop and publish a Climate Emergency Action Plan.
  - implement the main findings from the Air Quality Plan consultation, setting up zero emission zones across the city, prioritising schools, libraries and health care centres and increasing city-wide air quality monitoring.
  - adopt an Environment Supplementary Planning Document that details how the environment policies in our City Plan can be delivered.
  - find new ways to promote sustainable modes of transport, including running a consultation on our approach to parking policy, expanding our car-sharing scheme, and rolling out electric vehicle charging points across all our developments.
  - reduce waste, transform recycling facilities, and enhance our environmentally friendly and low emission waste collection service

#### *Other Initiatives*

#### *GamCare Accreditation*

B1.92 GamCare is a charity and leading provider of free information, advice, and support for anyone affected by problem gambling. Part of their goal is to work with the gambling industry to support customers and prevent people from experiencing gambling – related harm.

B1.93 GamCare has established the Safer Gambling Standard. This is an independent quality standard that assesses the measures gambling businesses have put in place to protect people from experiencing gambling-related harm. The Standard offers four levels of award from Base Level to Advanced Level 3.

B1.94 Businesses are required to meet 10 areas which are the foundation to building a safer gambling approach. The assessment looks at 73 criteria, 52 of which are expected of businesses to meet the Base Level Standard, with the remaining Advanced Level criteria measuring the degree to which businesses exceed the Base Level. Three of the Advanced Level criteria are mandatory for any businesses wishing to achieve Advanced Levels. The 10 areas are:

1. Corporate Governance and Risk Management
2. Collaboration and Sharing Best Practice
3. Safer Gambling Spend and Contribution to RET
4. Protection of Children, Young Adults and Vulnerable Customers
5. Customer Information, Profiling, and Interaction
6. Production Design and Innovation in Safer Gambling Tools
7. Self-Exclusion
8. Advertising and Promotion
9. Staff Training and Development
10. Addressing Problem Gambling Amongst Staff

B1.95 Please visit the GamCare website to find out more about the GamCare Safer Gambling Standard - <https://www.gamcare.org.uk/>

#### Bet Watch and Gamble Watch Schemes

B1.96 Bet Watch or Gamble Watch scheme is a partnership between the Police, Westminster City Council, Licensed Gambling Premises operators and the Gambling Commission. The scheme is designed to tackle localised anti-social and criminal behaviour in and around betting shops. Membership of a scheme is not mandatory and will be up to premises operators to propose a new scheme or join an existing scheme. The Council and the Police will be active members of any scheme and will provide support in any way that they can. The Gambling Commission will be invited to participate and may be involved with the scheme on occasions when appropriate.

B1.97 Participation in a scheme will be seen as a positive step by the Licensing Authority. However, membership to a scheme alone will not be sufficient to be evidence of appropriate mitigation to concerns of local anti-social behaviour, crime and/or disorder. Active and meaningful participation, that provides a tangible benefit to the concerns and issues in the area would be seen positively in future applications. The Police and Council would need to be satisfied that an operator putting forward their participation in a scheme as appropriate mitigation under a policy within the Statement would require the support of the Police and Council in that claim.





Part C. Gambling Risk Assessments Policy

*Part C Cover Page to be added by design*

## Gambling Risk Assessment Policy C1

- A. Applications for provisional statements or new gambling premises licences or to vary an existing licence must be accompanied by a gambling risk assessment.**
- B. The gambling risk assessment as referred to in Clause A should include:**
  - 1. an assessment of the local area risks, identified by the gambling operator and those identified within the Council's Local Area Profile,**
  - 2. an assessment of the gambling operational risks associated with the new premises or the proposed variation of an existing licence,**
  - 3. an assessment of the premises' design risks associated with the proposed or existing interior and exterior layout and design of the premises, and,**
  - 4. an assessment of the relevant control measures, based on systems, design and physical measures that will eliminate or mitigate the risk to one or more of the licensing objectives.**
- C. The gambling risk assessment referred to in Clause A and B can be completed using the Council's own risk assessment template or any other form that the applicant chooses to use.**

### Reasons for Policy C1

- C1.1. The Gambling Commission (the Commission) introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling

operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures, and control measures to mitigate those risks (see below). This change in national policy was intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

#### **Gambling Commission LCCP – 31<sup>st</sup> October 2020**

##### **Social responsibility code provision 10.1.1**

##### **Assessing local risk**

**All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.**

This provision comes into force on 6 April 2016

- 1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's Statement of Licensing Policy.
- 2. Licensees must review (and update as necessary) their local risk assessments:
  - a) to take account of significant changes in local circumstances, including those identified in a

- licensing authority’s Statement of Licensing Policy;
- b) when there are significant changes at a licensee’s premises that may affect their mitigation of local risks;
- c) when applying for a variation of a premises licence; and
- d) in any case, undertake a local risk assessment when applying for a new premises licence

**Ordinary code provision 10.1.2**

**Sharing local risk assessments**

**All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences**

**This provision comes into force on 6 April 2016**

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

C1.2 The risk-based approach provides a better understanding of, and enables a proportionate response to, risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening

and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

C1.3 Since the introduction of these code provisions within the LCCP the Licensing Authority has found a significant variation in the detail and sufficiency of the risk assessments that were submitted along with applications for new or variation applications. Applicants appeared to be treating the requirement for risk assessments as a tick box exercise. Gambling risk assessments are often generic and lacking in relevant local considerations. This approach has meant that risk assessments are often not suitable or sufficient to establish how the applicant has taken account of their operation, design of the premises and the location where the premises are located. Therefore, the Licensing Authority has included its expectations for the risk assessment process within this policy. Applicants will be expected to meet the requirements of the Gambling Risk Assessment Policy when submitting applications.

C1.4 The Licensing Authority’s policy approach within this Statement of Principles is such as the gambling risk assessment will be the key document that the authority will scrutinise when determining an application. Therefore, applicants must ensure that their risk assessment considers the key elements of the policies within this statement and how it will operate, having regard to the location where the premises will be or is situated. Applicants that provide an inadequate risk assessment are likely to receive representations from the Licensing Authority and other responsible authorities.

Risk Assessment Triggers

C1.5 The local risk assessment code provisions provide several triggers for when a new assessment is required and for when an existing one requires review. The Gambling Commission has not provided any further detail on these triggers, and it will be ultimately down to gambling operators, the Gambling Commission, and the Licensing Authority to assess when these triggers have been met.

#### *New premises*

C1.6 If an operator intends to apply for a new premises licence under Part 8 of the Act, then a local risk assessment must be carried out as required by the Commission's LCCP social responsibility code provision 10.1.1. That assessment should be based on how the premises are proposed to operate at the premises location and must consider the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

#### *Significant changes in local circumstances*

C1.7 Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

C1.8 The review of the premises risk assessment may simply mean that after reviewing it, no action is necessary as the measures and systems already in place will mitigate any risk associated with that significant change. In this case gambling operators may record that a review has taken place, why it had occurred and

that no action was necessary. This would enable the gambling operator to maintain an appropriate audit trail so as to demonstrate that action had been taken.

C1.9 However, on occasions the significant change in local circumstances may require a need to update and amend the existing risk assessment. In those cases, gambling operators may wish to ensure that their assessments are updated adequately and that any relevant control measures are introduced correctly.

C1.10 As the Gambling Commission has not set out what a significant change in local circumstances it will be the gambling operator's responsibility to identify these changes and take the appropriate action in reviewing their risk assessments. The following lists of examples, although not exhaustive may be significant changes in local circumstances:

- (a) the local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
- (b) any new pay day loan or pawn brokers open in the local area
- (c) 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.
- (d) the local area is identified as a crime hotspot by the police and/or Licensing Authority.
- (e) 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).

C1.11 The list above is not an exhaustive list of examples of what could be considered as significant changes in local circumstances. The Council will provide information to gambling operators when it feels a significant change has occurred in the local area to enable them to take any necessary steps in reviewing their risk assessments. The Council may also include any specific concerns that it feels may be considered as part of any review of the local area risk assessment for that premises. The notification of any significant changes from the Council should be a prompt to gambling operators to consider carrying out a review of their local risk assessments and having regard to any specific concerns raised by the Council. Significant changes to the premises

*Significant changes to the premises*

C1.12 From time-to-time operators will undertake a refresh of the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary, update it, taking into account the change and how it may affect one or more of the licensing objectives.

C1.13 It is expected that gambling operators will undertake this risk assessment process as a matter of course for any premises refit, changes to layout or internal control measures. If any changes do require a review of the risk assessments for that premises gambling operators should ensure that they have a system in place to record and action any measures identified in that review.

C1.14 The gambling operator will be responsible for identifying when a significant change to the premises has occurred. In order to assist gambling operators, the Council has provided the following list of examples of what could be classified as a significant change to the premises (some of which may also require a variation to the existing premises licence).

- (a) any building work or premises refit where gambling facilities are relocated within the premises.
- (b) the premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- (c) any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- (d) the entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- (e) new gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- (f) the premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.

C1.15 As with the examples of significant changes in local circumstances set out paragraph C1.10, the list above is not an exhaustive list of significant changes to premises.

C1.16 The Licensing Authority will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

#### *Variations of the premises licence*

C1.17 Variations to premises licences are only those required to be made under the Act<sup>11</sup> and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

C1.18 The Commissions LCCP social responsibility code provision 10.1.1 requires that gambling operators must undertake a review of the local risk assessment and update it if necessary, when preparing an application to vary the premises licence. Operators submitting a variation application to the Council may consider submitting a copy of the reviewed local risk assessment when submitting the application. This will then negate the need for the Council requesting to see a copy of this risk assessment and could potentially reduce the likelihood of a representation being made to the application.

C1.19 If an operator wishes to vary a converted casino premises licence from one premises to another then the gambling operator should consider producing a new risk assessment for that premises. It is

advisable that a copy of that assessment is submitted to the Council with the application form.

#### *Regular review of risk assessments*

C1.20 As a matter of best practice the Council recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

C1.21 It will be up to the gambling operator as to the frequency of these reviews, but it is recommended that no more than three years should pass before these assessments are reviewed. Operators may wish to synchronise their reviews of the local risk assessments with the publication of the Council's Statement of Licensing Principles for Gambling. This would enable gambling operators to consider the Local Area Profile, which has been published in the Council's Statement of Licensing Principles for Gambling.

#### *Local risks and control measures*

C1.22 There are two specific parts to the risk assessment process, the assessment of the local risks and the determination of appropriate mitigation to reduce those risks.

C1.23 The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the

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<sup>11</sup> Section 187, Gambling Act 2005

licensing objectives. Gambling operators should identify and list all of the local risks within the assessment that they have identified. The level of such risks can range from being low to very high depending on the potential impact that the gambling operator has assessed it to have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures that the gambling operators deems as being necessary to mitigate such risk.

- C1.24 This process is not new to gambling operators as they are already undertaking elements of this assessment, albeit in a far less formalised way. Operators will already be assessing locations when looking for new sites or when reviewing the performance of their premises. The design of premises is also assessed to ensure that they will meet the needs of the gambling operation, will provide protection for staff and customers; and will have facilities for recording crime. Operators will also have implemented policies and procedures for the operation of premises in line with statutory and other regulatory requirements placed upon them by the Commission and other agencies.
- C1.25 Operators will already be familiar with identifying risks in relation to health and safety and food hygiene legislation. Risk assessments are also used for security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.
- C1.26 This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. The requirement of the Commissions LCCP social responsibility code provision 10.1.1 is that gambling operators consider the local area in which the premises are situated and the impact that the premises operation may have on the licensing objectives.

#### Local area risks

- C1.27 There are several factors relating to the local area that operators may consider which is independent of who the operator believes is their target market. It will be for the gambling operator to identify these risks. However, there may be occasions that the Commission or the Council will provide information on what they perceive as being a local risk. The Council aims to set out some of these local risks as part of its Local Area Profile within its Statement of Licensing Principles for Gambling.
- C1.28 The local area will be different depending on the premises and the size of its operation. For example, a casino may have a wider catchment area than a neighbourhood betting shop as the casino attracts customers from further afield.

#### Gambling operational risks

- C1.29 The gambling operation relates to how the premises will be or is run. This will include the operator's policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP.
- C1.30 Gambling operators should identify operational risks in the local area to the licensing objectives and then consider whether there are control measures in excess of those already in place that would mitigate the risk. For example, if there is a known illegal drug use in the local area the gambling operator may consider using control measures such as maglocks on the toilet doors or change the design of the toilet to deter people from using it for illegal drug use.



- C1.31 It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.
- C1.32 The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

#### Premises design risks

- C1.33 The design of the premises is an extremely important factor when considering local risks. For example, an Adult Gaming Centre which is located within an area which has a high number of children and young people present throughout the day may identify that the doors on either side of the premises are being used by local children as a short cut to access the adjacent street. The appropriate mitigation in this case may be that the gambling operator closes off one of the doors to prevent it being used as a short cut.
- C1.34 As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives. Gambling operators are experienced in premises design and often these considerations are made during the planning phase. It is advisable that gambling operators ensure that there is a process in place to record these key decisions at an early stage of the planning process for the premises design so that this can be included in their risk assessment.

#### Interior design risks

- C1.35 The internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as the distance between gaming tables and other gambling facilities in casinos, and restrictions on the location of ATM's.
- C1.36 Operators should assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter, then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives. Exterior design risks

#### Exterior design risks

- C1.37 The exterior of premises will be a major advertisement for the gambling operator. However, the design should be assessed based on the associated risk. Operators may identify a risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such

as roller shutters and/or external CCTV cameras. Control measures

### Control measures

- C1.38 Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design, and physical measure. Control measures that relate to systems may be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures may include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.
- C1.39 Design control measures are measures that are built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the exterior design of premises. For example, a control measure for the interior of the premises could involve moving a cashier counter from the rear of the premises to the front of the shop next to the main entrance. An external design control measure may involve the exterior design being tailored to address local risks, for example, more open window displays to enable staff can see out of the premises or a design to avoid attracting children to the premises.
- C1.40 The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include alarms, CCTV cameras,

doors, magnetic locks, time locks on safes, spit kits, window shutters, fogging systems, UV lights in toilets.

- C1.41 As aforesaid, the control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example, to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:

Systems: PASS card or age verification policies, Challenge/Think 21 scheme, staff training and door staff.

Design: Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.

Physical: Magnetic door locks and ID scans

### Undertaking a local risk assessment

- C1.42 A local risk assessment of gambling premises should be carried out through a step-by-step approach. Gambling operators may first assess the local area and identify the relevant risk factors, then assess the gambling operation, and finally assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.

C1.43 In order to assist gambling operators in this process the Licensing Authority has developed a local risk assessment form that encompasses the step-by-step approach to the assessment as set out above (see Appendix 7). Applicants are encouraged to use this template for their risk assessments; however, any risk assessment format is acceptable. Applicants will need to ensure that if they use a risk assessment format other than the one provided by the Council that sufficient information and detail is recorded to address matters raised in this policy. The form also enables the assessor to identify actions such as the installation or production of control measures, the individual made responsible for carrying out those actions, and to record when those actions were completed. This form is not mandatory and gambling operators can develop their own assessment forms to suit their own business.

#### Who should undertake the assessment?

C1.44 It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area.

#### *Step 1: The local area*

C1.45 Operators should start by identifying the local risk factors surrounding the premises. The risk factors will differ from

location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

C1.46 To assist in assessing the local area the Council has produced a Local Area Profile (LAP) for the city. The LAP identifies the demographic, social and economic profile of areas of the city, and the specific concerns and risks that the Licensing Authority has identified in relation to gambling in those areas.

#### *Step 2: Gambling operation and physical design*

C1.47 In assessing the risk factors associated with a gambling operation the assessor should consider the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

C1.48 The physical design of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

#### *Step 3: Control measures*

C1.49 Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

*Step 4: Action Plan*

- C1.50 Once the assessment has been carried out an action plan should be completed so that any identified actions are documented and a deadline for completing the required piece of work is set and agreed. Completed assessment
  
- C1.51 The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime (see paragraphs C1.5 to C1.21 above).

## Part D. Licensing Objective Policies

*Part D Cover Page to be added by design*

Preventing Gambling from Being a Source of Crime or Disorder, Being Associated with Crime or Disorder or Being Used to Support Crime Policy D1

- A. The Licensing Authority will grant an application for a provisional statement or new gambling premises licences or vary an existing licence if it is reasonably consistent with the objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.**
- B. When considering Clause A, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below in addition to other relevant policies within this statement:**

**Criteria:**

- 1. Whether the premises make or will make a contribution to the levels of crime and disorder in the area.**
- 2. Whether the premises will operate in such a way that will be reasonably consistent with the crime and disorder licensing objective.**
- 3. Whether the applicant has met the requirements of Policy C1 and provided a suitable and sufficient gambling risk assessment demonstrating how they will implement sufficient mitigation to prevent gambling from being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.**

**Considerations:**

- 4. The levels of crime and disorder in and around the venue**

- 5. The proposed operation of the premises and the types of gambling activities that will be provided.**
- 6. The staffing levels that will be provided during the time when the premises provide facilities for gambling.**
- 7. Whether there is a history of crime or disorder associated with the premises, the operator or similar gambling premises uses.**
- 8. Whether the premises, operator or similar gambling premises uses have been used by those involved in crime to associate, carryout other criminal activities or dispose of the proceeds of crime.**
- 9. Whether the premises have been designed and considered so as to minimise opportunities for crime and disorder.**
- 10. Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.**
- 11. Whether the Gambling Commissions Codes of Practice have been complied with.**

- C. Due to the unique nature of Westminster and the associated risk of terrorism applicants are encouraged to:**

- 1. Undertake a terrorism threat risk assessment (separate from the gambling risk assessment) that ensures that any security-related vulnerabilities have been identified, and reasonable, and proportionate steps (in keeping with the size and nature of the gambling premises), have been taken to reduce the risk from a terrorist attack, and**
- 2. Undertake an ACT security plan, including an outline of the proactive steps taken (see Appendix 13)**

## Reasons for Policy D1

- D1.1 Applicants for premises licences will have to hold an operator's licence from the Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. A gambling operator must meet the Commission's requirements to obtain and hold an operator's licence, whilst the Licensing Authority's concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.
- D1.2 The Licensing Authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's guidance, codes or practice and this statement of principles.
- D1.3 The licensing authority will expect the applicant to consider the measures that they feel are necessary to ensure that the operation of their gambling premises is reasonably consistent with the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- D1.4 The Gambling Commission's guidance does envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. If an application is made in an area known to have high levels of crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there, considering such factors as, levels of recorded crime; the type of that crime and levels of anti-social behaviour-related complaints
- D1.5 Applicants must have an understanding of the local area in which they either operate, or intend to operate, a gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will be reasonably consistent with this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The council will expect the applicants to provide details as to their crime prevention measures within their gambling risk assessment.
- D1.6 Gambling premises can become a source of crime or disorder. This may not necessarily mean that there are significant numbers of incidents or crime reported within the premises. The presence of a gambling premises can provide a location for people to gather who may be involved in criminality in or around that premises or congregate with associates who then perpetrate criminal activity away from the premises.
- D1.7 The Licensing authority is aware that the police have experienced difficulty in certain areas of the City in dispersing people involved in drug related activity, gangs and on occasions prostitution who use licensed gambling premises as 'cover' to conceal their activities. The Licensing Authority, when considering any applications in such a location that has been identified by the police as having a problem with criminality, gangs, prostitution, or anti-social behaviour, particularly involving groups who loiter will expect applicants or licensees to demonstrate that they have sufficient measures in place to prevent or deter people involved in unlawful activities from using their premises to support crime or to avoid apprehension. In some locations within the City the preventative measures put forward by applicants or existing operators may not be sufficient meet the licensing objective

because of the risk associated with the premises adding to or being associated with crime and disorder. In those circumstances the Licensing Authority, having had regard to the applicants' submissions and any evidence or views from the police may impose restrictions above that put forward by the applicant or refuse the application.

- D1.8 The operation of a licensed gambling premises within Westminster carries a significant responsibility on the licensee. They will be expected to uphold the high standards demanded of every licensee in assuring that their premises provide a positive contribution to crime prevention in the area. Licensees must work closely with the local police teams and wider community to tackle existing problems or emerging issues where they can.
- D1.9 If a licensed premises becomes associated with crime or disorder or supports crime it is likely that action will be taken against the licensee if they are not taking the appropriate action to prevent crime and disorder at the premises. If criminality or disorder takes place inside or outside the premises, either because it is being used by criminals to commit crime in the area or crime is taking place within the premises the Licensing Authority and Police are likely to take immediate steps to address those problems. Depending on the severity of the association with crime and disorder or crime taking place on or around the premises the Police and/or Licensing Authority may seek to review the premises licence which could result in the imposition of additional conditions, the modification of existing conditions, amend the hours of operation of the premises, suspend the licence or in severe circumstances revoke the licence.
- D1.10 There is a distinction between disorder and nuisance. In order to make the distinction, whether a disturbance was serious enough

to constitute disorder, the Licensing Authority will consider factors such as whether police assistance was required, how threatening the behaviour was to those who could see or hear it, how frequently it is reported, prevalence of persons loitering outside, the times of day when disorder is reported and the impact on residents.

- D1.11 The council works in close partnership with the Police to tackle crime and disorder. Crime and disorder is a broad term and includes terrorism, which is clearly a serious crime. Publicly Accessible buildings and places can provide attractive targets for terrorist attacks. All steps must be taken to reduce the risk to people who may use licensed premises, no matter the size and capacity of the premises...
- D1.12 The Licensing Authority encourages applicants and existing operators to have due consideration to any specific protective security advice provided to it by Counter Terrorism Security Advisors or other parties acting on behalf of the police or other Government agency or responsible authority. The Licensing Authority will not scrutinise the operator's terrorism threat risk assessment (TTRA) or expect that the applicant will provide that assessment along with their application and gambling risk assessment. However, the TTRA, if produced by the operator must be made available to the police acting in their role to prevent and detect crime. The Licensing Authority will look to the police to provide any views or raise concerns over an applicants or existing licensees TTRA.
- D1.13 Advice and support is available to applicants and licensed gambling operators via the National Counter Terrorism Security Office website at [nactso.gov.uk](http://nactso.gov.uk). The NaCTSO Crowded Places Guidance and the suite of Action Counters Terrorism (ACT)



products (ACT strategic, ACT Operational, ACT Awareness, ACT E-learning, and ACT phone application) are available via the NaCTSO website and are designed to help reduce vulnerability, improve preparedness, and resilience, and security culture. NaTCSO Crowded Places Guidance can be found at [www.gov.uk/government/publications/crowded-places-guidance](http://www.gov.uk/government/publications/crowded-places-guidance).

## Ensuring that Gambling is Conducted in a Fair and Open Way Policy D2

- A. The Licensing Authority will not grant an application for a provisional statement or new gambling premises licences or vary an existing licence that is not reasonably consistent with the objective of ensuring that gambling is conducted in a fair and open way.**
- B. When considering Clause A, the Licensing Authority will apply the following criteria and take into account any relevant considerations as set out below in addition to other relevant policies within this statement:**

### Criteria:

- 1. Whether the premises will operate in such a way that will be reasonably consistent with the fair and open licensing objective.**
- 2. Whether the applicant has met the requirements of Policy C1 and provided a suitable gambling risk assessment demonstrating how they will implement sufficient mitigation to ensure that gambling is conducted in a fair and open way.**

### Considerations:

- 3. Whether the premises have been designed so as to ensure gambling is conducted in a fair and open way.**
- 4. Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.**

- 5. Whether the management and operation of the premises is open and transparent.**
- 6. Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.**
- 7. Whether the Gambling Commissions Codes of Practice have been complied with.**

## Reasons for Policy D2

- D2.1 To achieve the aim of this licensing objective there is a direct link with the successful achievement of the crime and disorder objective. The intention of the Act and the crime and disorder objective is to restrict and prohibit criminals from gambling premises and providing facilities for gambling. Reducing or eliminating the risk of cheating, fraud and oppressive behaviour will have support the extent of the achievement of this licensing objective.
- D2.2 The Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of ensuring that gambling is conducted in a fair and open way. The Gambling Commission is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way, however, the Licensing Authority will scrutinise the venues operation, design, layout and location to ensure that the application meets this objective.
- D2.3 The approach taken by the Gambling Commission to ensure gambling is conducted in a fair and open way is that:
- (a) it expects that not only is gambling fair in the way it is played but that the rules are transparent to players and they know what to expect;

- (b) it will ensure that the rules are fair, and that easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning and the rules and conditions on which business is conducted;
- (c) it will ensure that operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- (d) it will ensure that appropriate advertising codes continue to be in place to prevent consumers from being misled;
- (e) it will ensure that the licences it issues, together with the licence conditions it imposes and the codes of practice it publishes, set appropriate standards of conduct for licence holders (for example, in respect of terms on which gambling is offered and the transparency of such terms) and appropriate technical standards for gaming machines and other equipment used in connection with any licensed activity;
- (f) in the event of non-compliance, it will ensure that sanctions are imposed, or other appropriate steps taken, which among other things, deter future non-compliance on the part of the relevant licence holder and other licence holders more generally;
- (g) it will ensure that the investigation and prosecution of offences under the Act – including the offence of cheating under section 42 of the Act – are prioritised by reference to the level of risk posed to the Licensing objectives.

D2.4 The Licensing Authority fully supports the Gambling Commissions approach associated with ensuring gambling is conducted in a fair and open way. The Licensing Authority will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other

matters as set out in the Gambling Commission’s Licence Conditions and Code of Practice.

D2.5 Where there are allegations or suspected unfair practices and untransparent gambling practices are being conducted the Licensing Authority, along with the Gambling Commission will investigate and take the appropriate action necessary to ensure compliance with this Licensing objective.

D2.6 Applicants must ensure that the relevant rules and terms and conditions of play are readily available. This can be either on the premises, with posters or leaflets or via the operator’s website. Staff must be conversant with the relevant rules and gameplay associated with the gambling products that are offered. A mechanism for grievances or complaints should be provided to all customers who feel that a gambling product or game is unfair or untransparent.

D2.7 The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator’s licence. Track owners do not necessarily require an operator’s licence and any application made by such an unlicensed operator will be scrutinised to ensure that this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. In the case of premises that do not hold an operating licence, such as tracks, additional conditions may be required dependent on the risks outlined in the application.

## Protecting Children and Other Vulnerable Persons from Being Harmed or Exploited by Gambling Policy D3

- A. The Licensing Authority will not grant an application for a provisional statement or new gambling premises licences or vary an existing licence that is not reasonably consistent with the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.**
- B. When considering Clause A, the Licensing Authority will apply the criteria, and take into account any relevant considerations associated with children as set out in Clauses C and D and for other vulnerable persons as set out in Clauses E and F in addition to other relevant policies within this statement:**
- C. The Licensing Authority will consider the following general matters associated with protecting children from being harmed or exploited by gambling.**
  - 1. Whether the premises will operate in such a way that will be reasonably consistent with the protection of children and other vulnerable persons from being harmed or exploited licensing objective.**
  - 2. Whether the applicant has met the requirements of Policy C1 and provided a suitable and sufficient gambling risk assessment demonstrating how they will implement sufficient mitigation to protect children and other vulnerable persons from being harmed or exploited by gambling.**

- 3. Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to be reasonably consistent with this objective to exclude them from the premises or parts of the premises.**
  - 4. If the premises intend to or already operates as an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.**
  - 5. Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.**
  - 6. Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.**
  - 7. Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.**
- D. The Licensing Authority will expect applicants to develop and maintain systems and processes to adequately safeguard children and other vulnerable persons. Such systems and processes may include;**
- 1. That in operating and managing a licensed gambling premises the applicant has designated one or more senior staff members within the organisation with the responsibility for championing the protection of children, including safeguarding and child sexual exploitation and other vulnerable persons from harm.**

**2. That the applicant has or intends to implement safeguarding training to ensure that their staff have a basic awareness of safeguarding child and other vulnerable adults.**

**E. For the purposes of this policy any reference to “children” or “child” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

#### Reasons for Policy D3

- D3.1 The Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.
- D3.2 The Licensing Authority believes that this licensing policy places a significant responsibility on the applicant when apply for a licence and then operating their gambling premises. Whilst gambling operators will focus on the obvious protections associated with this licensing objective, such as restricting access to gambling by children or providing information to customers who may be problem gamblers the Licensing Authority believes that operators must consider other risks to children and vulnerable adults associated with their operation or their customers.
- D3.3 It is noted that the Act and Commissions Guidance does not define the term vulnerable persons. The Commission states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble

beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. This is the definition of vulnerable persons the council will use in its consideration of applications.

- D3.4 The Licensing Authority have approached this policy in two parts. The first part relates to protecting children from harm or being exploited by gambling. The second part focuses on adults and the risk of harm or exploitation that they may face associated with gambling. The Licensing Authority has indicated within in its Local Area Profile (LAP) and within other policies within this statement that some locations and gambling operations may generate a greater risk of gambling harm due to the resident populations, age, social and economic backgrounds, etc. These are key factors when considering the local risks associated with the application.
- D3.5 The Licensing Authority will expect applications to take on their statutory duty within the Act to be reasonably consistent with this licensing objective. However, operators also have a duty to protect and support their customers or those in the community that may interact with their premises or staff.

#### Risk of Vulnerability to Gambling Related Harm

- D3.6 The concerns over the impact of gambling on those who are at risk of gambling related harm or who are already being harmed by gambling has increased since the Act was introduced. The Council has been active in considering the potential risks associated with gambling on our residents. In 2015 the Council commissioned Geofutures to undertake a literature review to ascertain what characteristics, activities or groups could be at greater risk to gambling related harm and to use that information to create a gambling vulnerability index for the city. The results

were published in two reports in 2016. Since then, a number of other research studies have been undertaken into the impact of gambling on the vulnerable. The Council has revised the gambling vulnerability index devised by Geofutures to take account of new findings and more recent data on the resident population and services within the city that may indicate at risk groups. These findings are detailed within the Council's Local Area Profile. The key at risks groups or behaviours are set out below.

#### *Young People*

- D3.7 Rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour.

#### *Unemployed and constrained economic circumstance*

- D3.8 Generally, those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability.
- D3.9 There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at-risk gamblers. The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a

consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.

#### *Area deprivation*

- D3.10 There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. This was despite having roughly the similar levels of past year gambling participation to those who live in less deprived areas.
- D3.11 The 2015 research conducted by Geofutures looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high-density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%).

#### *Homeless*

- D3.12 The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.

### *Mental ill health*

- D3.13 There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall, three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.
- D3.14 Being a problem or at-risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm the conclusion that the relationship between problem gambling and mental ill health may be cyclical.

### *Substance abuse/misuse*

- D3.15 The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys have shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders. There is strong evidence that alcohol and substance misuse are associated with

problem gambling. As with other mental health conditions, these conditions can occur at the same time.

### *Personality traits/cognitive distortions*

- D3.16 There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling. However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

### *Problem gamblers seeking treatment*

- D3.17 Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right).
- D3.18 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. The Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.

D3.19 In the case of premises licences the Council is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice regarding social responsibility. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- (a) combating problem gambling
- (b) access to gambling by children and young people
- (c) information on how to gamble responsibly and help for problem gamblers
- (d) customer interaction
- (e) self-exclusion
- (f) employment of children and young people

D3.20 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The Council will communicate any concerns to the Gambling Commission about any absence of this required information.

#### Protecting (Safeguarding) Children

D3.21 A child and young persons are defined as any person who is less than 16 years old, and a young person is defined as a person who is not a child but who is less than 18 years old<sup>12</sup>. For the purposes of this policy and the interpretation of this licensing objective the Licensing Authority, when referring to a child or children will mean anyone under the age of 18 years of age.

D3.22 The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises. Other policies specifically deal with location although the applicant will have to demonstrate that there are suitable control measures to be reasonably consistent with this objective.

D3.23 Persons under 18 cannot be admitted to many types of gambling premises. New gambling premises or variations to existing premises that are in close proximity to schools or main routes to schools will expect the applicant to have carefully considered their operation and any potential for exposing children and young people to gambling. Operators should demonstrate policies and procedures that will prevent children and young people from entering premises or partaking in gambling activities.

D3.24 Whilst some gambling premises may restrict access to children, other types of premises can permit access to children. Bingo premises and Family Entertainment Centres are gambling premises which permit access to the premises by children. However, some areas within these premises may have restricted access to children, such as where adult only gaming machines are located. Applicants and licensees must ensure that children do not gain access to these areas and age verification is conducted to ensure compliance.

D3.25 The Licensing Authority views underage access to age-restricted areas extremely seriously and the onus is placed firmly on the licence holder to ensure that appropriate checks are in place to prevent and deter opportunities for children and young people to gain access to category B or C gaming machine areas. Underage access to category B or C gaming machine areas in licensed Bingo

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<sup>12</sup> Section 45, Gambling Act 2005



and Family Entertainment Centres is an offence<sup>13</sup> and the display of notices prohibiting underage access is a requirement of the mandatory conditions<sup>14</sup> attached to all licences.

D3.26 It is the Licensing Authority's view that preventing underage access should be a major consideration for any applicant or operator and effective measures such as age verification checks are a simple solution to this issue. Therefore, failure to implement effective measures and enforce this requirement by operators will be dealt with strictly by the Licensing Authority. Operators can expect serious or repeated breaches of these requirements to be dealt with by review proceedings.

D3.27 In addition, the style of operation of a Licensed Family Entertainment Centre presents further risks by virtue of the fact that its customers may be largely children. The operator of these premises should risk assess all aspects of catering for children, especially unaccompanied children, and make all reasonable efforts to deter the risk children becoming victims of crime or disorder.

D3.28 If children are permitted access to adult gaming activities, they may be at risk of being:

- exposed to information or advertisements encouraging them to gambling
- allowed to purchase and consume alcohol, where a premises is permitted to sell alcohol (e.g. casino, bingo premises)
- financially exploited, or

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<sup>13</sup> Section 47 The Gambling Act 2005

<sup>14</sup> Mandatory condition 3(3), Schedule 4, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

- allowed or invited to gamble or bet in a commercial setting.
- Witness, or be involved in other adult related activities that may take place on the premises.

D3.29 Gambling operators can use procedures, processes, and control measures to monitor and prevent children accesses adult gambling content in premises. These may include:

- challenge/think 21 schemes, with limitations on the types of recognised proof of age accepted which are operated at the door of the premises, at the entrance points to age restricted areas within the premises and in any bars within the premises selling alcohol products.
- security and CCTV is operated at the door or within the premises to identify and prevent access by children amongst the other role of detecting and preventing crime.
- signage prominently displayed regarding the prohibition of under 18s at the entrance points to the premises, adult only areas, and bars within the premises and on age restricted gambling products, such as gaming machines.
- implement a membership scheme that requires proof of age to obtain membership and access to the premises.
- staff training to ensure that they are fully conversant with the age verification process, procedures, and control measures for the premises as well as their legal and contractual obligations.

D3.30 Gambling operators are expected, as a minimum to maintain and keep under review their systems and processes to:

(a) verify the age of customers who appear to be under the age of 18.

- (b) ensure third party testing is conducted on the compliance with age verification processes and procedures.
- (c) maintain a log of incidents of attempted access by children or where access has occurred in breach of the licence and the Act.
- (d) ensure that there are sufficient employment contract clauses in place to undertake disciplinary action on staff who disregard or fail in their role to protect children from harm.
- (e) have a safeguarding risk assessment in place,
- (f) ensure that staff, who work in a gambling environment have safeguarding awareness training.

D3.31 In addition to the responsibilities associated with access to gambling products or premises gambling operators also have a wider safeguarding responsibility for children. Gambling operators have legal responsibilities and are expected to operate in a socially responsible way. The role of safeguarding children applies to all staff involved in the operation and management of licensed premises and is a key part of protecting children from being harmed or exploited.

D3.32 Staff working in licensed gambling premises, be it adult only premises, such as Casinos or Betting Shops; or premises which allow children to enter, (e.g. Bingo premises or Family Entertainment Centres) will be in a position to identify any suspected safeguarding concerns with the people that they interact with or who are outside or passing their premises. The identification and actioning of safeguarding concerns is essential to ensure children are not neglected or harmed.

D3.33 Staff working in gambling premises should be trained and provided with the appropriate procedures to enable them to

identify and report child safeguarding concerns. Operators should also embed safeguarding within their senior management and ensure that one or more people within the organisation are known as safeguarding leads for staff to contact and get advice if needed. Staff should be empowered to report their concerns associated with child safeguarding.

D3.34 Premises that permit children to access their premises must take action should be taken if adults demonstrate irresponsible behaviour, such as showing signs of intoxication, using strong or offensive language, threatening behaviour or violence towards others, staff or towards gaming machines. Adults that are accompanying children should be encouraged to supervise them, to minimize the risk of children being exposed to inappropriate or dangerous behaviour or gaining access to prohibited areas of the premises.

D3.35 The Licensing Authority expects all operators to be aware of child truancy during school times. This should form part of the operator's risk assessment and the Licensing Authority would encourage engagement with local schools where this is an issue. The Council is available to work with premises which experience truancy and operators are encouraged to share concerns with the responsible authorities. The Council has access to a network of services both within and outside the Council which can seek to address the wider issues with underage gambling.)

#### Safeguarding against Child Sexual Exploitation (CSE)

D3.36 The Licensing Authority acknowledges that CSE awareness doesn't just apply to children on licensed premises, particularly as children are not permitted access to most gambling premises.

Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons.

- D3.37 Applicants are encouraged to ensure that suitable management controls are in place to safeguard children against the risk of CSE as part of addressing this policy. Measures may include, but are not limited to:
- (a) awareness training for staff;
  - (b) regular patrols of the premises, including external areas and the immediate proximity, to identify any vulnerable children;
  - (c) close monitoring of patrons as they leave the premises;
  - (d) recording and reporting concerns to the police.
- D3.38 The Licensing Authority expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to:
- developing relationships between a child and an older person;
  - children in the company of a group of older persons;
  - children regularly attending premises and meeting with a number of different older persons, particularly where older persons may be facilitating gambling for children;
  - children outside of licensed premises developing relationships with an older person, particularly an older person facilitating gambling for children;
  - children leaving the locality of the premises with older persons, particularly with a group of older persons;
  - children looking uncomfortable in the company of, or leaving with, older persons, particularly groups of older persons.
- D3.39 Whilst the Licensing Authority does not wish to create the impression that all contact between children and older persons is

inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

### Protecting Vulnerable Adults with Cognitive Impairment

- D3.40 The Gambling Commissions Guidance gives a high priority to the social responsibilities' operators have, to protect vulnerable adults from harm associated with gambling and policies must be in place to support the protection of vulnerable adults.
- D3.41 Adults may be vulnerable if, for example, they are intoxicated from alcohol, drugs (prescribed or illegal) or other substances which impair their judgement or prevent them making informed, balanced decisions about gambling. However, the taking of inhibiting substances is not the only consideration when looking at whether an adult has impaired judgement. The cognitive ability of the individual may also raise concerns. This could be due to a medical condition such as Alzheimer's, Dementia or other diseases that affect the brains' ability to process information in the normal way, an injury, such as concussion or mental disability.
- D3.42 If an adult has a mental health issues, cognitive impairment, or problems with addictions, this will likely make them vulnerable as they will have difficulty controlling their activities or behaviour or prevent them understanding the rules and risks of the gambling activity.
- D3.43 There is also a risk that adults who are impaired can be vulnerable to wider risks from other people that they are in contact with. They may be more susceptible to controlling or abusive behaviours. This could include negative controls over

their life which could include being susceptible to fraud, theft, violence, or sexual harms.

- D3.44 Although cognitive impairment is a significant factor that must be considered when seeking to ensure that vulnerable adults are protected, people who are not mentally impaired can also be vulnerable to the risks of harm. The Licensing Authority, encourages applicants and licensees to ensure that they consider the risk of harm and exploitation of adults as seriously as they do for child protection measures.

#### Protecting (Safeguarding) Vulnerable Adults

- D3.45 The Care Act 2014 imposes a requirement on the Council to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.
- D3.46 The Council must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case (whether under this Part or otherwise) and, if so, what and by whom. “Abuse” includes financial abuse; and for that purpose, “financial abuse” includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.
- D3.47 The Department of Health document “No Secrets” from 2000 offers a definition of a vulnerable adult as a person:

*“who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”*

- D3.48 All adults have the right to be protected from abuse and poor practice. This is regardless of their:
- age
  - ability or disability
  - gender
  - race
  - religion
  - ethnic origin
  - sexual orientation
  - marital status
  - transgender status
- D3.49 It is the Licensing Authority’s view that best practice in safeguarding means committing to both a legal and moral responsibility to all staff and customers.
- D3.50 When looking at the risks of harm to vulnerable adults in and around the gambling environment it is important that gambling operators are encouraged to consider the wider harms that may be identifiable in their customers and staff. These may include one or more of the following:

#### *Self-neglect*

- D3.51 This covers a wide range of behaviour, but it can be broadly defined as neglecting to care for one’s personal hygiene, health,

or surroundings. An example of self-neglect is behaviour such as hoarding.

#### *Modern Slavery*

D3.52 This encompasses slavery, human trafficking, forced labour, and domestic servitude.

#### *Domestic Abuse*

**D3.53** This includes psychological, physical, sexual, financial, and emotional abuse perpetrated by anyone within a person's family. It also includes so-called "honour" based violence.

#### *Discriminatory*

D3.54 Discrimination is abuse that centre on a difference or perceived difference, particularly with respect to race, gender, disability, or any of the protected characteristics of the Equality Act.

#### *Physical*

D3.55 This includes hitting, slapping, pushing, kicking, restraint, and misuse of medication. It can also include inappropriate sanctions.

#### *Sexual*

D3.56 This includes rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault, or sexual acts

to which the adult has not consented or was pressured into consenting.

#### *Financial or Material*

D3.57 This includes theft, fraud, internet scamming, and coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance, or financial transactions. It can also include the misuse or misappropriation of property, possessions, or benefits.

#### *Neglect and Acts of Omission*

D3.58 This includes ignoring medical or physical care needs and failing to provide access to appropriate health social care or educational services. It also includes the withdrawing of the necessities of life, including medication, adequate nutrition, and heating.

#### *Emotional or Psychological*

D3.59 This includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or withdrawal from services or supportive networks.

#### *Mate Crime*

D3.60 A "mate crime" is when "vulnerable people are befriending by members of the community who go on to exploit and take advantage of them" (Safety Network Project, ARC). It may not be an illegal act, but it still has a negative effect on the individual. A mate crime is carried out by someone the adult knows, and it

often happens in private. In recent years there have been a number of Serious Care Reviews relating to people with a learning disability who were seriously harmed, or even murdered, by people who purported to be their friend.

### *Radicalisation*

D3.61 The aim of radicalisation is to inspire new recruits, embed extreme views and persuade vulnerable individuals to the legitimacy of a cause. This may be direct through a relationship, or through social media.

### *Gambling Operators Duty*

D3.62 Abuse and neglect might be carried out by anyone in contact with adults, even by people employed to provide care. There may be indicators that adults are experiencing harm from people within your organisation, such as members of staff or who staff interact with, customers or other members of the public. It is important to be aware that they may be experiencing harm from those connected with their life. This may include:

- spouses, friends, family, and neighbours
- people employed to provide care
- paid staff or professionals
- volunteers
- strangers

D3.63 The Licensing Authority believes that gambling operators have a responsibility to protect adults who may or may not be partaking in a gambling activity provided at the premises. Staff working in gambling premises, on the door providing security, taking bets in

a betting shop, floor walker or croupier in a casino need to be able to identify adults who are vulnerable.

D3.64 The way that gambling premises staff engage with customers provides them with a unique opportunity to identify concerns associated with that adult's safety. For example, a betting shop staff member may be aware of a regular elderly man who frequents the betting shop once a week on his own. However, recently he is accompanied by a young male who seems to be instructing him to make certain bets which are more frequent and at a higher stake than this elderly male has done in the past. This small, but important observation could be an indicator that the elderly male is being controlled or coerced. It could indicate that the elderly male is under financial and material harm or being subjected to "mate crime".

D3.65 The example above is clearly something that can occur within a gambling premises and other examples can be attributed to the other forms of harm mentioned above that staff may notice or get indications of in their day-to-day interactions with customers. As gambling premises and the staff working in them have regular contact with the public, gambling operators have a crucial role to play in the identification and reporting of adults who may be at risk of harm. The Licensing Authority policy requires applicants and licensees to demonstrate their commitment to safeguarding vulnerable adults by striving to embed safeguarding within the culture of their organisation as a gambling premises.

D3.66 Gambling operators are required to protect (safeguard) children and other vulnerable people from harm associated with gambling under the Act. Individuals who work for the gambling operator need to be informed to a sufficient level to ensure that complaints and concerns about children and adults at risk are

properly identified and acted upon. Gambling operators that fail to assess the risk and implement poor and ineffective processes in this area are likely to fail to meet the requirements of this policy and the licensing objective under the Act.

D3.67 The Licensing Authority understands that some gambling operations and activities are restricted to persons aged over 18 years of age. The focus relating to child protection will be on preventing children from accessing adult only venues, areas or activities. However, the Licensing Authority will expect operators actively to identify concerns associated with the welfare of children even if they are not able to access the premises. Staff should know how to raise their concerns within that organisation if and when any concerns are identified. Gambling operators will need to consider the likely risks associated with protecting children from harm including in premises to which children should not be admitted.

D3.68 The same level of operational risk management should be implemented to protect vulnerable adults from harm. Safeguarding of adults is more challenging as operators will not be able to rely on the control measures of restricting access to premises, an area of the premises or gambling activities, as they do for children. Adults can be vulnerable to the risks of gambling for many reasons. Cognitive impairment is a significant factor in increasing the risk of harm from gambling. This cognitive impairment can be from alcohol, drugs or other substances, mental health or physical illness. The Licensing Authority expects gambling operators to consider all forms of risk associated with vulnerable adults. Staff working in licensed premises will have a unique opportunity to engage with customers, consider their behaviour and actions and whether they show any indications of at risk behaviour. Gambling operators are expected to review the

risk and may produce, in addition to other control measures a Safeguarding Adults Policy and Procedure document that should be separate from any Safeguarding Children Policy and Procedure document. Any such Safeguarding Adults Policy and Procedure Document should focus on ensuring that processes are put in place to keep adults safe. An appropriate referral model should be developed that offers direction to staff on how to respond, what they should record, and when they should report internally and externally to statutory agencies.

D3.69 As part of the Safeguarding Adults Policy and Procedures put in place by a gambling operator, they will also need to ensure that staff are suitably trained and that someone in the organisation can act as the point of contact for staff concerns on adult safeguarding.

## Part E. Hours Policy

*Part E Cover Page to be added by design*



## Hours Policy E1

- A. Applications that intend to provide facilities for gambling within the hours set out in Clause D, below will generally be granted for the relevant premises licence uses subject to not being contrary to other policies within this Statement of Principles.**
- B. Applications that intend to provide facilities for gambling from premises located outside a Gambling Vulnerability Zone for hours beyond those set out in Clause D will be considered on their own merits, subject to other relevant policies within this Statement, and with particular regard to the following:**
- 1. The application meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Licensing Authority Guidance and policies D1, D2 and D3.**
  - 2. Appropriate and heightened security features available to ensure the protection of staff and customers and as a deterrent to crime and disorder**
  - 3. Additional risk posed to the vulnerable population in the area of the premises due to the extended hours**
  - 4. Sufficient transport links to customers leaving the premises to ensure that customers are not stranded or likely to be a victim of or cause crime or disorder upon leaving the premises**
  - 5. The impact of any additional hours on children and the vulnerable**
  - 6. What genuine gambling activities are available for customers during the extended hours**
  - 7. Minimum staffing levels so as not to leave staff feeling vulnerable or isolated and to allow staff safe passage to and from public transport where necessary.**

- C. Whist aiming to permit the Licensing Authority may, none the less refuse applications within a designated Gambling Vulnerability Zone that seek to provide gambling facilities for hours beyond the hours set out in Clause D below or any later hour which has already been permitted by this Authority, and that:**
- 1. Does not address the matters set out in Clause B above, and,**
  - 2. Does not provide sufficient reasons and risk mitigation in accordance with the Gambling Vulnerability Policy F2 for those hours, and,**
  - 3. Does not meet the Gambling Commissions Codes of Practice or its Guidance to Licensing Authorities or is not reasonably consistent with one or more of the Licensing Objectives or any other policy within this statement.**
- D. For the purposes of Clauses, A to C above, the hours when gambling facilities can be provided for each premises licence use or gaming machine permit type, as defined within this statement are:**

### Premises Licence Use

- 1. Casinos  
Monday to Sunday: Up to 24 hours a day.**
- 2. Bingo  
Monday to Sunday 09:00 to 00:00**
- 3. Betting Shops**

**Monday to Sunday: 07:00 to 22:00**

**4. Betting Tracks**

**Monday to Sunday: 07:00 to 22:00 (when sporting events are not taking place)  
00:00 to 00:00 (during a day when a sporting event is taking place on the premises)**

**E. Licenses for Adult Gaming Centres and Licensed and Unlicensed Family Entertainment Centres that are granted by the Licensing Authority will be required to operate to the following hours or to such other hours that have been agreed by Westminster City Council under Regulation 3(1) of Westminster City Councils Pleasure Fairs (Amusement Premises) Byelaws.**

**1. Adult Gaming Centres**

**Monday to Sunday: 09:00 to 00:00**

**2. Licensed Family Entertainment Centres**

**Monday to Sunday: 09:00 to 00:00**

**3. Unlicensed Family Entertainment Centres**

**Monday to Sunday: 09:00 to 00:00**

**F. For the purposes of clause D within this policy:**

- 1. the hours specified for each premises use will not apply between 00:01 on the 25<sup>th</sup> December until 00:00 hours on 26<sup>th</sup> December as no facilities for gambling can be provided by virtue of section 183 of the Gambling Act 2005, and**
- 2. the hours shown are the hours set out within the default condition for those gambling premises licences as defined within regulations 11, 15 and 17 of the Gambling Act 2005**

**(Mandatory and Default Conditions) (England and Wales) Regulations 2007.**

- G. For the purposes of Clause D.2 (Bingo Premises) the hours stated do not apply to the access of gaming machines in bingo premises.**
- H. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

Reasons for Policy E1

E1.1 The hours for Bingo, Betting Premises and Betting Tracks within this policy replicate the default condition hours that are imposed on these licences under regulations 11 (Bingo), 15 (Betting Premises) and 17 (Betting Tracks) of the Gambling Act 2005 (Mandatory and Default) (England and Wales) Regulations 2007. Casino premises are permitted to operate and provide gambling activities up to 24 hours a day. Casinos are limited in number and their operation cannot be moved beyond Westminster. Westminster currently licences 22 casinos and all of them are currently permitted to operate up to 24 hours a day. As the Licensing Authority is restricted by the Act in permitting any new casino premises the hours set out in the policy reflect the current casino operating position within Westminster. These hours also mirror the hours permitted for casinos within the Council’s Licensing Policy under the Licensing Act 2003.

E1.2 Adult Gaming Centres, Licensed and Unlicensed Family Entertainment Centres are required to operate to the hours specified in Regulation 3(1) of Westminster City Council's Pleasure Fairs (Amusement Premises) Byelaws, made by and adopted in pursuant with Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976. These byelaws are set out in Appendix 9 of this Statement. The restrictions on the hours of operation of Adult Gaming Centres and Licensed and Unlicensed Family Entertainment Centres are separate from the determination of any application under the Act. However, the Licensing Authority has included these hours, for the premises types to inform applicants, responsible authorities and interested parties. Operators will be able to submit a request to the Council proposing an amendment to the hours specified in Regulation 4 of these Byelaws. Such request must be made in writing and comply with the relevant requirements from the Council for such requests. Further information on the process for amending the Byelaw hours are available from the Council's website.

E1.3 It is the Licensing Authority's view that the terminal hour for Bingo, Betting Shops and Betting Tracks premises uses within Westminster should generally be limited to the hours specified within the default conditions as set out in the Gambling Act 2005 (Mandatory and Default) (England and Wales) Regulations 2007 and this policy. It is the Licensing Authority's view that permitting later opening would potentially negatively impact the licensing objectives. However, the Licensing Authority will consider each application on its own merits.

E1.4 Applicants that wish to operate within the hours specified within this policy will generally be granted subject to other policies within this Statement. However, applications for hours beyond

the hours specified within this policy, including those who have already been permitted later hours by this Authority will be considered on their own merits and whilst the Licensing Authority will aim to permit those applications, it may, none the less refuse such applications where there is a risk that such hours would not be reasonably consistent with the Licensing Objectives. In considering whether the application is reasonably consistent with the Licensing Objectives the Authority will have regard to whether the applicant has met the clauses within this policy, has provided sufficient reasons and risk mitigation within its gambling risk assessment or in other documents that accompany their application and that ultimately the application meets the requirements of the key principles under Section 153 of the Act, namely that it meets the requirements of the Gambling Commissions Codes or Practice and Guidance to Licensing Authorities, that it is reasonably consistent with the licensing objectives and it meets all relevant policies within this statement.

E1.5 Operators are expected to consider the impact of later opening hours on their customers and the surrounding environment. The Gambling Vulnerability Zone Policy F2 sets out the areas designated within the City that are deemed sensitive locations due to the makeup of the residents in the area, the socio-economic factors at play as well as other elements such as crime and disorder. Applicants must consider the licensing objective policies (D1, D2 and D3), Gambling Vulnerability Zone (F2), Risk Assessment (C1) and Hours (E1) Policies when preparing their application and formulating their gambling risk assessments.

E1.6 The Licensing Authority recognises that different times of the day present different issues and risks in relation to licensed gambling premises. Operators are expected to assess the different levels of risk at different times of the day. For example, the risk of

underage access attempts may rise at times when schools or colleges close for the day, whereas the risk of customers becoming vulnerable to harm as a consequence of alcohol may increase later at night. Operators with sensitive locations in the vicinity are expected to determine the hours of operation of these premises and amend their risk assessments and procedures, accordingly, including any staff training necessary or an increased staff and security presence both inside the premises and at each entrance.

- E1.7 Where the location of a premises is deemed to present a significant risk to the licensing objectives, the operator will be required to demonstrate to the Licensing Authority how they can effectively mitigate those risks. In circumstances where the Licensing Authority is not satisfied that the operator has sufficient measures in place to mitigate the risks, including where the Licensing Authority believes the operator can put no effective measures in place to sufficiently mitigate the risks, it may seek to restrict the hours.
- E1.8 The Licensing Authority may restrict the hours as it deems appropriate for the new location. Applications should show detailed consideration of:
- (a) appropriate / heightened security features available to ensure the protection of staff / customers and as a deterrent to crime and disorder
  - (b) additional risk posed to the vulnerable population in the area of the premises due to the extended hours
  - (c) sufficient transport links to customers leaving the premises to ensure that customers are not stranded / likely to be a victim of or cause crime or disorder upon leaving the premises

- (d) the impact of any additional hours on children and the vulnerable
- (e) what genuine gambling activities are available for customers during the extended hours
- (f) minimum staffing levels so as not to leave staff feeling vulnerable or isolated and to allow staff safe passage to and from public transport where necessary

- E1.9 Operators offering other forms of entertainment or services, for example those provided under another licence regime, must consider the impact of those activities on the licensing objectives at different times of the day and reflect this in the risk assessment for the premises. Casinos which permit the sale of alcohol throughout the day must consider the impact this may have upon their customers in line with the third licensing objective of protecting the vulnerable from being harmed or exploited by gambling.
- E1.10 Operators are also expected to be aware of the risks from so-called 'binge' gambling, where a customer who may be previously unknown becomes vulnerable by gambling more than they can afford or more than they want to. Longer hours of operation, particularly at night, present increased risks of customers becoming vulnerable, and operators will be expected to demonstrate how they will mitigate such risks.
- E1.11 Any application to vary the location of a converted casino premises licence will be expected to provide a detailed local gambling risk assessments for the operation of the premises at the new location. This will include how the hours of operation of the casino will not adversely impact the Licensing Objectives at that new location. Applications that seek to vary a casino from their current location into a Gambling Vulnerability Zone (Policy

F2) will need to adequately consider the risks identified within the Council's Local Area Profile and those set out within the Gambling Vulnerability Zone Policy F2. Any applications within a Gambling Vulnerability Zone must demonstrate that they have taken into account the risks identified in that area and for this policy specifically how the hours of operation will not adversely increase the risks identified and adversely impact the licensing objectives.

E1.12 For Bingo premises the hours within this policy for facilities for gambling do not apply to making gaming machines available for use. Any operator seeking to operate gaming machines beyond these hours should justify this request in the application and risk-assess their use in line with this and other policies within this statement.

E1.13 The Licensing Authority acknowledges that Betting Tracks operate very differently than other forms of gambling premises. Tracks are defined within the Gambling Act 2005 as meaning a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place. The Government set out the default hours for these premises within Regulation 17, Schedule 6 Part 4 of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007. This policy mirrors the default hours and approach that government established within the above Regulations. The Licensing Authority will therefore generally grant applications for Betting Tracks where the hours sought are between 7am to 10pm Monday to Sunday, when no sporting events are taking place at the premises. However, on the days when sporting events are taking place the Betting Track will be able to take gambling transactions at any time during that day. However, the policy to generally grant such applications within

the Hours specified within this policy will be subject to other policies within this statement

E1.14 A large proportion of spectators entering a Betting Track may not intend to gamble and are primarily at the premises for the race or sporting event. It is acknowledged that within Westminster the current premises that is licensed as a "Betting Track" is Lords Cricket Ground. The Council works closely with Lords relating to their Safety at Sports Grounds Certificate issued under the Safety at Sports Ground Act 1975, their Alcohol, Entertainment and Late-Night Refreshment Premises Licences issued under the Licensing Act 2003 and will continue to do so under the provisions of this Act.

E1.15 Due to the nature of sports grounds that operate as Betting Tracks under the Act some events may be of limited duration and have a later event end time than the hours set out within this policy. Accordingly, applications for Betting Tracks that apply for later hours for specified events may be permitted subject to detailed risk assessments, appropriate mitigation and after considering other policies within this statement.

**Part F. Spatial Policies**

*Part F Cover Page to be added by design*

## Location Policy F1

- A. Applications, other than those within a designated Gambling Vulnerability Zone, must demonstrate that they have considered the local risks to the licensing objectives with the operation of that premises in that location.**
- B. In meeting Clause A applicants will be expected to have:**
  - 1. Considered the Council’s Local Area Profile when assessing the local area risks.**
  - 2. Considered any other information that may relate to the local area risks to the licensing objectives, which may include information supplied within representations from interested parties and/or responsible authorities following the application being made.**
  - 3. Set out the relevant local risks within their gambling risk assessment and put forward suitable and sufficient measures to mitigate or eliminate those risks, in accordance with Policy C1 of this statement.**
- C. If the application relates to premises that are in, or within proximity to an identified gambling vulnerability hot spot and/or a designated Gambling Vulnerability Zone the applicant must demonstrate that:**
  - 1. They have specifically assessed the relevant risks associated with that Gambling Vulnerability Hot Spot and/or designated Gambling Vulnerability Zone within their gambling risk assessment, and,**
  - 2. Put forward sufficient control measures to mitigate or eliminate those risks being associated with the operation of the gambling premises.**
- D. For the purposes of Clause C:**

- 1. A ‘Gambling Vulnerability Hot Spot’ is an area of the City that has been identified as being in the top half of the combined gambling vulnerability index within the Council’s Local Area Profile and has not been included within a designated Gambling Vulnerability Zone as set out in the Gambling Vulnerability Zone Policy F2, and**
- 2. ‘Close proximity’ means that the premises, to which the application relates is within 65 meters of a Gambling Vulnerability Hot Spot and/or a designated Gambling Vulnerability Zone.**

## Reasons for Policy F1

- F1.1** In considering applications for new gambling premises licences or variations to existing premises outside a designated Gambling Vulnerability Zone (GVZ) the Licensing Authority will expect applicants to have considered the location where they intend to or do operate from and how the gambling premises could impact the licensing objectives. It is understood that a location for a gambling premises has been picked on commercial grounds. However, the Licensing Authority must be satisfied that any application permitted will not adversely impact the licensing objectives and therefore create new or add to existing issues within that location.
- F1.2** Issues of demand cannot be considered either at a citywide or more local scale. However, the Licensing Authority considers that the location of gambling premises can be a major factor in the promotion of the licensing objectives. The Licensing Authority will pay particular attention to the suitability of a location for gambling activity in terms of the objective of the protection of children and vulnerable persons from being harmed or exploited

by gambling, and the effect of crime and /or disorder on residents and on those working in and visiting the area.

F1.3 Before an application is made to the Licensing Authority the applicant should establish if there are any identifiable risks within the area or within proximity to the proposed gambling premises. In some parts of the city there will be some premises that are used for purposes that would create a higher risk to gambling operations if they were located near to that premises. For example, premises that provide treatment for gambling addiction/harm, drug and alcohol treatment centres, homeless shelters, etc would be considered as sensitive premises due to the correlation between the people who are likely to use them and their likelihood of the risk of harm from gambling. Applicants will be expected to review the Council's Local Area Profile and make their own enquiries relating to the location of sensitive premises.

F1.4 The applicant must demonstrate that they have adequately assessed the local risks and put in place sufficient mitigation to address those risks. The applicant must complete a gambling risk assessment in accordance with the Risk Assessment Policy C1. This assessment will demonstrate how the operator will ensure that their premises will operate in a way that is reasonably consistent with the relevant licensing objectives.

F1.5 The applicant will be expected to have identified any sensitive premises in the area in which they plan to or do operate and what the risk level is for the area based on vulnerability. The Council has provided applicants with a Local Area Profile to assist in assessing the local area risks associated with their proposed gambling operation. The Local Area Profile provides key

information spatially to support operators assess the local risks.

The Local Area Profile includes information on:

- (a) location of licensed gambling premises
- (b) density of licensed gambling premises
- (c) network analysis of walking time around licensed premises
- (d) the 200-meter radius around existing gambling premises and gambling clusters<sup>15</sup>.
- (e) supported temporary housing locations
- (f) temporary accommodation properties
- (g) youth club locations
- (h) gambling treatment and support locations
- (i) drug and alcohol addiction treatment centres
- (j) rough sleeping services
- (k) educational institutes (13 to 24 years)
- (l) temporary accommodation properties
- (m) pharmacies (dispense opiate substitute)
- (n) food bank locations
- (o) job centre locations
- (p) pawn shops and payday loan premises
- (q) index of multiple deprivation score
- (r) location density of supported housing
- (s) gambling harm PGSI scores
- (t) westminster's Gambling Vulnerability analysis and locations of designated Gambling Vulnerability Zones.

F1.6 The Council's Local Area Profile can be found via the council's website at [www.westminster.gov.uk/gambling](http://www.westminster.gov.uk/gambling).

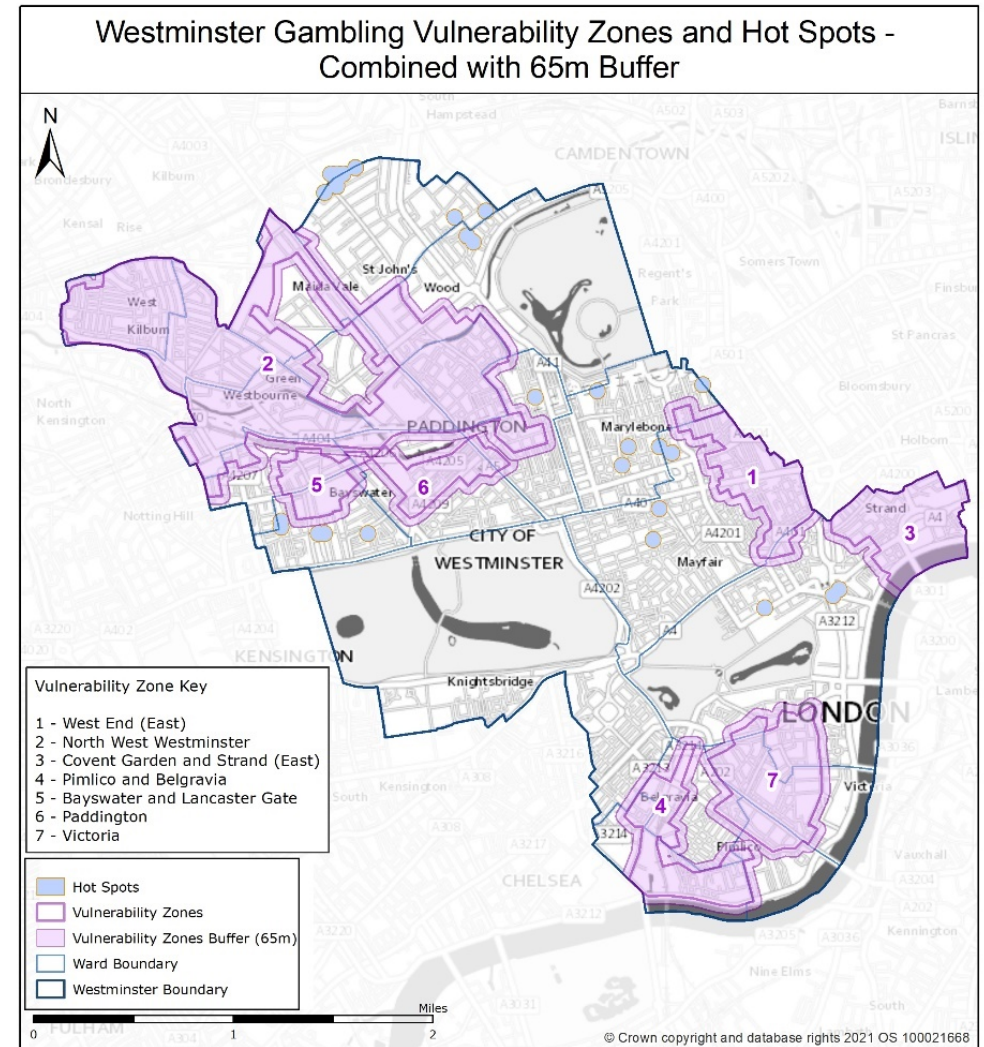
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<sup>15</sup> A gambling cluster is defined as three or more gambling premises within a 200-meter radius of each other



F1.7 Applicants will be able to use the Local Area Profile as well as their local research and knowledge to establish the risks for the area and what vulnerable groups are present. This will inform the consideration and implementation of any control measures that would mitigate the risk to the licensing objectives. The applicant must set out the risks, their consideration and adequate control measures within their gambling risk assessments.

F1.8 The Local Area Profile vulnerability index has identified areas within the city that have greater concentrations of specific groups or premises that may increase the risk of gambling related harm in that area. Areas that form clusters of risk within the index have been designated as GVZs and have specific policy considerations for applications for premises within those areas. However, the Local Area Profile vulnerability index map also identifies gambling vulnerability hot spots (GVHS) that are located around the city but outside of a GVZ. Some of the GVHS may relate to premises that are deemed sensitive, e.g. premises where gambling addition support is provided. Applicants that are within close proximity to a GVHS or GVZ will be required under this policy to assess the specific risks associated with that GVHS or GVZ as well as the location where the premises are situated. Applicants can use the Council’s online Gambling Vulnerability Index Mapping tool to identify the associated risks with the GVHS and GVZ via the Council’s website.



F1.9 Applicants will be required to put forward measures that will mitigate or eliminate the potential risks to ensure that their operation will not adversely impact the licensing objectives. The Licensing Authority will expect applicants that are within close proximity to a GVHS and/or GVZ to set out their considerations and proposed mitigation within their gambling risk assessment in accordance with the Gambling Risk Assessment Policy C1.

F1.10 A detailed map of the Council's GVHS and GVZ's is available at Appendix 10 of this Statement.

F1.11 Whilst the Council has provided a great deal of information within the Local Area Profile to assess the local risks applicants and existing gambling operators will be expected to also consider other information and data associated with the location that may not be included within the Local Area Profile. Areas change and fluctuate regularly and therefore gambling operators must continually monitor the local area in the event that a significant change occurs.

F1.12 Applicants should also be aware that when an application is made interested parties and responsible authorities may identify further risks that will need to be considered during the application process. Applicants will be expected to consider any additional information relating to the potential risks to the licensing objectives that are contained within any valid representations that are made during the consultation period. Applicants should, if necessary, include new or amend existing identified risks within their gambling risk assessment and provide the Licensing Authority with the amended/updated version prior to the determination of that application.

F1.13 It should be noted that this policy does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

## Gambling Vulnerability Zones Policy F2

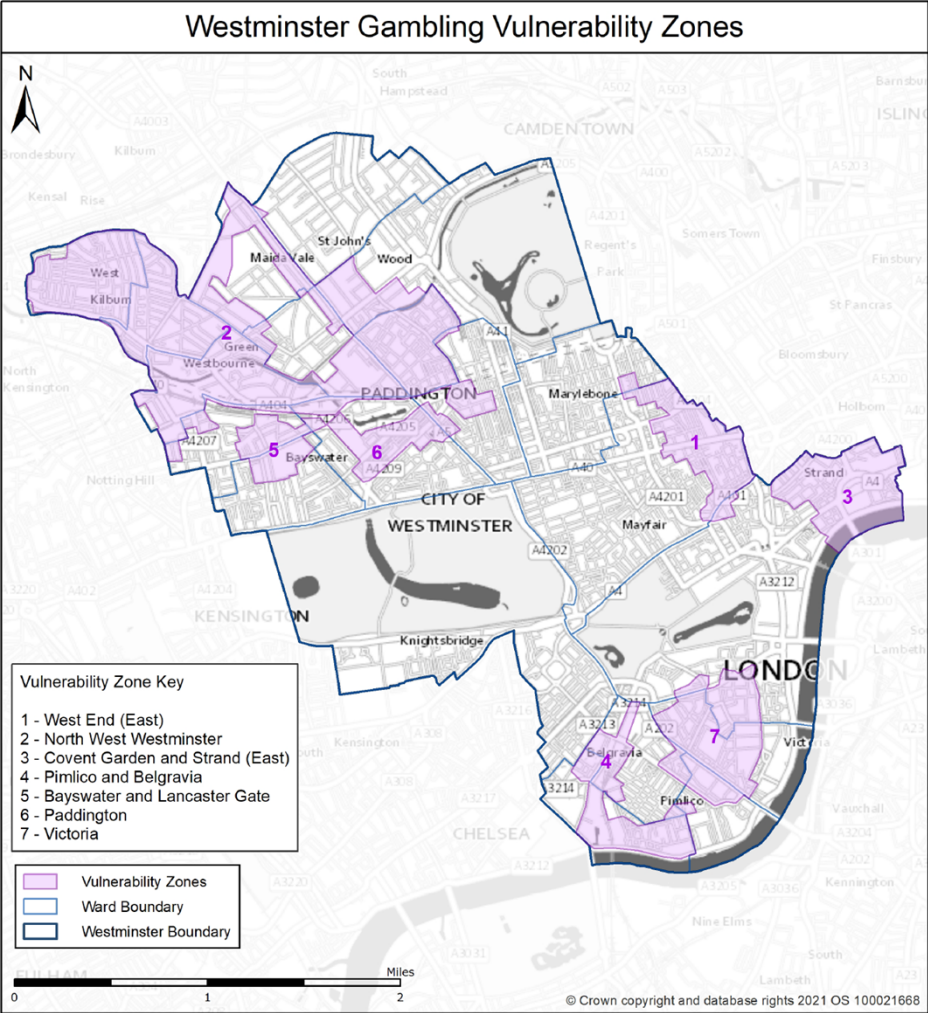
- A. Applications within a designated Gambling Vulnerability Zone must demonstrate that they have undertaken an assessment of the local area risks that are particular to the zone in question, as identified by the Councils Local Area Profile.**
- B. In meeting Clause A applicants will be expected to have:**
  - 1. considered the Council’s Local Area Profile when assessing the local area risks and detail those considerations within their gambling risk assessment in accordance with Policy C1,**
  - 2. considered any other information that may relate to the local area risks to the licensing objectives, which may include information supplied within representations from interested parties and/or responsible authorities following the application has been made, and,**
  - 3. put forward suitable control measures, that will specifically address and mitigate the risks identified by the Council within the Gambling Vulnerability Zone.**
- C. Whilst aiming to permit an application the Licensing Authority may, none the less refuse applications that seek to provide gambling facilities within the Gambling Vulnerability Zone unless sufficient reasons and mitigation have been provided and the Licensing Authority is satisfied that the application should be granted in accordance with the Gambling Commissions Codes of Practice and Guidance to Licensing Authorities, that it is reasonably consistent with the Licensing Objectives and that it meets all matters identified within this policy and any other policies within this statement.**

- D. For the purposes of Clause A, the designated Gambling Vulnerability Zones for gambling are:**
  - 1. West End (East)**
  - 2. Northwest Westminster**
  - 3. Covent Garden and the Strand (East)**
  - 4. Pimlico and Belgravia**
  - 5. Bayswater and Lancaster Gate**
  - 6. Paddington (South)**
  - 7. Victoria**

### Reasons for Policy F2

- F2.1 Applicants must consider the specific risks to the licensing objectives identified within this policy and the relevant designated GVZ where the premises are located and demonstrate how they will mitigate those specific risks.**
- F2.2 The Council has identified within its Local Area Profile areas where residents and visitors may be of greater risk to the impact of gambling-related harm. It has also had and continues to have regard to relevant research which assists in providing more information on the gambling landscape within the borough to operators, responsible authorities and interested parties.**
- F2.3 The areas designated as GVZ are areas within which the Licensing Authority has significant and increased concerns associated with the adverse risks from a gambling operation on crime, disorder, children, vulnerable people or any combination of these. Therefore, gambling premises, either proposed or existing, within GVZs can expect a greater degree of scrutiny from the Licensing Authority to ensure that the operation is in line with the**

principles of the legislation and associated regulations, specifically s153 of the Gambling Act 2005.



F2.4 It is important to note that the Licensing Authority, in establishing these GVZ, is not creating a barrier to the operation of gambling premises within these areas. It does, however, expect operators with existing premises or who plan to open a new premise in such

areas to have particular regard to the issues within the locality and clearly demonstrate how associated risks are to be mitigated. It is the responsibility of each operator to satisfy the Licensing Authority that it has had regard to the issues affecting the relevant GVZ and has appropriate measures in place to mitigate or eliminate the associated risks. Applicants will include their assessment of the local risks within a GVZ within their gambling risk assessments in accordance with the Gambling Risk Assessment Policy C1 within this statement.

- F2.5 All parties should refer to the Council's Local Area Profile for the relevant area in which the premises reside. The Local Area Profile can be found via the council's website at [www.westminster.gov.uk/gambling](http://www.westminster.gov.uk/gambling). The Local Area Profile sets out in detail the local factors which the Licensing Authority will expect applicants to assess when making applications and forming or updating their gambling risk assessments for particular premises.
- F2.6 The Local Area Profiles are based on the Licensing Authority's knowledge of each area and will develop over time as further information is provided and updated. However, we acknowledge that those local to the area may have more detailed knowledge of the area and welcome comments made at the application consultation stage or at any other time.
- F2.7 Whilst the Council has provided a great deal of information within the Local Area Profile to assess the local risks applicants and existing gambling operators will be expected to also consider other information and data associated with the location that may not be included within the Local Area Profile. Areas change and fluctuate regularly and therefore gambling operators must

continually monitor the local area in the event that a significant change occurs.

- F2.8 Applicants should also be aware that when an application is made interested parties and responsible authorities may identify further risks that will need to be considered during the application process. Applicants will be expected to consider any additional information relating to the potential risks to the licensing objectives that are contained within any valid representations that are made during the consultation period. Applicants should, if necessary, include new or amend existing identified risks within their gambling risk assessment and provide the Licensing Authority with the amended/updated version prior to the determination of that application.

#### Gambling Vulnerability Zone Approach

- F2.9 Applicants must consider the measures that they will put in place to address and mitigate the local risks present within these zones. The proposed measures to mitigate the risks to the licensing objectives may be more or less appropriate depending on the type of gambling premises and its operation at that site. Applicants within a GVZ will be expected to demonstrate their considerations and the rationale for their mitigation to the local risks within their gambling risk assessment.
- F2.10 Applications for premises licences within a GVZ will be subject to greater scrutiny due to the sensitive nature of these areas on the licensing objectives. Whilst aiming to permit, such applications may, none the less be refused unless the Licensing Authority is satisfied that the application should be granted in accordance with the Section 153 principles of the Act in that the application meets the Gambling Commissions Codes of Practice and

Guidance to Licensing Authorities, that it is reasonably consistent with the licensing objectives and that it addresses and complies with all relevant policies within this Statement of Gambling Policy.

- F2.11 Applications within a GVZ that receive representations will be expected to demonstrate that they have considered the points that have been realised and whether their proposed mitigation is sufficient. If they are not, additional mitigation must be put forward in an attempt to reduce the potential impact of that operation on the licensing objectives. The Licensing Authority will consider the measures proposed within the applicants gambling risk assessment and whether the application meets other policies within this statement.
- F2.12 The Licensing Authority may consider additional conditions to be appropriate where representations are received but insufficient mitigation has been put forward to address those concerns. In some cases, where there are significant concerns associated with an application and its impact on the Licensing Objectives, and insufficient mitigation has been proposed within the applications gambling risk assessment or via further submissions the Licensing Authority may conclude that the application has not demonstrated that they will meet the requirements of Section 153 of the Act and refuse the application.

#### Designated Gambling Vulnerability Zones

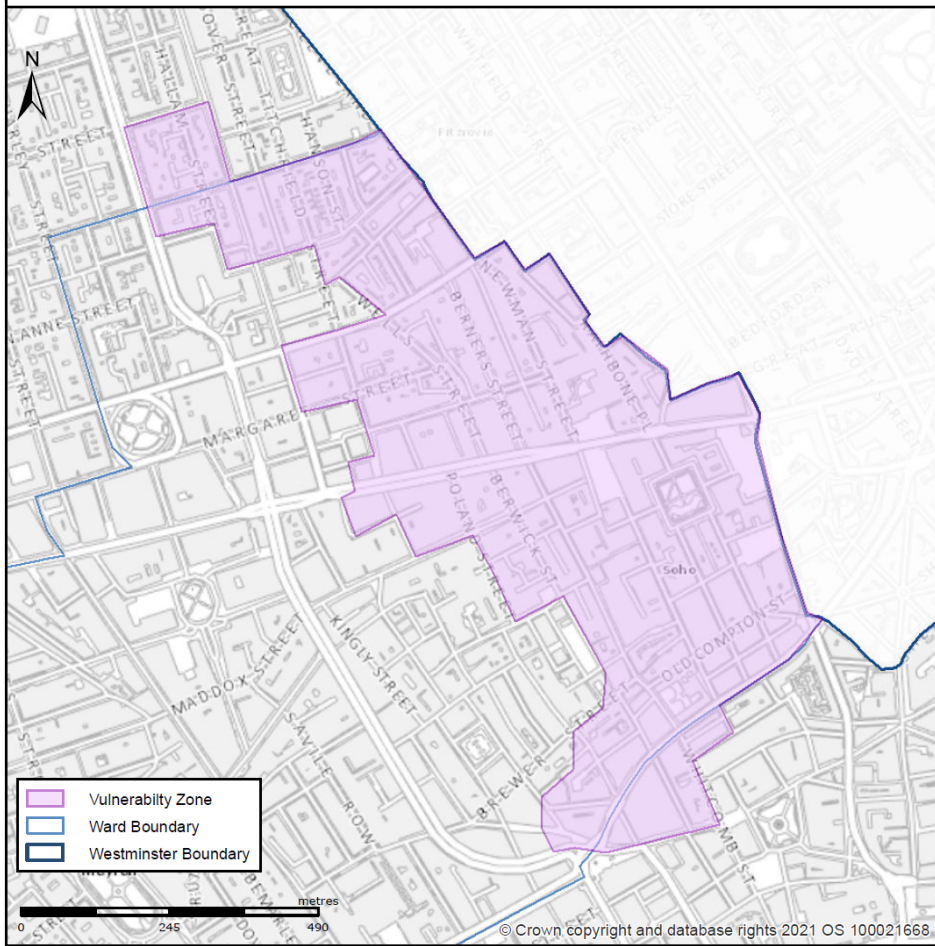
- F2.13 The Council, in producing its Local Area Profile have identified seven locations within the city that have been identified, via the Council's gambling Vulnerability Index as being of greater risk to gambling related harm or the impact of gambling operations than in other parts of the city. These zones have been given a special

status within this policy as Gambling Vulnerability Zone's. The following zones have been designated as GVZ's within the City of Westminster. The Licensing Authority expects applicants to assess the local risks, as set out in detail within the Council's Local Area Profile and in summary below and put forward sufficient mitigation to reduce or eliminate the potential risk of that gambling operation on the GVZ.

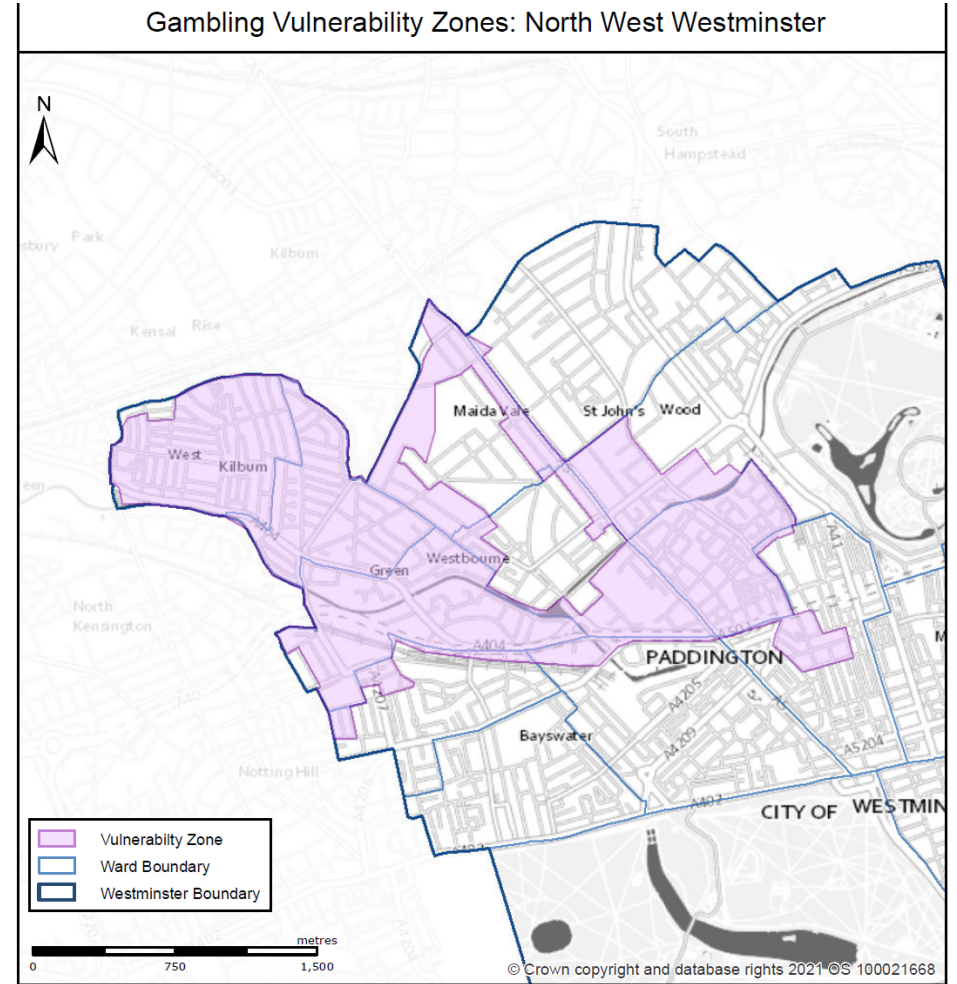
#### West End (East)

- F2.14 The general level of vulnerability in the West End is caused by the area having the highest count of males between the ages of 25 and 44, a highly vulnerable group and of residents receiving mental health care packages. In the three locations where vulnerability is exacerbated, we find temporary accommodation properties and supported housing for young adults who are experiencing homelessness, as well as a slightly higher than average number (when comparing to the whole borough) of people deemed "at risk", "struggling" or "in crisis" within the Lower Income Family Tracker.
- F2.15 Also contributing to pockets of vulnerability are four payday loan shops, a pharmacy dispensing opiate substitutes or offering needle exchanges, two pawn shops, non-residential addiction centres and Gamblers Anonymous/GamCare meeting locations.
- F2.16 It should be noted that there is a pocket of vulnerability driven by the presence of a Gamblers Anonymous / Gamcare meeting and a youth club to the south of Great Portland Street tube station.

Gambling Vulnerability Zones: West End (East)



Northwest Westminster

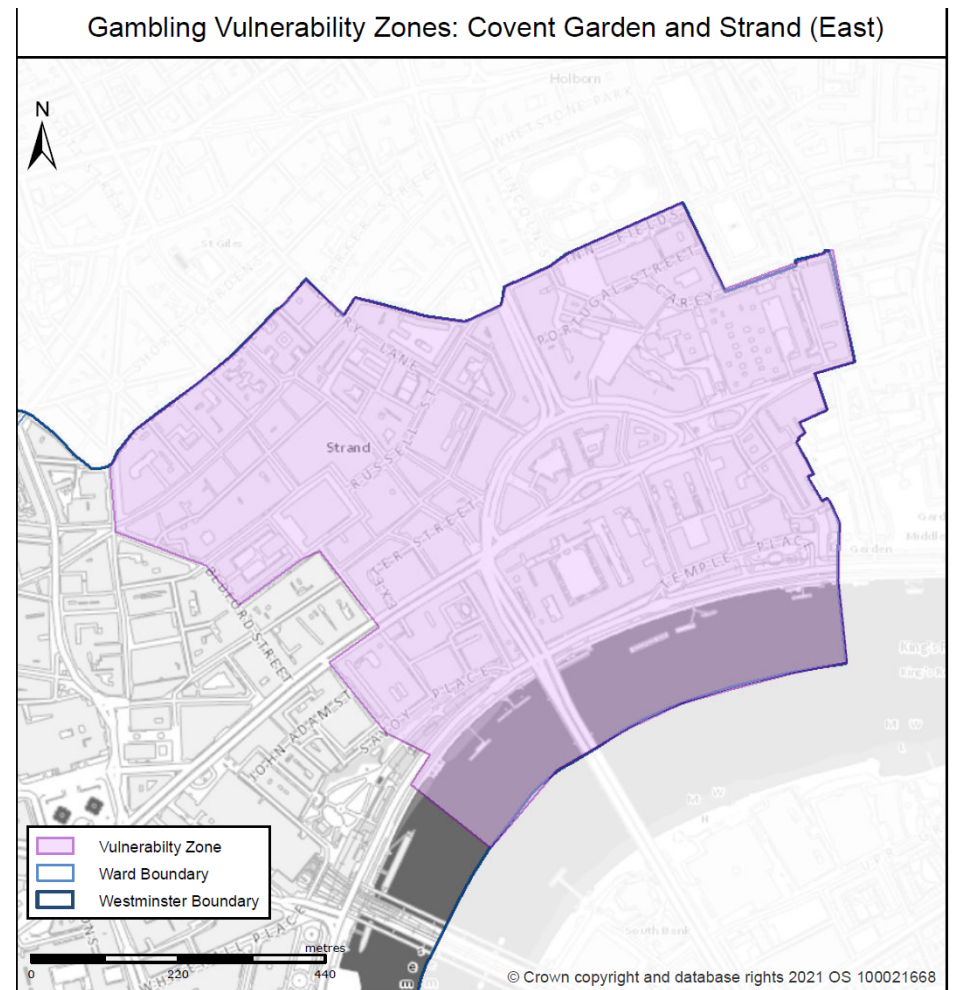


F2.17 These neighbourhoods cover a large geographic area that presents relevant risks to gambling harm, particularly in terms of risks that are most pertinent to residents. We find one of the highest concentrations of people receiving mental health care packages, and substantial amounts of people deemed “at risk”, “struggling” or “in crisis” within the Lower Income Family Tracker and 10- to 24-year-olds, who we know are at high risk of developing gambling issues.

F2.18 The different Index of Multiple Deprivation (IMD) scores, ranging from 16 – 21 to the highest level, 38 to 52, indicate a general level of relative deprivation across these locations which contributes to the overall vulnerability score. There are also great numbers of temporary accommodation properties, several supported housing facilities for people experiencing homelessness, including with mental health support, and one rough sleeping temporary housing facility that is abstinence-based (from alcohol and drug use).

F2.19 We also note the presence of two food banks, pharmacies dispensing opiate substitutes or offering needle exchanges, several educational institutions for young people from the ages of 13 to 24, and youth clubs.

## Covent Garden and Strand East

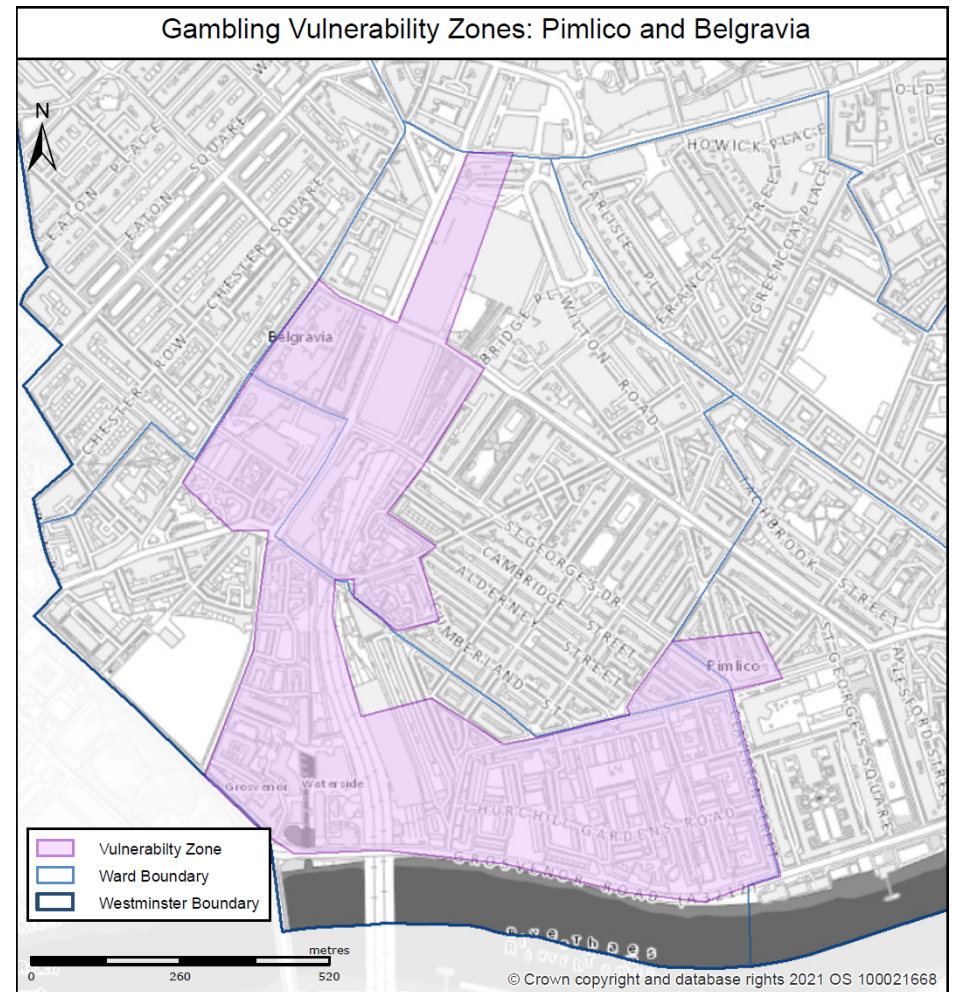




F2.20 The Strand's vulnerability levels are driven by the presence of homelessness hostels with and without a mental health support element. The relatively low IMD score of this area, ranging mostly from 31 to 52 certainly contributes to the gambling vulnerability levels identified in the 'at home' index, given the relative lack of many other elements which create vulnerability concerns in other parts of the borough.

F2.21 The area contains three educational institutions, helping to raise its overall vulnerability profile.

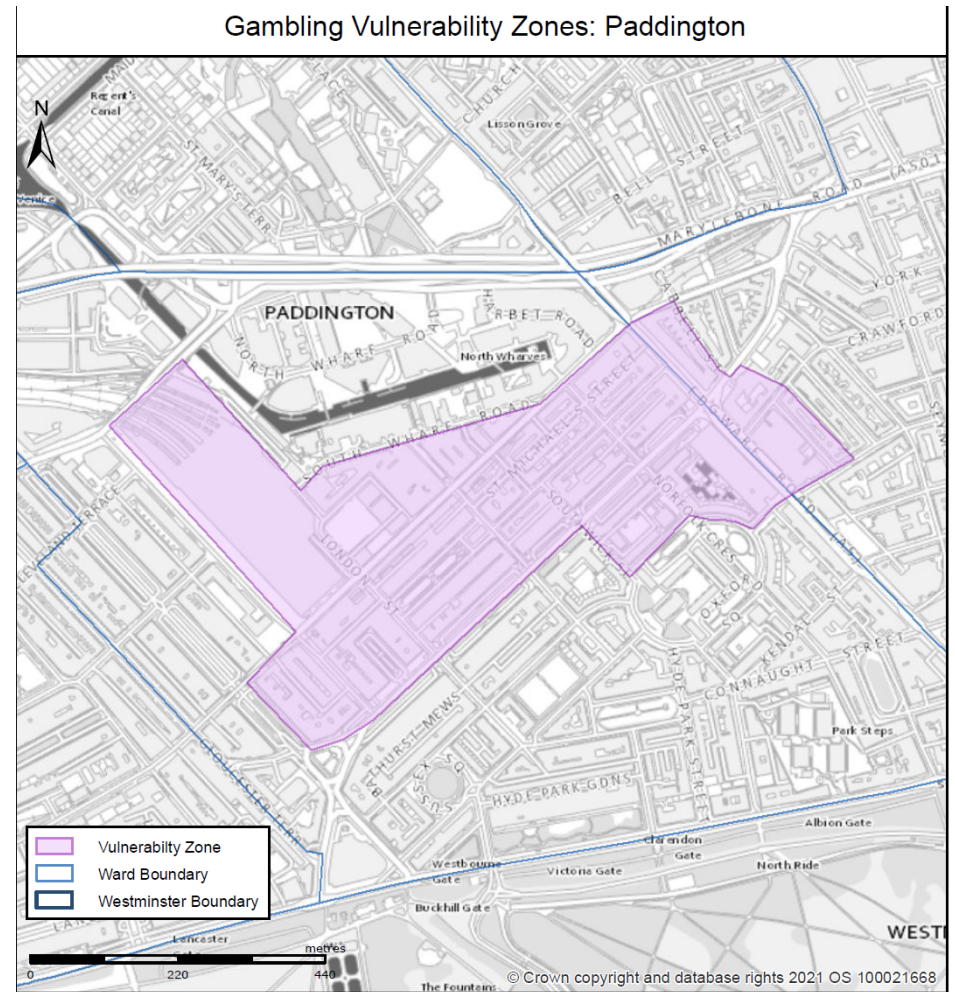
### Pimlico and Belgravia



F2.22 In the south of Pimlico, the vulnerability index score ranges from 0.00329 to 0.26, the second highest level in the combined index. Elements contribute to the risk levels are a reasonable concentration of 10- to 24-year-olds, and males between the ages of 25 to 44, as well as residents receiving mental health care packages. We also find a high concentration of temporary accommodation properties, with more than a dozen situated between Grosvenor Road and Lupus Street, and three supported housing services with mental health provision.

F2.23 The index scores are also driven by the presence of two youth clubs and pharmacies dispensing opiate substitutes or offering needle exchange services, several educational institutions that cover the ages of 13 to 24, and a non-residential addiction centre.

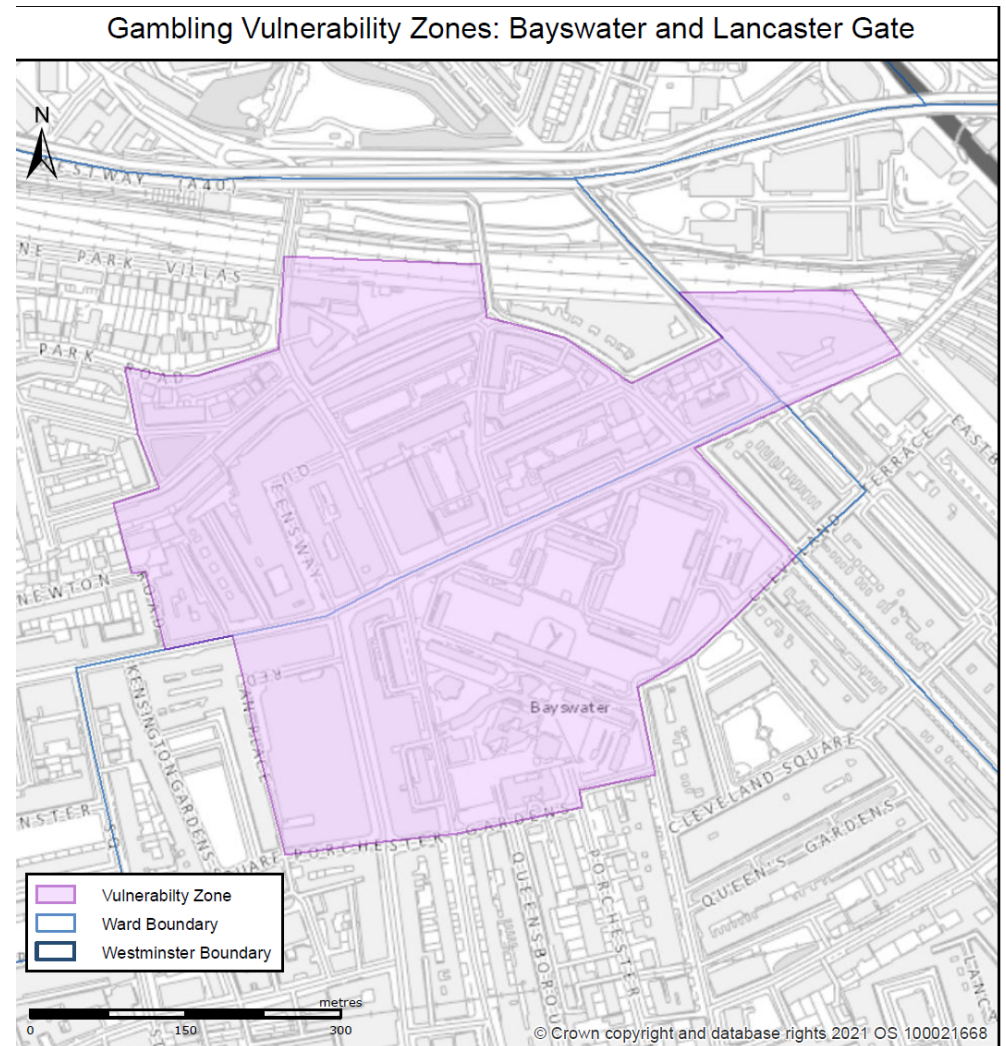
### Paddington (South)



F2.24 This area, while smaller than others denoted in this section, is particularly vulnerable to gambling-related harm because it contains an elevated number of areas that rank high on the index. This area's vulnerability is linked to the very high numbers of residents receiving mental health care packages, a substantial presence of young people aged 10 to 24 and of people deemed to be financially "at risk", "struggling" or "in crisis", the presence of many temporary accommodations, and supported housing premises for people experiencing homelessness, including a women's only site. In this area, IMD scores range between 31 and 52, i.e., the two most deprived brackets.

F2.25 Other factors contributing to the vulnerability index are two educational institutions and three youth clubs, as well as several pharmacies dispensing opiate substitutes or offering needle exchanges, and a job centre. We also find some smaller clusters or sporadic points of vulnerability towards the South of this area, particularly close to Paddington Station. These are exacerbated by temporary accommodations, pharmacies, supported housing and in one specific area by the close proximity of a pawn shop and payday loan shop. One medium risk yet larger cluster is formed due to the high numbers of 10- to 24-year-olds, while the whole area has substantial levels of residents receiving mental health support packages.

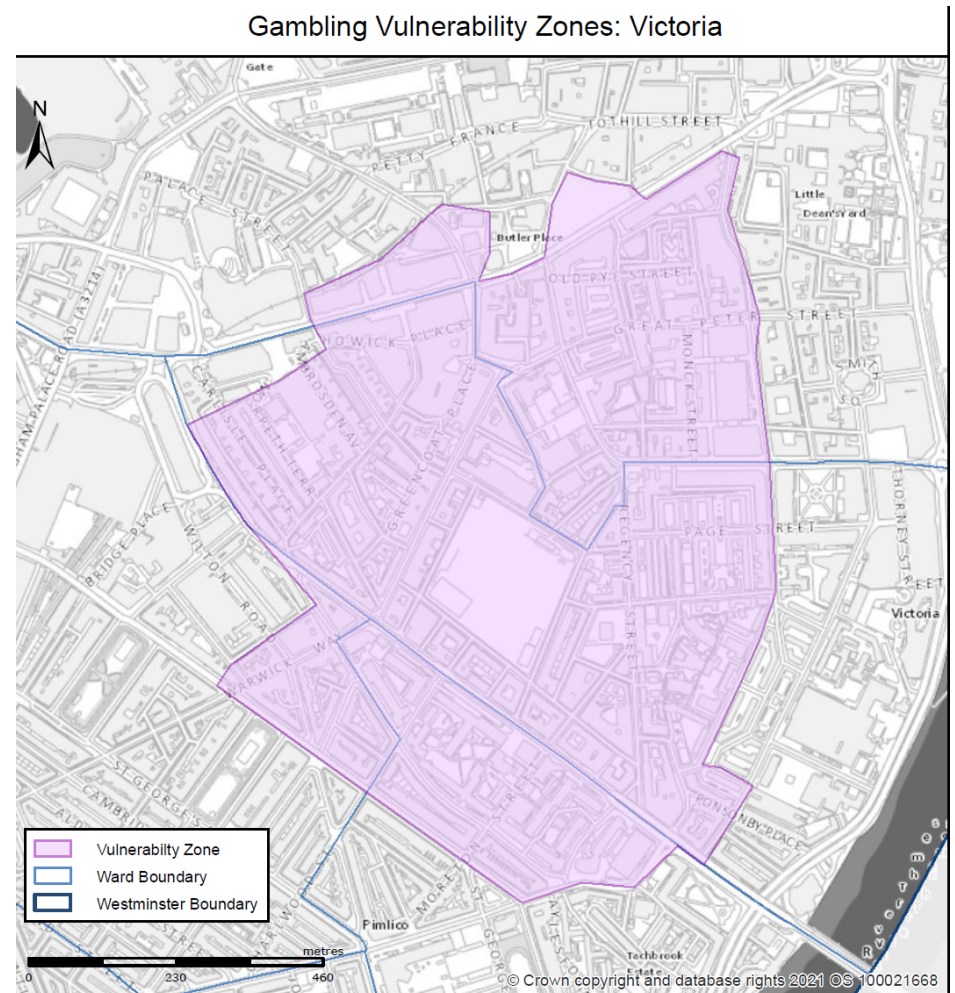
## Bayswater and Lancaster Gate



F2.26 The area around Bayswater station includes sporadic points of vulnerability which range, in score, from 0.002 to 0.26, due to the presence of great numbers of 25- to 44-year-olds, a high prevalence in some areas of residents receiving mental health support, the high number of temporary accommodation properties, supported housing and the proximity to a youth club.

F2.27 We also find three pharmacies dispensing opiate substitutes or offering needle exchange services.

Victoria



- F2.28 In Victoria, the vulnerability hotspot is less wide than in other areas of the borough, but it positions most of the area between the scores of 0.00268 – 0.0059 in the 'at home' index, with some parts increasing to 0.0125 and another to a score between 0.043 – 0.08, the third highest vulnerability ranking. Locations that contribute to the vulnerability of residents include many temporary accommodation properties, a significant level of people receiving mental health care packages, several women's only and general supported housing premises, including with a mental health focus.
- F2.29 In terms of 'away from home' elements, there are several pharmacies dispensing opiate substitutes or offering needle exchanges, educational institutions, and two youth clubs.

## Part G. Gambling Premises Use Polices

*Part G Cover Page to be added by design*

# Casino Policies G1

## Casinos Policy G1-A

- A. Applications to vary a casino premises licence outside a Gambling Vulnerability Zone, other than a variation application to move a casino premises licence to a new location will generally be granted subject to:**
- 1. The application meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.**
  - 3. The applicant having undertaken an assessment of the local area risks as defined within the Location Policy F1 and Risk Assessment Policy C1**
  - 4. The hours for gambling activities being within the hours as specified within the Hours Policy E1**
  - 5. The applicant meeting the requirements of the other relevant policies within the casino policies section of this statement.**
- B. Applications to vary a casino premises licence within a Gambling Vulnerability Zone, other than a variation to move a casino premises licence to a new location will be considered on their own merits and subject to the following:**
- 1. The application meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meet the criteria and considerations within the licensing objectives policies D1, D2 and D3.**

- 3. The hours for gambling activities being within the hours as specified within the Hours Policy E1.**
  - 4. The applicant having demonstrated that they have sufficiently assessed the associated gambling risk and put forward sufficient mitigation to satisfy the Gambling Vulnerability Zones Policy F2 and the Risk Assessment Policy C1.**
  - 5. The applicant meeting the requirements of the other relevant policies within the casino policies section of this statement.**
- C. Applications to vary a casino premises licence to move it from one location to another within the city will be considered on their own merits and subject to the following:**
- 1. The application meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meet the criteria and considerations within the licensing objectives policies D1, D2 and D3.**
  - 3. The operation of the premises and the terms and conditions of the current licence being replicated, as far as reasonably possible within the restrictions of the building that the casino operation is moving to.**
  - 4. The applicant has met the requirements of the Hours Policy E1 in respect of the hours for the operation of the premises and the potential impact of those hours on the licensing objectives.**
  - 5. The applicant having demonstrated that they have sufficiently assessed the associated local area gambling risk and put forward sufficient mitigation to satisfy the Location Policy F1 or if the new location is within a designated Gambling Vulnerability Zone (Policy F2).**

6. **That the applicant in assessing the associated risks of their gambling operation having met the requirements of the Risk Assessment Policy C1.**
7. **The applicant meeting the requirements of the other relevant policies G1-B to G1-N below.**

- G1.1 Casinos are a class of gambling premises permitted under the Gambling Act 2005 (the Act). A premises licence for a casino enables the holder to use a premises for the operation of a casino, which is an arrangement whereby people can participate in one or more casino games. Casino games are defined as games of chance which are not equal chance gaming.
- G1.2 All such premises in Westminster are classified as converted casinos under the Act. Westminster did not qualify to be recommended to the Secretary of State as a location for any of the initial 17 small and large casinos permitted under the Act and as a result the Licensing Authority cannot grant any new casino licences. The Licensing Authority recognises the value of existing converted casino licences, both commercially and culturally. However, as with all licensed gambling premises, the Authority expects such premises to be fully compliant with the requirements of the Act.
- G1.3 Converted casinos are permitted to make available up to twenty gaming machines of category B1 or below in licensed premises or, if no category B machines are being made available, any number of category C or D machines instead.
- G1.4 Casinos, as with all gambling premises, are the subject of dual regulation by the Gambling Commission, via personal and operating licences, and the Licensing Authority, via premises licences. The Gambling Commission, in issuing and maintaining

personal and operating licences, considers the operators suitability and ensures the operator has policies and procedures in place to cover various issues such as anti-money laundering and reporting procedures. Casinos are subject to the Licence Conditions and Codes of Practice (LCCP) which are set by the Gambling Commission. As such, these are issues that the Licensing Authority will not need to consider in determining applications and, in the interests of avoiding duplication of regulation, will focus on premises specific issues. In certain circumstances, however, the Licensing Authority will expect to be provided with information concerning an operator's policies and procedures to ensure that the operator has suitable policies in place to meet the challenges of the local area.

- G1.5 Casino premises licences are also the subject of mandatory and default conditions under the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007. Mandatory conditions for casinos include requirements to:
- (a) display the summary of the premises licence in a prominent place within the premises;
  - (b) maintain the layout of the premises in accordance with the plan submitted on a new or subsequent variation application;
  - (c) prohibit the sale of National Lottery, private lottery or customer lottery tickets in the premises;
  - (d) have the principal entrance to the premises from a street;
  - (e) restrict any entrance to the street from premises used wholly or mainly by children;
  - (f) prohibit direct access between the casino and any other premises which holds a premises licence under the Gambling Act 2005 or a Family Entertainment Centre Gaming Machine Permit, Club Gaming Permit, Club



Machine Permit or Licensed Premises Gaming Machine Permit;

- (g) maintain a gap of at least two metres between a gaming table and any other gambling equipment;
- (h) have no more than forty separate player positions available for use in relation to wholly automated gaming tables at any time;
- (i) display the rules of each type of casino game available in the premises in a prominent place;
- (j) locate any ATM on the premises 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;
- (k) display a notice 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;
- (l) provide a non-gambling area which is no less than 10% of the floor of the gambling area where the gambling area is at least 200m<sup>2</sup>. The non-gambling area(s) must contain recreational facilities that are available for use by casino customers.

G1.6 The default condition for casino premises licences restricts the facilities for gambling at the premises to between noon and 6am on each day. However, the default condition can be removed and varied on application.

G1.7 As above, the Licensing Authority will not seek to duplicate any of these measures but will, where appropriate, develop these conditions to deal with specific issues for the premises in the form of licence conditions attaching to the premises licence.

G1.8 The casinos within Westminster were all converted from the previous legislation (i.e. converted casinos) to premises licences under this Act. As the Licensing Authority cannot grant any new casino licences, casinos are the only class of gambling premises that can move their location to a new premises via a variation application.<sup>16</sup> Any such application will be treated by the Licensing Authority as if it were a new application when considering the impact such a proposal would have on the particular location.

G1.9 Applications concerning casino premises licences can only be to vary or transfer the premises licence.

*Variation of a licence (except moving the licence from one premises to another)*

G1.10 Applicants to vary a casino premises licence must submit:

- (a) an application form;
- (b) requisite fee (refer to the fees list)
- (c) where the application is to change the layout, revised plans. Plans must meet the requirements as set in the regulations<sup>17</sup> and show both the area for non-gambling and a calculation of the gambling and non-gambling areas. Any reduction in the non-gambling area must be justified in the application form.

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<sup>16</sup> Para 65(12) Part 7 The Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006

<sup>17</sup> Section 4, The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007

- G1.11 The Licensing Authority recommends that applications to vary a casino premises licence (other than those to vary the location of the premises) contains a full and detailed description of the proposed variation, including:
- (a) Where an application is made to vary the layout of the premises, a detailed description of the proposed changes;
  - (b) Where an application is made to add, change or remove a condition on the premises licence, an explanation as to why the amendment is required and appropriate;
  - (c) Where the application can have a bearing on the licensing objectives, the Licensing Authority will expect a revised risk assessment to be provided with the application detailing what measures are in place to mitigate any potential risks;

#### *Transfers*

- G1.12 An application to transfer a casino premises licence, as well as the application form and consent, may need to provide further information such as the operator's policies and procedures as to how they will manage the premises. This will be especially relevant if the premises are located in a designated Gambling Vulnerability Zone (GVZ) as set out in Policy F2 of this statement. If this is the case, the operator will be expected to provide details of how they will address the specific issues relevant to the location as well as an updated risk assessment for the premises in question.

#### *Variation of a licence from one premises to another*

- G1.13 Applications to vary a converted casino licence under section 187 of the Act can be made to move the premises licence to a new premises so long as the new premises is located within the City of

Westminster. The provision within the Act which prohibits a premises licence from being varied so as to relate to premises to which it did not previously relate.<sup>18</sup> will not have effect in relation to a converted casino premises licence by virtue of paragraph 65(12), Part 7, Schedule 4 of the Gambling Act 2005 (Commencement No.6 and Transitional Provisions) Order 2006.

- G1.14 As the location of a premises is key to the Licensing Authority's considerations, an application to vary the location of a premises will be treated as if it were a new application. Therefore, applicants that intend to move an existing casino premises licence to a new location will need to assess the local area, having regard to the Council's Local Area Profile (LAP) and any other information that is relevant in assessing the potential risks to the licensing objectives. The assessment of the location of the new premises must demonstrate that the applicant has completed a suitable gambling risk assessment in accordance with Policy C1 of this statement. The assessment must provide sufficient control measures that will mitigate any of the risks that have been identified in respect of the operation of the casino in the new location.
- G1.15 If the proposed new location for the casino is within a GVZ the Licensing Authority will expect the applicant to put forward mitigation in respect of the local risks associated with that zone, as set out in the LAP and the Gambling Vulnerability Zone Policy F2.
- G1.16 The Licensing Authority regards the operation of a casino as a significant one which can, if not adequately managed by a suitable operator could lead to serious detrimental impacts upon

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<sup>18</sup> Section 187(2), Gambling Act 2005

the location, including upon Council resources, policing, other local businesses and local residents. As such, the applicant will be required to satisfy the Licensing Authority that such impact can be managed effectively, and any risks associated with the licensing objectives can be mitigated.

- G1.17 The Licensing Authority will expect a casino operator to actively engage with residents, resident and amenity groups and local businesses in the area where the casino is intended to move to. Engagement with residents and businesses in the area is extremely valuable in demonstrating a commitment to a dialogue that will enable any concerns to be raised. Applicants will be able to consider any concerns and provide reassurance to residents or businesses. In some cases, these forms of engagement will also enable the operator to adjust their application or gambling risk assessment and put forward changes to the proposal or mitigation measures to address local concerns.
- G1.18 The Licensing Authority understands that although engagement can be extremely effective in addressing local concerns, some concerns may persist and result in a representation to the application. In such cases the Licensing Authority will determine an application at a hearing and will have regard to the levels of engagement that were made prior to a hearing.
- G1.19 As referred to above, the Licensing Authority is unlikely to consider the suitability of an applicant which holds an operating licence from the Gambling Commission. As such, the significant factors for the Licensing Authority to consider, and thereby for the applicant to address, will be location specific. Any policies in place by the operator may need to be reassessed and updated to take account of any new location factors, such as vulnerable locations, schools etc.

#### *Multiple Casino Premises within One Building*

- G1.20 Certain premises within Westminster have split the building to facilitate multiple casino premises licences. Such premises must pay particular attention to the requirements associated with the division of premises and direct access. Any plans to amend existing multiple premises or create new split premises are advised to enter into discussions with the Licensing Authority at the earliest opportunity.
- G1.21 The principal entrance to a casino is required to be from a street<sup>19</sup>. A street is defined as including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls), whether a thoroughfare or not. However, there must be a genuine reason for the public to use the street for reasons other than gambling. Previous examples of this have included coffee shops and concession stands. However, the Licensing Authority will need to be satisfied that any such applications to create such a street are genuine and not an attempt to subvert the regulations.
- G1.22 The Licensing Authority does not consider that simply placing an ATM, small shop, or similar type of operation with no realistic expectations of sustaining a customer base satisfies this test. Where the Licensing Authority is not satisfied that the operation is legitimate, it will not consider the 'street' to be genuine, meaning the principal entrance does not meet the requirement

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<sup>19</sup> Mandatory Condition 1, Part 1, Schedule 1 of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007

to be on a street and thus the mandatory condition either cannot be complied with or for existing premises has been breached.

### *Non-Gambling Areas*

G1.23 Converted casinos with a floor area of 200m<sup>2</sup> or more are required to provide a non-gambling area which must be at least 10% of the floor area of the gambling area. The non-gambling area is referred to specifically below but must be a suitable area of the premises containing recreational facilities in which customers can genuinely remove themselves from the gambling facilities and give themselves the opportunity to assess their status. Back of house, corridors, stairwells and toilets alone will not meet this requirement for non-gambling areas.

G1.24 The Licensing Authority would recommend, where appropriate, that applications include the following additional information:

- (a) policies and procedures
- (b) operating manual
- (c) staff training measures
- (d) security provisions
- (e) risk assessment
- (f) proof of age scheme
- (g) CCTV measures including the location of CCTV coverage on plans
- (h) details of entry control systems
- (i) supervision of entrances and machine areas
- (j) location of entrances
- (k) any notices and signage to be displayed
- (l) self-exclusion schemes

(m) provision of information leaflets / helpline numbers for organisations.<sup>20</sup> (e.g. GamCare)

G1.25 This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to demonstrate their efforts to meet the licensing objectives.

### Membership Casinos Policy G1-B

- A. As part of the membership requirement for the casino the applicant shall ensure that:**
1. The customer identity has been verified.
  2. The age of the customer is checked in accordance with the requirements of the Age Verification Policy G1-E to ensure that they are over 18 years of age.
  3. The customer has been assessed to ensure that they will not gamble beyond their means.
  4. the question is addressed of whether the customer has been banned or self excluded from the premises, other premises operated by the applicant/licensee to which the casino is part of or from any other gambling premises or operation, include remote gambling.
  5. A complete record of the customer/membership checks are completed and retained.
- B. If the casino membership rules include the ability to enable members guests to participate in gambling activities the applicant must ensure that:**
1. The age of any guests accompanying a member of the casino is checked in accordance with the requirements of

<sup>20</sup> As required by Social Responsibility Code Provision 3.3.1, Licence conditions and codes of practice, Effective from 31 October 2020

the Age Verification Policy G1-E to ensure that they are over 18 years of age.

2. No guest has self excluded from gambling either from their premises, other gambling operators or any other form of gambling, including remote gambling
3. The guest identity is recorded at the point of entry and these records are retained
4. The membership rules for the casino provide sufficient actions in the event that a member and/or their guest breach the casino rules, any terms or conditions of the licence, the Act or commit crime and/or disorder.

**C. The applicant will demonstrate that they have assessed the risks and have put forward sufficient measures at each entry point to the casino to ensure that:**

1. Only members, and if permitted under the casino premises rules, invited guests are allowed to enter the premises.
2. Only persons over the age of 18 can enter the premises and participate in gambling in accordance with the age verification requirements as set out in Policy G1-E.
3. All staff are trained and aware of their requirements associated with age verification, membership rules and to monitor and report safeguarding concerns relating to children and vulnerable adults.

**D. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G1.26 This policy applies to casinos that operate as a membership only casino. These casinos will only permit customers to enter the casino and participate in gambling if they are a member and have undergone the relevant checks.

G1.27 The Licensing Authority believes that membership only casinos generate less risk of adversely impacting the licensing objectives due to the requirement to undertake pre-gambling checks and screening. The identification of the customer/member is also extremely important to manage the risk associated with that player’s gambling behaviour and whether they are potentially at risk to gambling related harm. Casino membership rules also provide additional tools and safeguards to manage customers who breach the rules or who commit crime and disorder.

G1.28 This policy sets out the Licensing Authority’s minimum expectation on membership casinos to screen potential members. It is understood that some membership casinos will have a provision within their membership rules relating to guests of members and their ability to access the premises and gamble. The Licensing Authority will expect membership casino operators to have sufficient measures and processes in place to adequately record, limit the number and manage members guests within the premises. Such measures should also include the appropriate action that the casino will take if members and/or their guests breach the membership or casino premises rules, any terms and conditions of the licence, the Act or commit crime and/or disorder on the premises.

#### Non-Membership Casinos Policy G1-C

- A. The applicant will demonstrate that they have assessed the risks and have put forward sufficient measures at each entry point to the casino, including but not limited to:**
- 1. The age of the customer is checked, in accordance with the Age Verification Policy G1-E to ensure that they are over 18 years of age.**
  - 2. If deemed necessary, that they undertake security checks on customers and their bags before they are permitted to enter the main casino premises.**
  - 3. The identify of any customers can be checked to see if they have been banned or have self excluded from gambling at that premises or across the operators gambling estate and if possible other gambling operators, including remote gambling.**
  - 4. All staff are trained and aware of their requirements associated with age verification and to monitor and report safeguarding concerns relating to children and vulnerable adults.**
- B. The applicant will demonstrate that they have assessed the risks and have put forward sufficient measures within the gambling area of the casino to ensure that:**
- 1. Staff and customer compliance with the rules of the casino and the Gambling Act 2005 are adequately monitored and the appropriate action is taken when any breaches are identified.**
  - 2. Customer behaviour is monitored, and positive interactions take place when customers demonstrate either**
    - a. at risk behaviours to ensure their wellbeing and that they are not gambling beyond their means, or,**
    - b. criminal or disorderly behaviour.**

- C. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- G1.29 This policy applies to Casino operations which do not operate a membership scheme and accept customers off the street (i.e. walk-ins). The Licensing Authority accepts that casinos with membership policies will carry out and maintain credit checks and carryout other checks to ensure the identify of their customer. Casinos without membership policies are unlikely to carry out such checks prior to the customer approaching the door and entering the casino. As such, the Licensing Authority will expect these casinos to demonstrate sufficient checks and monitoring are in place within the casino premises to identify customers who may be gambling beyond their means. Casinos can be high stake environments which increases the risk that customers may spend more than they had intended or faster than they had intended. The Licensing Authority seeks assurances from casino operators that sufficient measures are in place to ensure that the public are protected from being harmed or exploited by gambling.
- G1.30 Once customers are within the gambling premises, the Licensing Authority will expect the operator to demonstrate how they monitor customers to ensure compliance with the third licensing objective of protecting the vulnerable from being harmed or exploited by gambling. Examples of such measures should include, but are not limited to the following:
- (a) Staff training;
  - (b) Monitoring arrangements (e.g. CCTV / floor staff etc);
  - (c) Provision and enforcement of self-exclusion policies;

- (d) Provision of advice and literature on help for gambling issues;

G1.31 Age-verification policies and checks will need to be demonstrated to the Licensing Authority as well as details of test purchasing arrangements and any staff training in age verification.

G1.32 The Licensing Authority strongly recommends that applicants make full use of the LAP so as to assess the local area and mitigate any concerns relevant to the specific location.

### Casinos Licensed to Sell Alcohol and Multifunctional Spaces Policy G1-D

- A. If the applicants' premises are intended to, or do sell or supply alcohol for consumption on the premises they shall demonstrate that they have assessed the risks and have put forward sufficient measures, including but not limited to:**
- 1. The age of the customer is checked, in accordance with the Age Verification Policy G1-E to ensure that they are over 18 years of age.**
  - 2. There are sufficient staff within the casino premises to ensure customers are consuming alcohol and participating in gambling activities in a responsible way.**
  - 3. Staff are adequately trained to monitor customer behaviour and can make positive interactions with customers who may be impaired by alcohol**
  - 4. There are sufficient security personnel on the premises to intervene with any customers who breach the casino rules, any terms and conditions of the licence, the**

### **Gambling Act 2005 or commit crime or cause disorder on the premises.**

G1.33 Casinos that hold a premises licence under the Licensing Act 2003 which permits the sale of alcohol anywhere within the premises and which are not restricted to table meals will have a greater need for control measures over those that provide alcohol only for table meals. The Licensing Authority considers those under the influence of alcohol to be potentially vulnerable to gambling harm or exploitation and as such expects the applicant to have policies, procedures, staff numbers, staff training and other control measures in place so as to identify and adequately respond to such customers.

G1.34 Casinos providing alcohol must be aware of the impact alcohol can have on customers when considering the third licensing objective of protecting the vulnerable from being harmed or exploited by gambling. The Licensing Authority considers those under the influence of alcohol to be vulnerable. As such, operators will be expected to demonstrate what checks are in place to monitor customers and to ensure that they have not lost control of their gambling due to the influence of alcohol.

G1.35 Casinos can offer a range of entertainment and other functions that may involve the public entering the premises for purposes other than gambling. A casino may also be linked to another premises that is not used for gambling but those attending functions in such premises may have access to the casino (e.g. hotel). Applicants must consider how these activities will impact upon one-another. The Licensing Authority recognises that a casino is a commercial operation. However, any associated entertainment function must not impact negatively on the

licensing objectives. The Licensing Authority will expect any operator to demonstrate how any associated non-gambling activities or operations will not impact adversely upon the licensing objectives.

G1.36 The Gambling Commission's guidance<sup>21</sup> highlights the risk of members of the public 'drifting' into gambling areas in buildings split into different premises. Casinos operating in split premises must clearly highlight all entrances to gambling areas to members of the public so as to prevent members of the public entering a gambling area when they had not intended to. Customers entering a casino area for another purpose, for example to use a bar or restaurant, must be made aware that they are within a casino premises.

G1.37 Casino operators should be aware of children in the vicinity of their premises and in particular with respect to advertising imagery that may be appealing to children within view, either through windows or an entrance to or exit from the premises. The Licensing Authority expects any operator to assess any risk of inviting under 18s to enter the premises or exposing them to gambling related products and may require an operator to re-site products and advertising out of view. The Gambling Commission's guidance<sup>22</sup> makes specific reference to the third licensing objective placing an obligation on operators to prevent children from being in close proximity to gambling. Therefore, the Licensing Authority will consider the configuration of a casino

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<sup>21</sup> Para 7.26 of Gambling Commission's Guidance to Licensing Authorities, Published 1 April 2021

<sup>22</sup> Para 7.32 Gambling Commission's Guidance to Licensing Authorities, Published 1 April 2021

premises to ensure that children are not invited to participate in, have accidental access to or closely observe gambling.

G1.38 The Licensing Authority does not consider that a premises licence for a casino has a temporal element. Therefore, operators cannot seek to disapply the casino premises licence at certain times or on certain days to operate in such a way or under another type of authorisation which would not otherwise be permitted when a casino premises was operating.

#### Age Verification within Casinos Policy G1-E

- A. Applicants must demonstrate that they have an age verification policy in place for the premises that meets the Licensing Authority's minimum requirements.**
- B. The applicant must demonstrate that all staff who interact with casino customers, either at entry or within the casino premises are provided with sufficient training to carry out age verification checks in accordance with the casinos age verification policy.**
- C. The minimum requirements, referred to in Clause A for applicants age verification policies will be Think/Challenge 21.**
- D. The applicant will be required to provide the Licensing Authority upon request with:**
  - 1. the results of any age verification testing, either undertaken by the operator or by a third party, and**
  - 2. any logs and/or records associated with:**
    - a. challenges made under the age verification policy,**
    - b. the number customers who failed challenges under this policy,**



- c. any breaches of the age verification policy by staff, and,
- d. any incidents where a child or young person has accessed the premises, been able to play any Casino games, use any other gambling products or machines on the premises.

**E. For the purposes of this policy any reference to “child” or “young person” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- G1.39 Casinos are often large, open venues incorporating numerous rooms or areas for the different casino games on offer, enabling their customers to gamble in a variety of ways, often away from staff and without direct supervision. Therefore, the Licensing Authority believes stringent checks are required at each entry point to the casino premises to ensure that all customers are of age.
- G1.40 The Licensing Authority expects operators to implement a Think/Challenge 21 policy as an absolute minimum requirement and to provide evidence of staff training on this policy. In certain circumstances, a Think/Challenge 25 policy may be required where the risk of underage access to the premises deems it necessary, for example where the premises have failed test purchases or those underage have gained access to the premises. Premises near schools or further education institutions will be expected to demonstrate what measures are in place to mitigate the increased potential for underage access attempts. Operators

should also maintain a refusal log where a person challenged for identification has failed to produce a satisfactory proof of age.

- G1.41 To ensure the effectiveness of age verification policies at the premises, operators should implement a process of third-party age restricted access testing at the premises. This should be undertaken at regular intervals as defined within the operator’s own risk assessment and company policy. Results of age verification policy testing should be assessed and where necessary policies should be reviewed and amended accordingly. The results of the third-party testing as well as any logs of age verification challenges or failures within the casino shall be made available to the Licensing Authority upon request.
- G1.42 Where a casino fails test purchases, depending on the level of the failure the Licensing Authority may seek to implement stricter age verification measures at the premises. For example, a premises operating a Think or Challenge 21 scheme which repeatedly fails the test purchase process or fails on multiple points may be required to implement a Think or Challenge 25 policy and review staff training methods. Persistent failures of age verification policies may give rise to an application for the review of the premises licence which could result in the premises licence being suspended or even revoked.

#### Gaming Machines within Casino Premises Policy G1-F

- A. The applicant must demonstrate that they have assessed the risks and have put forward suitable measures to ensure that:**
1. **Gaming machines are located in appropriate locations within the casino to ensure that they can be sufficiently monitored at all times,**

2. **Gaming machines are constantly monitored either in person or via CCTV and that there are adequate staff who are trained and available to carry out that monitoring,**
3. **There are sufficient numbers of trained staff who can interact with the customer if they are showing any signs that they may be vulnerable to gambling related harm, are not complying with the casino rules, are causing damage or who are acting in a disorderly or inappropriate manner, and**
4. **Cash going to a gaming machine and from that machine to the relevant cash handling location within the casino is done in a way that reduces the risk of theft or robbery.**

**B. The applicant will ensure that there is sufficient gambling harm prevention advice, including a telephone number to access support if required is provided and easily accessible by the customer using the gaming machine.**

G1.43 Converted Casino premises licences permit the operator to locate up to twenty category B1 or below gaming machines at the premises, or any number of category C or D machines instead. Gaming machines are a popular form of gambling in casinos and account for a significant proportion of the commercial offer of the operation. However, the use of these machines and the ability of the operator to monitor and prevent harm to those at risk of vulnerability to gambling is a concern to the Licensing Authority as without appropriate supervision, customers can lack the regular interaction with staff they gain from gambling at gaming tables. The Licensing Authority is also mindful that gaming machines are also frequently subjected to criminal damage or

violent outbursts from customers who have lost control, even only temporarily, of their gambling behaviour.

G1.44 The Licensing Authority expects all gaming machines to be located in a position so as to be monitored at all times. Where the casino operator monitors a gaming machine area by CCTV, rather than by a member of staff at that location, the CCTV must be monitored live and arrangements put in place to be able to alert staff to an issue in the area with the absolute minimum of delay. Where staff are located in the gaming machine area, there must be an appropriate number of staff in order to properly monitor the area, depending on the size and number of gaming machines on offer.

G1.45 The Licensing Authority expects gaming machines to be located away from the entrances to and exits from the casino premises so as to allow staff the opportunity to properly assess the customer using or proposing to use the machine and to challenge them on grounds of behaviour or vulnerability if required.

G1.46 So as to prevent incidences of criminal damage towards gaming machines, the Licensing Authority will expect applicants to consider the risk associated with the use of gaming machine stools or seats and if necessary put forward sufficient mitigation or control measures to manage that risk. This could include, where appropriate, the stools or seats for gaming machines either being fixed in place or sufficiently weighted so as not to allow them to be used to damage the machine or other parts of the premises or as a weapon.

G1.47 The Licensing Authority expects operators to have mechanisms in place that allow staff to monitor the use of each gaming machine at all times.. It is for the operator to determine what these

circumstances are to monitor these machines and to train staff appropriately. The Licensing Authority will expect applicants to demonstrate how such monitoring will identify when a customer using the machine may be losing control or is becoming violent or aggressive towards other members of the public or the gaming machine in use.

- G1.48 So as not to present the opportunity for crime and to protect staff, the Licensing Authority expects policies and training procedures to be in place regarding the removal of cash from gaming machines. Depending upon the location of the premises, the Licensing Authority may apply conditions on the licence requiring all customers to be off the premises and the entrance / exit doors to be locked before cash is removed from the gaming machines.
- G1.49 Any screens placed around gaming machines, for example for privacy, must not enclose the gaming machine to the extent that the customer cannot be adequately monitored by a member of staff.
- G1.50 The Licensing Authority expects responsible operators to display sufficient gambling help literature in the immediate vicinity of gaming machines.
- G1.51 The Licensing Authority is aware that the casino sector is an innovative sector and, as such, the Licensing Authority would not wish to stand in the way of new developments on offer, provided it can be satisfied that the operation does not fall foul of the licensing objectives or licence conditions. For example, the Licensing Authority is aware of tablet games / docked tablet machines where player can remove the device, lock the machine and move around the gambling area. Operators should be aware

that adequate monitoring is required at all times and the Licensing Authority will seek assurances that table games cannot be played in non-gambling areas.

#### Casino Non-Gambling Areas Policy G1-G

- A. Applications for casinos that have a floor area of 200m<sup>2</sup> or greater must demonstrate, on the plans accompanying the application the designated non-gambling areas within the casino.**
- B. The designated non-gambling areas must be no less than 10% of the total premises floor area and must contain recreational facilities that are available for use by customers.**
- C. The non-gambling areas referred to in Clause A and B above must provide sufficient space and facilities to enable customers to take a break from gambling.**
- D. Whilst aiming to permit applications, the Licensing Authority may, none the less refuse applications that do not meet Clause B above where the non-gambling area consists of predominantly corridors, lobby areas, toilet facilities or back of house areas unless the Licensing Authority is satisfied that the application should be granted in accordance with the relevant regulations, the Gambling Commissions Codes of Practice and Guidance to Licensing Authorities, it is reasonably consistent with the Licensing Objectives and meets this and any other policy within this Statement.**
- E. The use of remote electronic or tablet devices that enable customers to play live casino gambling or gaming machine**

**content must be restricted from use within a designated non-gambling area.**

- G1.52 Converted casinos of not less than 200m<sup>2</sup> are required by mandatory condition<sup>23</sup> to provide a non-gambling area within the licensed premises. The non-gambling area:
- (a) must not contain any facilities for gambling, even temporarily;
  - (b) must be at least 10% of the floor area of the gambling area; and
  - (c) must contain recreational facilities that are available for use by customers.
- G1.53 The Licensing Authority is aware that casinos of various sizes operate in Westminster and while some operators find accommodating a non-gambling area to be straightforward, others have reduced the size of non-gambling areas to a minimum in order to provide the maximum opportunity for gambling facilities. The Licensing Authority regards the non-gambling area as a significant device for the protection of vulnerable persons from being harmed or exploited by gambling as it allows customers to take a break from gambling products and allows them the opportunity to assess their status in relation to their gambling.
- G1.54 Both the gambling and non-gambling areas must be reflected on the plan. The Licensing Authority expects to see these areas clearly delineated on the plan, along with a calculation of the size of the gambling and non-gambling areas.

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<sup>23</sup> Mandatory condition 2 Part 5 Schedule 1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

- G1.55 The non-gambling area may consist of multiple areas within the premises including lobby areas and toilet facilities but must not consist solely of lobby areas and toilet facilities. Therefore, at least some of the 10% minimum non-gambling area must be for purposes other than gambling.
- G1.56 Operators should carefully consider the location, size and content of non-gambling areas when considering the layout of their premises. Common examples of these which the Licensing Authority regards as legitimate non-gambling areas are restaurant or bar areas. Such areas provide a seated environment for customers in which they can take a break from the gambling facilities and assess their status. Small alcoves or similar areas with little or no purpose, regardless of any seating arrangements, are unlikely to be regarded by the Licensing Authority as genuine non-gambling areas.
- G1.57 Each separate non-gambling area, not including any lobby areas or toilet facilities, must contain recreational facilities that are available for use by customers on the premises. There is no definition of recreational facilities, and the onus is placed on the operator to satisfy the Licensing Authority that sufficient recreational facilities are available. It is the Licensing Authority's position that such areas must provide a purpose for which customers can use other than gambling (for example a restaurant, bar, sports area with screens, etc). There must be a genuine attempt by the operator to provide recreational facilities and any lip-service to these requirements is likely to meet opposition from the Licensing Authority. It is important that any non-gambling area is designed in such a way that any customer can reasonably be expected to use the area and relax apart from the gambling facilities.

G1.58 Operators wishing to employ remote or tablet devices on the premises, for example, which allow the use of a gaming machine or roulette via a tablet device, must be able to demonstrate how such devices will be rendered inoperative upon entering any non-gambling area at the premises.

G1.59 Any changes to the non-gambling area will require a change to the plans and a variation application will be required. Any reduction to the non-gambling area should be accompanied with an explanation as to the reasons for the reduction in area and how the risk to customers will be mitigated.

## Buildings where there are more than one gambling premises Policy G1-H

### **A. Applications for more than one gambling premises in a building and/or to divide an existing building containing a licensed gambling premises into different premises the applicant must demonstrate that:**

- 1. Access is restricted to prevent unlawful direct access by customers between licensed premises**
- 2. The different premises are generally separate premises, and not an artificially created part of what is readily identifiable as a single premise**
- 3. The different premises operate independently and do not use common non gambling areas.**
- 4. Separation between premises is appropriate so as to clearly segregate each premises from each other.**
- 5. The principal entrance to the casino is from a street and is clearly defined on the plan accompanying the application.**

G1.60 A premises can be any place<sup>24</sup>, but a single premise cannot hold more than one premises licence<sup>25</sup>. However, the Licensing Authority recognises that there is, in principle, no reason why larger buildings cannot comprise of two or more premises, and therefore, multiple premises licences, provided these premises occupy separate and distinct parts of the building.

G1.61 Access to a converted casino is restricted by mandatory condition<sup>26</sup>, requiring the principal entrance to the premises to be from a street. Access is prohibited from any premises used wholly or mainly by children, young persons or both, and no entrance to the premises can be from another licensed gambling premises or a premises which holds a Family Entertainment Centre gaming machine permit, Club Gaming permit, Club Machine permit or Licensed Premises Gaming Machine permit.

G1.62 A street is defined as including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not<sup>27</sup>.

G1.63 The Gambling Commission's guidance to Licensing Authorities notes that there is no definition of 'direct access', but the Licensing Authority, in line with the Gambling Commission's guidance, considers that there should be an area separating the

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<sup>24</sup> Section 353, Gambling Act 2005

<sup>25</sup> Section 152, Gambling Act 2005

<sup>26</sup> Mandatory Condition 1(1) Part 1 Schedule 1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

<sup>27</sup> Section 2, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

area concerned which the public go to for purposes other than gambling for there to be no direct access<sup>28</sup>. The area which separates the licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public for purposes other than gambling.

G1.64 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATM's.

G1.65 In the past applicants have attempted to create an unlicensed area accessed from the street which then leads into separate licensed premises. In such cases the premises are not clearly identifiable as separate premises and the unlicensed area is not likely to be used by the public other than by those using the gambling premises. Applications to place two or more licensed premises in one building with an unlicensed area separating them will also not meet this policy because of the artificial nature of the premises, access, and likely questions on its genuine use.

G1.66 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the provisions of the Act, the Licensing Authority will expect applicants to ensure that:

- (a) Premises are configured so that children are not invited to participate in, have accidental access to, or closely

observe gambling to which they are prohibited from taking part;

- (b) Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not 'drift' into a gambling area;
- (c) Customers should be able to participate in the activity named on the premises licence.

G1.67 This list is not exhaustive, and the Licensing Authority will consider other aspects based on the merits of the application.

G1.68 The Licensing Authority expects any applications that would provide more than one licensed premises within a building to demonstrate that:

- (a) The different premises are genuinely separate and are not an artificially created part of what is readily identifiable as a single premises;
- (b) Separation between the premises is appropriate;
- (c) Access between premises is restricted to prevent unlawful direct access by customers between licensed premises.

G1.69 For example, the Licensing Authority would not expect to receive applications to artificially separate a building or existing licensed premises to increase the number of gaming machines permitted in the building.

G1.70 Any building which has been split into separate premises and includes a "street" must continue to ensure that the "street" is genuine. If this has been achieved by providing another purpose for which the public would enter for purposes other than

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<sup>28</sup> Para 7.22 Guidance to Licensing Authorities, Published 1 April 2021

gambling, the Licensing Authority will expect operators to be able to routinely demonstrate that such a purpose has not become redundant. For example, a coffee shop contained within a “street” which is the sole purpose for members of the public to enter other than gambling must continue to operate as a viable coffee shop in its own right and it must not operate temporarily only to fall into disuse over time.

- G1.71 Factors the Licensing Authority will consider when determining whether a premises is truly separate include whether:
- (a) a separate registration for business rates is in place at the premises;
  - (b) the neighbouring premises are owned by the same person;
  - (c) each premises can be accessed from the street or a public passageway;
  - (d) the premises can only be accessed from any other gambling premises.

G1.72 Children are not permitted into converted casinos. Therefore, operators will need to carefully consider the configuration of buildings if they are seeking to develop multi-purpose sites. In these circumstances, the third licensing objective of protecting children and the vulnerable from harm means not only preventing them from entering the casino but also preventing them from being in close proximity to gambling. The Licensing Authority will expect any such application to demonstrate what measures the operator has in place to uphold this objective, including how the configuration of the premises will ensure that children are not invited to participate in, have accidental access to or closely observe gambling. Aspects of the design such as line-of-sight into the premises must be considered and risk assessed with this in mind. Those premises which operate on the high

street should consider visibility into the premises from any windows or glass / open doors.

### Remote gambling within the premises from tablets or handheld devices Policy G1-I

- A. If electronic tablet gaming devices are made available for customers, the applicant must demonstrate that:**
- 1. The number of tablet gaming devices do not exceed the number of potential customers that can be permitted in the premises at any one time.**
  - 2. The tablet gaming devices will be utilised safely and monitored so that customers are protected from gambling related harm.**
  - 3. They will meet the requirements of the Mandatory Condition relating to restricting the use of tablet gaming devices within two meters of any other gaming provided within the premises.**
  - 4. The tablet gaming device will be made unusable for gambling via the devices software when entering a designated non-gambling area or, if such software is not in use the customer will be prevented from entering a designated non-gambling area with that device by casino staff who are tasked with monitoring these areas.**
  - 5. Any tablet gaming device that is linked to a fixed gaming machine will be automatically disabled from use if the maximum number of gaming machines, for that machine category is exceeded.**
  - 6. if the tablet gaming device provides gaming machine content and is therefore a gaming machine how the applicant will comply with the requirements to display**

**information in accordance with the gaming machine regulations.**

- G1.73 This section relates to casinos which wish to offer gambling content via electronic tablet gaming devices within their premises. These tablets can be provided either as part of the gaming machine offer permitted at the premises or as a form of remote live table gaming at the premises.
- G1.74 The Licensing Authority recognises that casinos are innovative businesses and as a consequence routinely look for new games and gaming mechanisms in order to attract a larger customer base. Where permitted within the confines of the legislation, the Licensing Authority will support casinos adapting to new technology and will not act as a barrier to advancements in technology or new methods of gaming and gambling. The onus, however, is with the operator to demonstrate how such methods will be operated within the confines of the legislation, LCCP, Licensing Authority Guidance and/or other technical standards issued by the Gambling Commission and the policies within this statement.
- G1.75 The use of tablet gaming devices as gaming machines is permitted as long as those devices meet the required Gambling Commissions technical standards. Due to the size of these devices, it is possible to have large numbers of such devices available for use within licensed premises. However, the Licensing Authority will look at the maximum capacity of the premises and the number of gaming machines being offered. Consideration will be given to the number of tablet gaming devices and cabinet style gaming machines will be greater than

the number of customers that can be accommodated within the gambling areas of the casino premises.

- G1.76 The Licensing Authority expects any operator wishing to offer tablet or handheld devices as part of their gaming offer to demonstrate:
- (a) How they will utilise such devices safely with specific consideration for the protection of the vulnerable from being harmed or exploited by gambling;
  - (b) How staff will monitor customers using devices in all gambling areas of the premises to ensure they are not being harmed or exploited by gambling;
  - (c) How operators will ensure a gap of at least two metres is maintained between the device and any gaming table as required by mandatory condition<sup>29</sup>;
  - (d) How operators will ensure devices do not enter or are not functional beyond the perimeter of any designated non-gambling areas;
  - (e) Where the tablet gaming device is linked to a fixed gaming machine, the mechanism by which the gaming machine will be rendered inactive while the portable device is detached so as not to exceed the maximum number of gaming machines permitted at the premises;
  - (f) Where the portable device operates as a gaming machine, how it will comply with the requirements to display information as required by regulations<sup>30</sup>;

[Casino CCTV Cameras, Recording and Retention Policy G1-J](#)

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<sup>29</sup> Mandatory Condition 2, Part 1, Schedule 1, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

<sup>30</sup> Section 3, The Gaming Machine (Circumstances of Use) Regulations 2007



- A. CCTV shall be provided throughout the Casino premises and at key access and egress points for customers, staff and deliveries.**
- B. CCTV shall meet the Metropolitan Police standards for CCTV.**
- C. Applicants will be required to demonstrate to the Licensing Authority how they will:**
  - 1. Provide sufficient CCTV coverage of the premises and the relevant outside locations**
  - 2. Manage and monitor the CCTV footage on a daily basis**
  - 3. Designate staff and ensure that they are sufficiently trained in the use, monitoring, and accessing the CCTV system**
  - 4. Retain the CCTV recordings in a safe and secure way**
  - 5. Provide access or copies of CCTV recordings for the police, enforcement officer or authorised person, as defined under sections 303 and 304 of the Act**
  - 6. Ensure the CCTV system is maintained to ensure that it operates effectively**

- G1.77 CCTV is an important tool in crime prevention and evidence gathering. It acts as a valuable tool for both the operator and responsible authorities in identifying and resolving issues which can impact upon the licensing objectives.
- G1.78 Casinos are a highly monitored environment and, as such, the Licensing Authority expects the operator to have full coverage of the gambling and non-gambling areas as a minimum.
- G1.79 Where necessary, the Licensing Authority may attach a condition to the premises licence requiring minimum standards of CCTV provision. The Licensing Authority has produced model conditions

for CCTV provisions which may be relied upon where appropriate. Any CCTV system provided by premises operators must meet the Metropolitan Police standards for CCTV.

- G1.80 The Licensing Authority is aware that the production of good quality CCTV with the minimum of delay can be of significant value to responsible authorities when investigating an incident. Therefore, the co-operation of operators with responsible authorities in this respect is key. Where such co-operation is lacking, the Licensing Authority will seek to attach conditions to the premises licence to ensure this standard is maintained.
- G1.81 Similarly, it is the experience of the Licensing Authority that effective communication between operators and responsible authorities can be of value to all parties. The Licensing Authority expects all operators to establish effective, clear lines of communication, particularly in relation to incident reporting, with the responsible authorities.

### Casino door supervision and security personnel provisions Policy G1-K

- A. Applicants will be required to demonstrate that they:**
  - 1. will have sufficient licensed door supervisors and security personnel on the entry and egress points as well as within the casino itself.**
  - 2. will provide door supervisors and security personnel with sufficient training on:**
    - a. the casinos age verification policy;**
    - b. Emergency procedures associated with fire detection, bomb threat or other emergency incident;**

- c. **Appropriate action to be taken to prevent and detect crime and disorder inside the premises or immediately outside the entrances to the premises; and,**
- d. **The powers of the powers of entry of the police, enforcement officers and authorised officers when carrying out their duties under the Act.**

**B. For the purpose of this policy door supervisors and security personnel, other than those who are directly employed by the casino operator must be licensed by the Security Industry Authority.**

G1.82 Casino premises are required in the Licence Conditions and Codes of Practice to post door supervisors at entrances to the premises to ensure sufficient age verification checks are carried out. Such requirements should be assessed and carried out in conjunction with any Think/Challenge 21 or Think/Challenge 25 age verification policy in operation at the premises, with particular regard given to any locations in the vicinity likely to attract children or young people.

G1.83 The Licensing Authority regards door supervision of casino entrances as crucial to both the first and third licensing objectives. It will be for the operator to assess the specific needs of each entrance to the premises, as well as all areas within the premises, and set this out within their risk assessment. Depending upon the specific circumstances of the premises location, the Licensing Authority will expect the operator to have training policies for all security personnel and door supervisors, as well as refresher training, which cover the local risks identified.

G1.84 Operators are expected to keep the number of security and door supervisors under review and in line with any advice or guidance provided by responsible authorities. Where the premises are located in an area deemed to be sensitive or likely to attract crime or disorder, the operator is expected to increase any security presence accordingly. Regular communication with the Police is recommended and operators should follow any strategic advice provided by responsible authorities where the licensing objectives are likely to be impacted.

G1.85 It is noted that the door supervisors who are employed by a casino premises are not required to be licensed by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. However, any door supervisors or security not directly employed by a casino operator must be licensed by the Security Industry Authority.

G1.86 Where it deems it necessary, the Licensing Authority will seek to attach a condition to the premises licence regarding security personnel and door supervision. Depending on the individual circumstances, this condition may include specifications for the number of door supervisors or security personnel, their locations, and the times during which they must be in operation.

#### Casino Premises-Based Advertising Policy G1-L

**A. Applicants will be expected to assess the risks associated with advertising the casino, the entertainment and/or any gambling activities that are visible from the exterior of the premises, whether advertised in the local area or advertised to a wider geographical area beyond the local area or beyond Westminster.**

**B. In considering the risk associated with any advertising of the casino or its functions the operator will demonstrate that they have considered:**

- 1. If the content of the advertisement is designed or worded in a way that could attract children;**
- 2. If the content of the advertisement is correct and accurately explains any promotion, activity, event, rules, terms, conditions, or restrictions;**
- 3. The risk to those who may be of greater risk to gambling related harm within the area in which the advertisement is being displayed and does not target a particular vulnerable group or culture; and,**
- 4. That any advertisements are not placed on or near buildings that are considered sensitive.**

**C. For the purposes of Clause B.4 a sensitive building is classified by the Licensing Authority as a:**

- 1. School, college, or other educational institution**
- 2. Community centre, youth centres, playground, toy shops, bowling alleys, cinemas, sports/leisure centres or premises of a similar nature where children are likely to gather**
- 3. Church, mosque, temple, synagogue or other place of religious worship**
- 4. Bank, building society, post office or other financial institutions**
- 5. Debt advice centre, job centre, community hubs, citizens advice centre or similar premises associated with supporting those in financial difficulty or who are seeking employment**
- 6. General practitioners' surgery, health centre, hospital, residential care home, psychiatric treatment centre or**

**other premises that provide support for vulnerable people**

- 7. Homeless hostel, shelter or other accommodation for those who are homeless or have been rough sleeping.**
- 8. Addiction clinic or other premises that are used for the treatment and support of gambling addiction or other addictive behaviours.**

**D. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G1.87 Operators must comply with the Advertising Standards Agency (ASA), UK Code of Non-Broadcast Advertising and Direct & Promotional Marketing (CAP) code and the Industry Group for Responsible Gambling (IGRG), Gambling Industry Code for Socially Responsible Advertising as a requirement of the Gambling Commissions Licence Conditions and Codes of Practice Social Responsibility Code 5.1.6. The ASA CAP and IGRG codes relate to the content of the advertising and to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harm or exploited. Whilst these codes predominantly relate to the content of the advertising the Licensing Authority is concerned about the locality in which some advertising may take place within areas that have been identified as of greater risk or that have particularly sensitive buildings. As such the Licenisng Authority's policy is that gambling operators should be particularly aware of the potential risks associated with advertising within a designated GVZ. Operators should assess

how this may impact any at risk members of the public living, working, or visiting the area.

G1.88 Where a risk to a particular group has been identified within the Council's LAP, any internal and external advertising should be carefully considered so as not to specifically attract members of those groups. Operators should refer to the relevant LAP for further details on these at risk groups.

G1.89 Operators outside a designated GVZ should be aware of any advertising undertaken either directly or on their behalf taking place within or in close proximity to a GVZ which could impact upon at risk groups.

#### Casino Merchandise Policy G1-M

- A. Applicants that wish to provide branded casino merchandise, either for sale or to be given away without charge as promotional material will be required to demonstrate that the merchandise is not designed for, intended for use by or promoted to children.**
- B. For the purposes of this policy any reference to "children" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G1.90 Casino merchandise carrying the casino logo, branding or any other such mark must not be designed or intended for use by children or young people or known at risk groups. Such merchandise should not be sold to any member of the public with

the intention of attracting children, young people or at-risk groups to gamble.

#### Provision and location of ATM's in Casinos Policy G1-N

- A. If an applicant intends to provide an ATM within the licensed Casino premises the location of that ATM shall be marked on the plan accompanying the application.**
- B. The applicant will be required to demonstrate to the Licensing Authority that the sighting of the ATM has been risk assessed to ensure that it:
  - 1. Is located in a position that will enable casino staff to monitor it at all times either via CCTV or by staff on the casino floor**
  - 2. Is located at a sufficient distance away from the nearest gaming machine or gaming tables so as to require a customer to leave the table or machine in order to use the ATM**
  - 3. Is located in a position that will enable the safe restocking and removal of cash.****
- C. The applicant shall ensure that the opening of any ATM's is done at a time when the premises is either closed or at a time when there are sufficient security personnel or staff present.**

G1.91 The Licensing Authority is aware that frequent and repeated use of an ATM by customers is an indicator that they may be vulnerable to harm from gambling. As such, any ATM located on the premises should be positioned in an area so as to enable staff to monitor its use at all times. The location should be a sufficient

distance from any gaming machine or gaming table so that the customer has to leave the gaming area in order to use the ATM. Ideally, non-gambling areas are preferred locations for this purpose.

- G1.92 The Licensing Authority will expect any operator providing an ATM on the premises to have policies in place which provide for adequate staff training in how to identify potentially at risk and vulnerable customers. Although frequent and repeated use of an ATM in itself is not necessarily evidence of gambling-related vulnerability to harm, the Licensing Authority considers it an indicator and therefore the responsibility is with the operator to identify and mitigate any risks to customers at this point.
- G1.93 Operators should be aware of the risk of crime when opening any ATM to either refill or remove cash. The Licensing Authority expects any operator to risk assess and have a policy in place which will mitigate any risk of crime or disorder in these circumstances. This may include unlocking or accessing the machine only when no customers are on the premises or only when sufficient security personnel are present. Operators are expected to have sufficient security measures and personnel in place to mitigate any risk of crime and should liaise with the Police and responsible authorities when assessing this risk.
- G1.94 The Licensing Authority may deem it necessary to restrict the use of any ATM, including imposing a condition on the premises licence prohibiting the presence of an ATM, where it feels it necessary in the circumstances. It will be for the operator to demonstrate in any application and risk assessment that sufficient measures are in place to mitigate the potential risks.

## Bingo Premises Policies – G2

### Bingo Policy G2-A

- A. Applications outside a Gambling Vulnerability Zone for a provisional statement, new bingo premises licence or to vary an existing licence will generally be granted subject to:**
- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.**
  - 3. The applicant having undertaken an assessment of the local area risks as defined within the Location Policy F1 and Risk Assessment Policy C1.**
  - 4. The hours for gambling activities being within the hours as specified within the Hours Policy E1.**
  - 5. The applicant meeting the requirements of the other relevant policies within this section.**
- B. Applications within a Gambling Vulnerability Zone for a provisional statement, new bingo premises licence or to vary an existing licence will be considered on their own merits and subject to the following:**
- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.**

- 3. The hours for gambling activities being within the hours as define within the Hours Policy E1**
- 4. The applicant having demonstrated that they have sufficiently assessed the associated gambling risk and put forward sufficient mitigation to satisfy the Gambling Vulnerability Zones Policy F2 and the Risk Assessment Policy C1.**
- 5. The applicant meeting the requirements of the other relevant policies within this section.**

- G2.1 Bingo premises are a class of gambling premises permitted under the Gambling Act 2005. A premises licence for a bingo premises permits the provision of facilities for the playing of bingo.
- G2.2 A holder of a bingo premises licence is able to offer bingo in all its forms. There is no statutory definition of bingo and since the Gambling Act 2005 came into force, the game and operation of bingo has evolved into many different forms. The Licensing Authority deems it to have its ordinary and natural meaning, including any version of the game irrespective of by what name it is described. The Gambling Commission recognises cash bingo, where the stakes paid make up the cash prizes that are won, and prize bingo, where various forms of prizes are won, not directly related to the stakes paid. Bingo can be traditional, with a caller, or electronic.
- G2.3 Where there is doubt as to whether an operation constitutes bingo or not, the Licensing Authority will seek the advice of the Gambling Commission.
- G2.4 A bingo premises licence also permits the holder to make an unlimited number of gaming machines available for use. Of the

total number, up to 20% of the gaming machines can be category B3 or B4 gaming machines and the remainder are limited to category C or D gaming machines. If the premises held a bingo premises licence prior to 13 July 2011, the holder can provide either up to eight B3 or B4 gaming machines or up to 20% of the total number of gaming machines, whichever number is greater.

G2.5 Children and young persons are permitted in bingo premises but may not participate in bingo or use any of the category B or C gaming machines. If category B or C gaming machines are available for use on the premises, these must be in a separate area not accessible to children and young people.

G2.6 Bingo premises, as with all gambling premises, are the subject of dual regulation by the Gambling Commission, via personal and operating licences, and the Licensing Authority, via premises licences. The Gambling Commission, in considering, issuing and maintaining personal and operating licences, considers the operator's suitability and ensures the operator has policies and procedures in place to cover various issues such as anti-money laundering and reporting procedures. Bingo premises are subject to the Licence Conditions and Codes of Practice which are set by the Gambling Commission. As such, these are issues that the Licensing Authority will not need to consider in determining applications and, in the interests of avoiding duplication of regulation, will focus on premises specific issues. In certain circumstances, however, the Licensing Authority will expect to be provided with information concerning an operator's policies and procedures to ensure that the operator has suitable policies in place to meet the challenges of the local area.

#### *Licence Conditions*

G2.7 Bingo premises are also the subject of mandatory and default conditions under the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007. Mandatory conditions for Bingo premises include requirements to:

- (a) display the summary of the premises licence in a prominent place within the premises;
- (b) maintain the layout of the premises in accordance with the plan submitted on a new or subsequent variation application;
- (c) prohibit the sale of National Lottery, private lottery or customer lottery tickets in the premises;
- (d) display a notice stating that no person under the age of 18 years is permitted to play bingo on the premises in a prominent place at every entrance to the premises;
- (e) prohibit access to the premises from a casino, adult gaming centre or betting shop;
- (f) when children are permitted on the premises, ensure any category B or C gaming machines are separated from the rest of the premises by a physical barrier;
- (g) when children are permitted on the premises, ensure any category B or C area is supervised at all times to ensure children or young people do not gain access;
- (h) when children are permitted on the premises, ensure any category B or C area is arranged so as to allow those responsible for supervising the area to observe all areas;
- (i) when children are permitted on the premises, display a notice at the entrance to any category B or C area prohibiting under 18's access;
- (j) where there is a charge for entry, a notice to that effect shall be located at the principal entrance to the premises;

- (k) where charges apply for gaming, a notice (which can be electronic) shall be displayed at the main point where payment is made which sets out the following:
  - (i) the cost of bingo game cards;
  - (ii) the cost of participation fee in the bingo game; and
  - (iii) a statement that all or part of the participation fee may be waived at the discretion of the person charging it.
- (l) make available to customers the rules for each type of game that is available at the premises (not including gaming machines);
- (m) locate any ATM available for use on the premises in a place that requires any customer who wishes to use it to cease gambling in order to do so.

G2.8 The default conditions for bingo premises restrict the facilities for gambling (but not gaming machines) at the premises to between 9am and midnight. However, default conditions can be removed and / or varied on application.

G2.9 As above, the Licensing Authority will not seek to duplicate any of these measures but will, where appropriate, develop these conditions to deal with specific issues for the premises in the form of licence conditions attaching to the premises licence.

### *Gaming Machines*

G2.10 Bingo premises can provide B3 gaming machines. The machines and their game play are designed to enable players to play multiple games on the one machine. These games can range from category B2 to D. Category B3 games offer a higher stake and prize than other categories of games. As gaming machines

provide opportunities for solitary play and immediate pay-outs, they are more likely to engender repetitive and excessive play. As such, particular regard should be given to the need to protect the vulnerable from gambling related harm.

G2.11 Gaming machines in bingo premises can pose a risk to gamblers who have a problem with gambling addiction or players who may be at risk of gambling related harm. There is a risk to vulnerable persons and children as well as the potential for crime and disorder at the premises and, therefore, the Licensing Authority will expect applicants to demonstrate their capability to uphold the licensing objectives regarding such issues.

G2.12 A bingo premises can operate gaming machines for 24 hours a day. The Licensing Authority is aware that different times of the day present different challenges and, as such, the operator will need to consider adapting its operation to meet these needs. The Licensing Authority will expect any operator to demonstrate how they will manage issues at different times of the day. For example, a customer may be likely to be more vulnerable through alcohol consumption later at night. Applicants that intend to operate late into the night or early morning; or operate for 24 hours a day will be subject to the highest scrutiny. Applicants will be required to demonstrate why it is necessary to provide gaming machines late at night or 24 hours a day and who they will be looking to attract. It is the Licensing Authority's view that offering gaming machines within a Bingo premises beyond the hours specified within the Council's Hours Policy is likely to present a significant risk in terms of the Licensing Objectives.

### *Risk to the vulnerable and children*



G2.13 In general, traditional Bingo is considered to be a lower risk form of gambling due to the demographic of the customer base and the lower stake gambling on offer. However, the Licensing Authority is aware that vulnerability to gambling-related harm has the potential to affect even lower-stake gamblers who can still gamble more than they want to or gamble beyond their means.

G2.14 Bingo premises which offer electronic bingo, by virtue of the nature of the gambling at the premises, can be largely automated operations, which can result in a limited staffing presence on the gaming floor. This can lead to heightened risks to underage access and reduced assessment of potentially vulnerable customers. As such, the operator is expected to show sufficient staffing levels to monitor the gaming floor and access points as well as the ability to carry out vulnerability checks where necessary.

G2.15 Children can access bingo premises but are not permitted to participate in bingo games or access areas containing category B or C gaming machines. Operators will need to demonstrate policies and procedures at the premises which ensure that the operation will not impact upon the third licensing objective of protecting children from being harmed or exploited by gambling. The Licensing Authority will expect operators to consider these aspects in the premises risk assessment and include methods of mitigating the exposure of children to gambling.

G2.16 Bingo premises can employ 16 and 17 year olds at the premises provided their duties are not connected with the gaming or gaming machines. Operators will need to demonstrate in any application how they will adhere to the third licensing objective

of protecting children from gambling-related harm. Such measures should form part of the risk assessment.

#### *Alcohol in Bingo Premises*

G2.17 Bingo premises are a class of premises which can sell alcohol for consumption on the premises, subject to the premises benefiting from a licence or temporary event notice issued under the Licensing Act 2003 by the Licensing Authority. This factor has the potential to increase the risk to the third licensing objective of protecting the vulnerable from being harmed or exploited by gambling. Operators must demonstrate to the Licensing Authority that they have policies and procedures in place to mitigate this risk.

#### *Bingo premises within buildings with other uses*

G2.18 As a bingo premises can be located within another premises, such as a pub, operators must be aware of the second licensing objective by ensuring gambling is conducted in a fair and open way. Operators must ensure that members of the public are clearly aware that they are entering a gambling venue and must avoid the scenario where customers can drift into a gambling premises without their knowledge. A customer must be able to recognise that they are entering a premises licensed for the purposes of providing facilities for bingo<sup>31</sup>.

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<sup>31</sup> Paragraph 18.27, Gambling Commission's Guidance to Licensing Authorities, Published 1<sup>st</sup> April 2021

### *Multiple bingo premises within one building*

G2.19 Bingo premises are permitted to make available for use a significant gaming machine allocation under a premises licence, but higher category B gaming machines are limited depending upon the total number of gaming machines available. The Licensing Authority is aware of the potential for operators to take advantage of this allocation, although in reality the number of gaming machines on offer will be limited by the size of the premises. Operators seeking to vary existing bingo premises licences in order to reduce the footprint of the premises and subsequently split the premises and apply for a new bingo premises licence in the vacated area will be deemed by the Licensing Authority to be taking advantage of the gaming machine allocation. Any such operator will be required to prove that the new operation is distinctly separate from the existing premises and that the proposal is not designed solely to benefit from the extra gaming machine allocation.

### *Operating in a Gambling Vulnerability Zone*

G2.20 Applications for new or to vary existing licences must consider the specific concerns identified within this policy and whether the relevant premises are located within a Gambling Vulnerability Zone (GVZ) and demonstrate how they will mitigate all concerns arising.

G2.21 The Council has identified within its Local Area Profile (LAP) areas where residents may be at greater risk to the impact of gambling-related harm. It has also had and continues to have regard to relevant research which assists in providing more information on the gambling landscape within the borough to operators, responsible authorities and interested parties. The GVZ within

Westminster define areas within which the Licensing Authority has significant and increased concerns regarding the impact on residents who may be at greater risk to gambling related harm. Therefore, gambling premises, either proposed or existing, within GVZ's can expect a greater degree of scrutiny from the Licensing Authority to ensure that the operation is in line with the principles of the legislation and associated regulations, specifically section 153 of the Gambling Act 2005.

G2.22 It is important to note that the Licensing Authority, in establishing these GVZ's, is not creating a barrier to the operation of gambling premises within these areas. It does, however, expect operators with existing premises or planning to open new premises in such areas to have particular regard to the issues within the locality and clearly demonstrate how associated risks are to be mitigated. It is not the position of the Licensing Authority to dictate what measures are appropriate in all circumstances. Rather, it is the responsibility of each operator to satisfy the Licensing Authority that it has had particular regard to the issues affecting the locality and has appropriate measures in place to mitigate associated risks.

G2.23 All parties should refer to the Council's LAP for the relevant area in which the premises are located. The LAP sets out in detail the considerations which the Licensing Authority will expect all operators to take into account when making applications and forming or updating risk assessments for particular premises. The local area profiles are based on the Council's knowledge of each area and will develop over time as further information is provided and updated. However, we acknowledge that those local to the area may have more detailed knowledge of the area and welcome comments made at the application consultation stage or at any other time.

## Applications

G2.24 Applications for bingo premises must provide the minimum requirements as set out in the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.

Application forms only allow for a limited amount of information to be provided and applicants are encouraged to engage with responsible authorities and local residents and businesses to avoid attracting unnecessary representations. It is the Licensing Authority's experience that a complete and detailed application can allay concerns around bingo premises. The Licensing Authority would recommend, where appropriate, that applications include the following additional information:

- (a) Policies and procedures
- (b) Operating manual
- (c) Staff training measures
- (d) Security provisions
- (e) Risk assessment
- (f) Proof of age scheme
- (g) CCTV measures including the location of CCTV coverage on plans
- (h) Details of entry control systems
- (i) Supervision of entrances and gaming machine areas, particularly those involving category B and C gaming machine areas
- (j) Location of entrances
- (k) Any notices and signage to be displayed
- (l) If alcohol is provided for sale and consumption on the premises how this will be managed alongside the gambling facilities taking place.
- (m) Self-exclusion schemes

- (n) Provision of information leaflets / helpline numbers for organisations.<sup>32</sup> (e.g. GamCare)

G2.25 This list is not exhaustive and is merely indicative of the kind of measures the Licensing Authority will expect applicants to offer to demonstrate their efforts to meet the licensing objectives.

G2.26 Depending on the levels of risk to the licensing objectives in the particular location, the Licensing Authority may require all areas of the premises to be supervised at all times. Bingo premises, particularly those offering electronic bingo, can operate with lower staffing levels when compared with other classes of gambling premises. The operator must carefully consider staffing levels and satisfy the Licensing Authority that these levels are appropriate to ensure that the licensing objectives are being upheld. Where it deems it necessary, the Licensing Authority will seek to attach a condition to the premises licence specifying minimum levels of staffing and security personnel, as well as their location and the times during which these levels must be maintained.

G2.27 Any entrances to the premises and access to category B and C gaming machine areas will need to be carefully considered by the operator in relation to management, location and design. Where necessary, the Licensing Authority may seek to attach a condition to the premises licence requiring security personnel to be located at entrances. Operators must detail any and all checks that are carried out at any entry control points in order to assess the age and potential vulnerability of any person wishing to enter the premises.

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<sup>32</sup> As required by Social Responsibility Code Provision 3.3.1, Licence conditions and codes of practice, October 2020

G2.28 The location, layout and management of gaming machines is another significant consideration and operators should consider appropriate locations of the following when designing the layout of their premises:

- (a) any entrances;
- (b) any ATM located on the premises;
- (c) entry control points;
- (d) category B and C gaming machines;
- (e) staff desk or cashier points;
- (f) CCTV;
- (g) security personnel;
- (h) access points to category B and C gaming machine areas;
- (i) any bar for the sale of alcohol.

### Electronic Bingo Venues Policy G2-B

- A. The applicant must demonstrate that the premises will generally be used for the provision of facilities for bingo via electronic means.**
- B. In meeting Clause A, applicants, as a minimum must provide the following information:**
  - 1. How games will be played, including in practice at the premises**
  - 2. The number of bingo machines on the premises**
  - 3. The number of player positions**
  - 4. The frequency of play for bingo games**
  - 5. The stake per game or for each game on offer**
  - 6. The length of breaks between games**
  - 7. Whether the games will be linked to other bingo premises via a cumulated jackpot**

- 8. Whether screens relating to the bingo results will be located around the premises, if so how many**
- 9. Whether the exterior of the premises will clearly inform customers that bingo is provided and how it is proposed to ensure that the display of bingo advertisement or signage is more prominent than any reference to gaming machines.**

**C. If the applicant intends to provide a combination of traditional caller and electronic bingo, they must demonstrate how they will monitor, risk assess and interact with customers who simultaneously play both forms of bingo.**

G2.29 This policy relates to premises offering electronic bingo, either by way of a static bingo machine or tablet device. Electronic bingo is considered to present a lower risk than other forms of gambling due to the lower stakes required to participate. However, the Licensing Authority is aware that vulnerability to gambling-related harm can present in all forms of gambling, regardless of the stake, and operators are expected to have policies and procedures in place to demonstrate how they will uphold the third licensing objective of protecting the vulnerable from being harmed or exploited by gambling.

G2.30 Premises offering electronic bingo can operate with lower staffing levels due to the automated nature of the bingo games. The Licensing Authority will expect operators to demonstrate that sufficient staff will be in place to enable them to ensure that the licensing objectives are not at risk. The operator will need to ensure that staffing levels are sufficient on the premises so as to allow clear line of sight of all bingo machines in use at the premises at all times.

G2.31 Operators should make use of the Council’s LAP when considering the risk of gambling-related harm to their customers and assess any measures required to mitigate these risks. The operator is expected to assess and develop policies and procedures based upon the demographic of its customer base.

G2.32 Children are permitted to enter bingo premises but are not permitted to participate in bingo games. Operators must demonstrate that they have sufficient age verification checks in place in order to prevent underage gambling. This should form part of the premises risk assessment based upon the LAP.

G2.33 Upon making an application, operators should demonstrate to the Licensing Authority how the bingo games on offer will be played in order to satisfy the Licensing Authority that the premises will genuinely be used for the provision of facilities for bingo and not provided to take advantage of the higher stake gaming machine entitlement. Where there is any dispute or the Licensing Authority has concerns over the form of bingo on offer, the Licensing Authority will consult with the Gambling Commission for guidance.

G2.34 Operators are also expected to set out the maximum capacity of players for each game type. This will likely depend on the size of the venue. However, the Licensing Authority will seek to ensure that the operator has sufficient levels of control, including staffing levels, in order to maintain control over the premises in line with the licensing objectives. Staffing levels should be sufficient to always enable vulnerability checks on customers the premises licence is being relied upon.

G2.35 If an applicant intends to offer both traditional caller bingo and electronic bingo, they will be expected to put measures in place to monitor customers wishing to play both traditional and electronic bingo simultaneously. Such opportunities for simultaneous play should be risk assessed in line with the LAP and risks mitigated where necessary.

### Bingo Premises Licensed to Sell Alcohol and Multifunctional Spaces Policy G2-C

- A. If the applicants’ premises are intended to, or do sell or supply alcohol for consumption on the premises they will demonstrate that they have assessed the risks and have put forward sufficient measures to ensure that:**
- 1. The age of the customer is checked, in accordance with the Age Verification Policy G2-D to ensure that they are over 18 years of age.**
  - 2. There are sufficient staff within the bingo premises to ensure customers are consuming alcohol and participating in gambling activities in a responsible way.**
  - 3. Staff are adequately trained to monitor customer behaviour and can make positive interactions with customers who may be impaired by alcohol**
  - 4. There are sufficient security personnel on the premises to intervene with any customers who breach any premises rules, the Gambling Act or other statutory or licence requirements.**

G2.36 Bingo premises that hold a premises licence under the Licensing Act 2003 that permits the sale of alcohol anywhere within the premises and which are not restricted to table meals will have a

greater need for control measures over those that provide alcohol in limited areas or limit alcohol sales to customers taking a table meal. The Licensing Authority considers customers under the influence of alcohol to be potentially vulnerable to gambling related harm or exploitation and expects the applicant to have policies, procedures, staff numbers, staff training and other control measures in place so as to identify and adequately respond to such customers.

G3.37 Bingo premises that sell alcohol to customers must be aware of the impact alcohol can have when considering the third licensing objective of protecting the vulnerable from being harmed or exploited by gambling. The Licensing Authority considers those under the influence of alcohol to be a vulnerable person for the purposes of the licensing objective. As such, operators will be expected to demonstrate what checks are in place to monitor customers and to ensure that they have not lost control of their gambling due to the influence of alcohol.

G2.38 Bingo premises may offer regulated or non-regulated entertainment or other functions that may involve the public entering the premises for purposes other than gambling. Bingo premises may also be linked to other premises that are not used for gambling but those attending functions in such premises may have access to the licensed bingo premises. Applicants in these circumstances must consider how these activities will impact upon one-another. Any associated entertainment function provided under the provisions of a permission under the Licensing Act 2003 or other non-regulated entertainment must not impact negatively on the licensing objectives under the Gambling Act 2005.

G2.39 The Gambling Commission's guidance<sup>33</sup> highlights the risk of members of the public 'drifting' into gambling areas in buildings split into different premises. Where a bingo premises is adjoined or forms part of a larger building that is not linked to gambling it must clearly highlight all entrances to gambling areas to members of the public so as to prevent members of the public entering a gambling area when they had not intended to do so. Customers entering a bingo premises for another purpose, for example to use its bar or restaurant, must be made aware that they are within a licensed Bingo premises.

G2.40 Bingo operators can permit children within their premises. The Licensing Authority expects operators to assess any risk of inviting under 18s to enter the premises or exposing them to gambling related products and may require an operator to re-site products and advertising out of view. The Gambling Commission's guidance<sup>34</sup> makes specific reference to the third licensing objective placing an obligation on operators to prevent children from being in close proximity to gambling. Therefore, the Licensing Authority will consider the configuration of a Bingo premises to ensure that children are not invited to participate in, have accidental access to restricted areas of the premises or are able to closely observe gambling.

G2.41 The Licensing Authority does not consider that a premises licence for a bingo premises has a temporal element. Therefore, operators cannot seek to disapply the licence at certain times or

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<sup>33</sup> Para 7.26 of Gambling Commission's Guidance to Licensing Authorities, Published 1 April 2021

<sup>34</sup> Para 7.32 Gambling Commission's Guidance to Licensing Authorities, Published 1 April 2021

on certain days to operate under another licence which would not otherwise be permitted.

#### Age Verification within Bingo Premises Policy G2-D

- A. Applicants will demonstrate that they have an age verification policy in place for the premises that meets the Licensing Authority’s minimum requirements.**
- B. The applicant must demonstrate that all staff who interact with bingo customers, either at entry or within the bingo premises are provided with sufficient training to carry out age verification checks in accordance with the bingo operators age verification policy.**
- C. The minimum requirements, referred to in Clause A for applicants age verification policies will be Think/Challenge 21.**
- D. The applicant will be required to provide the Licensing Authority upon request with:**
  - 1. The results of any age verification testing, either undertaken by the operator or by a third party, and**
  - 2. Any logs and/or records associated with:**
    - a. challenges made under the age verification policy,**
    - b. The number customers who failed challenges under this policy,**
    - c. Any breaches of the age verification policy by staff, and,**
    - d. Any incidents where a child or young person has been able to play bingo, accessed an adult only area or played on any adult only gaming machines.**

**E. For the purposes of this policy any reference to “child” or “young person” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- G2.42 Given the nature of the gambling offer and access provisions by children at bingo premises, age verification measures are of great significance and the Licensing Authority will expect operators to provide full details of how they will ensure that children do not gain access to bingo or the category B or C gaming machines.
- G2.43 The Licensing Authority views underage access to age-restricted areas containing category B and/or C gaming machines extremely seriously. The onus is placed firmly on the licence holder to ensure that appropriate checks are in place to prevent and deter opportunities for children and young people to participate in bingo games or gain access to the category B or C gaming machine areas. Underage participation in bingo games or access to category B or C gaming machine areas in a bingo premises is an offence<sup>35</sup> and the display of notices prohibiting underage access is a requirement of the mandatory conditions<sup>36</sup> attached to all licences.
- G2.44 It is the Licensing Authority’s view that preventing underage access should be a major consideration for any applicant or operator and effective measures such as floor walkers and effective age verification checks are simple solutions to this issue.

<sup>35</sup> Section 46, Gambling Act 2005

<sup>36</sup> Mandatory condition 3(3), Schedule 2, Part 1, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

Therefore, failure to implement effective measures and comply with this requirement will be dealt with strictly by the Licensing Authority. Operators can expect serious or repeated breaches of these requirements to be dealt with by way of a review of their licence.

G2.45 Operators are expected to assess the local risk of underage access to their premises and implement mitigation measures accordingly. As a minimum, all operators are expected to implement a Think or Challenge 21 policy and to maintain a refusals log<sup>37</sup> at the premises. Where necessary, operators may impose a stricter Think or Challenge 25 policy. If it deems it necessary, the Licensing Authority will seek to attach conditions to the premises licence in relation to age verification measures. Operators will also be expected to demonstrate suitable training measures for staff and to maintain records of training logs<sup>38</sup> at the premises.

G2.46 To ensure the effectiveness of age verification policies at the premises, operators should implement a process of third-party age restricted sales and access testing at the premises. This should be undertaken at regular intervals as defined within the operator's own risk assessment and company policy. Results of age verification policy testing should be assessed and where necessary risk assessments, policies and control measures should be reviewed and amended accordingly. The results of the third-party testing as well as any logs of age verification challenges or

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<sup>37</sup> A log of any incident where a person has been refused access to the premises following a failure to provide suitable age verification identification. The log should include the time, date, entrance used and description of the person.

<sup>38</sup> Training logs should include the name of the staff member, the date of the training and a description of the type of training provided.

failures within the premises shall be made available to the Licensing Authority upon request.

G2.47 Where a premises fails age related test purchases, depending on the level of the failure the Licensing Authority may seek to implement stricter age verification measures at the premises. For example, a premises operating a Think/Challenge 21 scheme which repeatedly fails the test purchase process or fails on multiple points may be required to implement a Think/Challenge 25 policy and implement further staff training.

#### Gaming Machines within Bingo Premises Policy G2-E

- A. The applicant must demonstrate that they have assessed the risks and have put forward sufficient measures to ensure:**
- 1. Gaming machines are located in appropriate locations within the bingo premises to ensure that they can be sufficiently monitored at all times,**
  - 2. Gaming machines are constantly monitored either in person or via CCTV and that there are adequate staff who are trained and available to carry out that monitoring,**
  - 3. There are sufficient numbers of trained staff who can interact with the customer if they are showing any signs that they may be vulnerable to gambling related harm, are not complying with the premises rules, are causing damage or who are acting in a disorderly or inappropriate manner, and**
  - 4. That cash going to and from that gaming machine to the relevant cash handling location within the premises is done in a way that reduces the risk of crime.**



**B. The applicant will ensure that there is sufficient gambling harm prevention advice, including a telephone number to access support if required is provided and easily accessible by the customer using the gaming machine.**

- G2.48 Gaming machines are a significant part of the offer of a bingo premises and operators should be proficient in their management. This policy sets out some of the factors that the Licensing Authority expects an operator to consider when designing and operating their premises.
- G2.49 The Gambling Commissions Licence Conditions and Codes of Practice<sup>39</sup> requires gaming machines only to be made available for use if substantive facilities for non-remote bingo are offered. The Licensing Authority does not seek to define what constitutes substantive facilities but will assess each application on its individual merits.
- G2.59 The positioning of gaming machines must be such that the signage required by regulations<sup>40</sup> is not obscured in any way. Signage on gaming machines must be overt.
- G2.60 Gaming machines should be positioned so as to allow staff and, where necessary, security personnel to monitor their use at all times. Monitoring may include, but should not solely consist of, remote monitoring. Operators with premises in an GVZ may consider remote monitoring of gaming machines as a method of detecting gambling related harm and should provide staff with

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<sup>39</sup> Social Responsibility Code 9.1.2, Licence conditions and codes of practice, Effective from the 1 October 2020

<sup>40</sup> Section 3 The Gaming Machine (Circumstances of Use) Regulations 2007

the ability to remotely disable a gaming machine if they assess that a customer is at risk of or is being harmed by gambling.

- G2.61 Operators should have a policy in place regarding staff training on how to identify customers at risk from gambling related harm based on the Council's LAP and premises risk assessment and should be aware of the warning signs, as well as staff and customer interaction. The frequency and content of staff training should form part of the risk assessment in line with the LAP. A record of training logs should be maintained at the premises.
- G2.62 The Licensing Authority is aware that customers who lose control of their gambling whilst using gaming machines can seek to cause criminal damage to gaming machines or act aggressively or violently towards staff, security personnel or other customers. Operators should assess this risk considering the LAP, advice from the local police or Council officers, similar venues operations and their own knowledge and experience of the potential crime and disorder that could occur on the premises. The Licensing Authority expects any such behaviour constituting a crime or an incident of disorder to be reported to the police.
- G2.63 Operators should risk assess and implement a policy regarding the emptying of cash from gaming machines at the premises. This should be assessed in line with the first licensing objective of preventing gambling from being a source of crime or disorder. Factors to consider should include:
- (a) the location of the premises;
  - (b) local risk levels including crime data and the view of the police;
  - (c) whether customers are permitted on the premises when this process takes place;
  - (d) whether security personnel are present;

- (e) whether entrances are controlled or locked;

G2.64 Where necessary, the Licensing Authority may seek to attach a condition to the premises licence specifying the minimum requirements for emptying or accessing gaming machines.

### Segregation of Gaming Machines within a Bingo Premises Policy G2-F

- A. If the Bingo premises intends or already permits children onto their premises the applicant will be required to demonstrate where it will place any adult only (category B or C) gaming machines on the premises and how they will be monitored and managed.**
- B. In meeting Clause A, applicants, as a minimum must provide the following information:**
  - 1. The arrangements for the separation of the gaming machines from the rest of the premises, including the location of entrance and exit points from this area.**
  - 2. The policies, procedures and staffing levels for the supervision and management of the gaming machine area.**
  - 3. The CCTV coverage for the gaming machine area and whether it will be monitored live by staff**
  - 4. The signage that will be used to prevent under 18 access to this area and where it will be located in and around the gaming machine area.**
  - 5. The training procedures and material for staff who are required to supervise the gaming machine area.**

**C. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- G2.65 Premises seeking to make category B or C gaming machines available for use whilst children are permitted on the premises must comply with the mandatory condition regarding their location.<sup>41</sup> This requires that areas containing category B or C gaming machines:
- (a) are separated from the rest of the premises by a physical barrier which prevents access other than by an entrance designed for the purpose. The Licensing Authority does not seek to specify what a physical barrier should consist of. Rather, it will be for the operator to consider in relation to the design of the premises. However, the Licensing Authority will only consider that a barrier meets this requirement if it is effective in preventing unauthorised access.
  - (b) are supervised at all times to ensure children and young persons do not enter the area. This can be either by staff responsible for supervising the entrance or by monitored CCTV. For the avoidance of doubt, the Licensing Authority regards monitored CCTV to mean live monitoring of the CCTV. Where CCTV is used, those responsible for its monitoring must have the ability to respond to an underage access attempt immediately, either by immediate direct contact with the child or by

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<sup>41</sup> Mandatory condition 3, Schedule 2, Part 1, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

immediately contacting staff on the premises floor (e.g. via radio communication).

- (c) are arranged so that all of the category B or C gaming machine area can be observed by staff. Operators should design the layout of the premises so as to allow staff clear lines of sight at all times.

G2.66 The mandatory condition also requires signage to be displayed at a prominent place at the entrance of any area containing category B or C gaming machines stating that no person under the age of 18 years is permitted to enter. The Licensing Authority considers that signage must be clearly visible at all times (e.g. not obscured by open doors), of a reasonable size and, where the customer base of the premises may not speak or read English as their first language, provide signage and information in the relevant alternative languages in addition to English.

G2.67 The Gambling Commissions Licence Conditions and Codes of Practice<sup>42</sup> and its guidance to licensing authorities<sup>43</sup> reinforce the importance of prohibiting underage access to category B and C gaming machine areas. The Licensing Authority will expect operators to provide details of policies and procedures designed to ensure that these requirements are met, including levels of staffing and supervision.

G2.68 Where CCTV is relied upon in the absence of sufficient staffing levels within the premises, it should be monitored live and operators of the CCTV should have an immediate communication

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<sup>42</sup> Social Responsibility Code 3.2.5, Licence conditions and codes of practice, Effective from the 1 October 2020

<sup>43</sup> Paragraph 18.7, Gambling Commission's Guidance to Licensing Authorities, Published 1 April 2021

system in place to enable them to contact staff without delay, for example a radio.

G2.69 Gaming machines should be positioned to ensure no blind spots are created. In addition, the requirements for the display of information on gaming machines<sup>44</sup> must be strictly adhered to and in an overt position on each gaming machine. The layout of the gaming machines must not be configured so as to obscure information or notices in any way.

### Buildings where there are more than one gambling premises Policy G2-G

**A. Applications for more than one application in a building and/or to divide an existing building containing a licensed gambling premises into different premises the applicant must demonstrate that:**

- 1. Access is restricted to prevent unlawful direct access by customers between licensed premises**
- 2. The different premises are generally separate premises, and not an artificially created part of what is readily identifiable as a single premise**
- 3. The different premises operate independently and do not use common non gambling areas.**
- 4. Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not 'drift' into a gambling area.**

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<sup>44</sup> Section 3, The Gaming Machine (Circumstances of Use) Regulations 2007

**5. The premises is not configured so that children are invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part.**

**B. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G2.70 A premises can be any place<sup>45</sup>, but a single premises cannot hold more than one premises licence<sup>46</sup>. However, the Licensing Authority recognises that there is, in principle, no reason why a building cannot comprise of two or more premises, and therefore, multiple premises licences, provided these premises occupy separate and distinct parts of the building.

G2.71 Access to a bingo premises is restricted by mandatory condition<sup>47</sup> prohibiting access from a Casino, Adult Gaming Centre or Betting Shop.

G2.72 The Gambling Commission’s guidance to Licensing Authorities notes that there is no definition of ‘direct access’, but the Licensing Authority, in line with the Gambling Commission’s guidance, considers that there should be an area separating the area concerned which the public go to for purposes other than

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<sup>45</sup> Section 353, Gambling Act 2005

<sup>46</sup> Section 152, Gambling Act 2005

<sup>47</sup> Mandatory condition 2, Schedule 2, Part 1, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

gambling for there to be no direct access<sup>48</sup>. The area which separates the licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public for purposes other than gambling.

G2.73 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATM’s.

G2.74 The Licensing Authority expects applicants for a building where a licensed gambling premises is already in operation to demonstrate that:

- (a) The different premises are genuinely separate and are not an artificially created part of what is readily identifiable as a single premises;
- (b) Separation between the premises is appropriate;
- (c) Access between premises is restricted to prevent unlawful direct access by customers between licensed premises.

G2.75 For example, the Licensing Authority would not expect to receive applications to artificially separate a building or existing licensed premises to enable the gambling operator to increase the number of gaming machines permitted in the building. The Licensing Authority will consider the reasons for the application and

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<sup>48</sup> Para 7.22 Guidance to Licensing Authorities, Published 1 April 2021

whether the design, layout and operation of the two premises will be truly separate. Applicants have attempted to circumvent the gaming machine entitlements for these premises licences by attempting to split buildings into multiple gambling premises so that each premises has its own machine entitlement. However, these premises, if granted would have operated as if they were one single premises.

G2.76 In the past applicants have attempted to create an unlicensed area accessed from the street which then leads into separate licensed premises. In such cases the premises are not clearly identifiable as separate premises and the unlicensed area is not likely to be used by the public other than by those using the gambling premises. Applications to place two or more licensed premises in one building with an unlicensed area separating them will also not meet this policy because of the artificial nature of the premises access, and likely questions on the genuine use.

G2.77 Factors the Licensing Authority will consider when determining whether a premises is truly separate include:

- (a) Whether a separate registration for business rates is in place at the premises;
- (b) Whether the neighbouring premises are owned by the same person;
- (c) Whether each premises can be accessed separately from the street or public passageway.
- (d) Whether the premises can only be accessed from any other gambling premises or from an unlicensed area shared in common with other licensed gambling premises.

G2.78 Children are not permitted into category B or C gaming machine areas of Bingo premises. Therefore, operators will need to

carefully consider the configuration of buildings if they are seeking to develop multi-purpose sites. In these circumstances, the third licensing objective of protecting children and the vulnerable from harm means not only preventing them from entering the category B or C gaming machine areas of Bingo premises but also preventing them from being in close proximity to gambling. The Licensing Authority will expect any such application to demonstrate what measures the operator has in place to uphold this objective, including how the configuration of the premises will ensure that children are not invited to participate in, have accidental access to or closely observe gambling. Aspects of the design such as line-of-sight into the premises must be considered and risk assessed with this in mind. Those premises which operate on the high street should consider visibility into the premises from any windows or glass / open doors.

#### Remote Gambling within the Premises from Tablets or Handheld Devices Policy G2-H

- A. If electronic tablet gaming devices are made available for customers, the applicant must demonstrate that:**
- 1. The number of tablet gaming devices do not exceed the number of potential customers that can be permitted in the premises at any one time.**
  - 2. The tablet gaming devices will be utilised safely and monitored so that customers are protected from gambling related harm.**
  - 3. Any tablet gaming device that is linked to a fixed gaming machine will be automatically disabled if the maximum number of gaming machines, for that category is exceeded.**

**4. if the tablet gaming device provides gaming machine content and is therefore a gaming machine how the applicant will comply with the requirements to display information in accordance with the gaming machine regulations.**

G2.79 Bingo premises can offer gambling content via electronic tablet style gaming devices within their premises. These tablets can provide bingo access and gaming machine content.

G2.80 These machines if they contain gaming machine content will count towards to premises overall machine entitlement. Due to the size of these devices a large number can be stored in a rack which takes up the same space as a traditional cabinet style gaming machine.

G2.81 The use of tablet gaming devices as gaming machines is permitted as long as those devices meet the required Gambling Commissions Technical Standards. Due to the size of these devices, it is possible to have large numbers of such devices available for use within licensed premises. However, the Licensing Authority will look at the maximum capacity of the premises and the number of gaming machines being offered and whether the number of gaming machines (both cabinet and table styles) available for use will be greater than the number of customers that can be accommodated in the gambling premises. The Licensing Authority has found that some gambling operators with smaller premises seek to maximise the number of higher stake cabinet style gaming machines within their premises by providing lower category gaming machine content, which is unlimited in the number available for use through table gaming devices. The Licensing Authority will consider the intention of the

Act on the number of gaming machines permitted under the premises licence entitlement when determining applications.

G2.82 The Licensing Authority expects any operator wishing to offer tablet or handheld devices as part of their gambling operating to demonstrate:

- (a) how they will utilise such devices safely with specific consideration for the protection of the vulnerable from being harmed or exploited by gambling;
- (b) how staff will monitor customers using devices in all gambling areas of the premises to ensure they are not being harmed or exploited by gambling;
- (c) where the tablet gaming device is linked to a fixed gaming machine, the mechanism by which the gaming machine will be rendered inactive while the portable device is detached so as not to exceed the maximum number of gaming machines permitted at the premises;
- (d) where the portable device operates as a gaming machine, how it will comply with the requirements to display information as required by regulations<sup>49</sup>;

#### Bingo Premises CCTV Cameras, Recording and Retention Policy

##### G2-I

**A. CCTV shall be provided throughout the bingo premises and at key access and egress points for customers, staff and deliveries.**

**B. CCTV shall meet the Metropolitan Police standards for CCTV.**

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<sup>49</sup> Section 3, The Gaming Machine (Circumstances of Use) Regulations 2007

- C. Applicants will be required to demonstrate to the Licensing Authority how they will:**
- 1. Provide sufficient CCTV coverage of the premises and the relevant outside locations**
  - 2. Manage and monitor the CCTV footage on a daily basis**
  - 3. Designate staff and ensure that they are sufficiently trained in the use, monitoring, and accessing of the CCTV system**
  - 4. Retain the CCTV recordings in a safe and secure way**
  - 5. Provide access or copies of CCTV recordings for the police, enforcement officer or authorised person, as defined under sections 303 and 304 of the Act**
  - 6. Ensure the CCTV system is maintained to ensure that it operates effectively**

G2.83 CCTV is an important tool in crime prevention and evidence gathering. It acts as a valuable tool for both the operator and responsible authorities in identifying and resolving issues which can impact upon the licensing objectives.

G2.84 Bingo premises should be highly monitored environments and the Licensing Authority expects operators to provide full coverage of the customer gambling areas as a minimum.

G2.85 Where necessary, the Licensing Authority may attach a condition to the premises licence requiring minimum standards of CCTV provision. The Licensing Authority has produced model conditions for CCTV provisions which may be relied upon where appropriate.

G2.86 The production of good quality CCTV with the minimum of delay can be of significant value to responsible authorities when investigating an incident and detecting crime. Therefore, the co-

operation of operators with responsible authorities in this respect is key. Where such co-operation is lacking, the Licensing Authority will seek to attach conditions to the premises licence to ensure this standard is maintained.

G2.87 Similarly, it is the experience of the Licensing Authority that effective communication between operators and responsible authorities can be of value to all parties. The Licensing Authority expects all operators to establish effective, clear lines of communication, particularly in relation to incident reporting, with the responsible authorities.

#### Bingo Premises Door Supervision and Security Personnel Provisions Policy G2-J

- A. Applicants will be required to demonstrate that they have sufficiently assessed the risk associated with their operation and whether door supervisors or security personnel are required.**
- B. If the applicant has identified that door supervisors or security personnel are required as part of the operation of the premises, they must demonstrate that they:**
- 1. Will have sufficient door supervisors and security personnel on the entry and egress points and/or within the bingo premises itself.**
  - 2. Will provide door supervisors and security personnel with sufficient training on:**
    - a. the bingo premises age verification policy;**
    - b. emergency procedures associated with fire detection, bomb threat or other emergency incident;**

- c. **appropriate action to be taken to prevent and detect crime and disorder inside the premises or immediately outside the entrances to the premises; and,**
- d. **the powers of entry of the police, enforcement officers and authorised officers when carrying out their duties under the Act.**

**C. For the purposes of this policy door supervisors and security personnel, other than those directly employed by the bingo operator must be licensed by the Security Industry Authority.**

G2.88 Bingo premises are required to adequately assess whether door supervisors should be employed at the premises. This will depend on the operation of the premises, the associated risk of crime and disorder, whether children are permitted to access the premises, whether alcohol is being sold, etc.

G2.89 The Licensing Authority regards door supervision of bingo premises that operate as over 18 environments and/or sell alcohol for consumption on the premises as crucial to both the first and third licensing objectives. It will be for the operator to assess the specific needs of each entrance to the premises, as well as all areas within the premises, and set this out within their risk assessment. Depending upon the specific circumstances of the premises location, the Licensing Authority will expect the operator to have training in place for all security personnel and door supervisors, as well as refresher training, which cover the current and emerging local risks.

G2.90 Operators are expected to keep numbers of security and door supervision under review and in line with any advice or guidance

provided by the responsible authorities. Where the premises are located in an area deemed to be sensitive or likely to attract crime or disorder, the operator is expected to increase any security presence accordingly. Regular communication with the police is recommended and operators should follow any strategic advice provided by the responsible authorities where the licensing objectives are likely to be impacted.

G2.91 It is noted that the door supervisors or security personnel who are employed by a bingo operator are not required to be licensed by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. However, any door supervisors or security not directly employed by a bingo operator must be licensed by the SIA.

G2.92 The Licensing Authority has the power to attach conditions to the premises licence in relation to door supervision<sup>50</sup>. Depending on the individual circumstances, these conditions may include the number of door supervisors or security personnel that must be present on the premises, their locations and the times during which they must be present. Where circumstances deem it necessary, the Licensing Authority will attach a condition in order to guard against unauthorised access or occupation of the premises, or against outbreaks of crime and disorder.

G2.93 Circumstances in which the Licensing Authority may deem this necessary include, but are not limited to:

- (a) repeated access to restricted areas by children or young persons.
- (b) failure to implement a Challenge 21 or Challenge 25 policy effectively.

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<sup>50</sup> Section 178, Gambling Act 2005



- (c) repeated outbreaks of crime or disorder at the premises which are not dealt with appropriately by the operator.
- (d) repeated threats to staff welfare or safety which are not dealt with appropriately by the operator.
- (e) repeated incidents of violent or aggressive behaviour, including those towards staff and property such as gaming machines.

G2.94 The Licensing Authority regards the imposition of a condition requiring door supervision as a strong measure and will only resort to implementing such a condition where it is deemed necessary to ensure the premises operation is reasonably consistent with the licensing objectives or efforts to resolve on-going issues have proved unsuccessful. It is therefore in the operators' interests to work with the Licensing Authority, residents, and other responsible authorities, in order to resolve such issues prior to this measure being required. It is the intention of the Licensing Authority to enforce the principal that crime or disorder in bingo premises is unacceptable and that a standard of good behaviour is expected of all customers.

### Bingo Premises Staffing Levels Policy G2-K

- A. The applicant will be required to demonstrate that they will have sufficient staffing levels, excluding door supervisors or security personnel in place to:**
- 1. Monitor the operation of bingo so as to:**
    - a. provide customers with support in understanding the rules of the games,**
    - b. manage payments and prizes associated with the operation of bingo**
    - c. provide positive customer interactions relating to their gambling behaviour,**

- d. ensure that no one is committing any crime whilst on the premises and**
- e. ensure that customers comply with the operators' rules, the terms and conditions of the licence and the Act.**

- 2. Carryout age verifications checks to ensure customers are over the age of 18 in line with the requirements of the Bingo Age Verification Policy G2-D and ensure that no child can access any adult only area or play on any category B or C gaming machines.**

**B. For the purposes of this policy any reference to "child" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G2.95 Bingo premises, in particular those offering electronic bingo, can operate with reduced staffing levels which can increase the risk of impacting on one or more of the licensing objectives. However, the Licensing Authority generally accepts that staffing levels are to be determined by business needs and should be risk assessed in line with the proposed operation of the premises, the size of the premises, the number of entrances and exit points, the location and size of any over 18 segregated gaming machine area, whether alcohol is being sold for consumption on the premises, the number of customers that can be present on any given day, and character of the local area and local crime rates.

G2.96 The Licensing Authority does expect operators to have sufficient staff on the premises so as to enable:

- (a) sufficient monitoring of the entire premises.

- (b) age verification checks to be carried out upon those proposing to enter age restricted areas of the premises.
- (c) monitoring of and providing assistance to vulnerable customers.
- (d) adequate monitoring of all gaming machines.
- (e) monitoring of all entrances to the premises.

G2.97 The Licensing Authority recognises that the size of the premises and levels of custom will be a factor determining minimum staffing levels but expects operators to have sufficient staffing levels to be able to serve customers as well as to carry out all of the above functions at the busiest of times. The Licensing Authority will not accept staff being busy serving customers as justification for not being aware of circumstances in the premises or being in control of the premises or failing to carry out age verification checks.

G2.98 In certain circumstances, the Licensing Authority may deem it necessary to impose minimum staffing levels after certain times and / or in certain areas through conditions attached to the premises licence.

### Bingo Premises-Based Advertising Policy G2-L

**A. Applicants will be expected to assess the associated risk with advertising the bingo premises, the entertainment and/or any gambling activities that are visible from the exterior of the premises, advertised in the local area or advertised to a wider geographical area beyond the local area or beyond Westminster.**

- B. In considering the risk associated with any advertising of the bingo premises or its functions the operator will demonstrate that they have considered:**
1. If the content of the advertisement is designed or worded in a way that could attract children;
  2. If the content of the advertisement is correct and accurately explains any promotion, activity, event, rules, terms, conditions, or restrictions;
  3. The risk to those who may be of greater risk to gambling related harm within the area in which the advertisement is being displayed and does not target a particular vulnerable group or culture; and,
  4. That any advertisements are not placed on or near buildings that are considered sensitive.
- C. For the purposes of Clause B.4 a sensitive building is classified by the Licensing Authority as a:**
1. School, college, or other educational institution
  2. Community centre, youth centre, playground, toy shop, bowling alley, cinema, sport/leisure centre or premises of a similar nature where children are likely to gather
  3. Church, mosque, temple, synagogue or other place of religious worship
  4. Bank, building society, post office or other financial institution
  5. Debt advice centre, job centre, community hub, citizen advice centre or similar premises associated with supporting those in financial difficulty or who are seeking employment
  6. General practitioners' surgery, health centre, hospital, residential care home, psychiatric treatment centre or other premises that provide support for vulnerable people

- 7. **Homeless hostel, shelter or other accommodation for those who are homeless or have been rough sleeping.**
- 8. **Addiction clinic or other premises that are used for the treatment and support of gambling addiction or other addictive behaviours.**

**D. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G2.99 Operators must comply with the Advertising Standards Agency (ASA), UK Code of Non-Broadcast Advertising and Direct & Promotional Marketing (CAP) code and the Industry Group for Responsible Gambling (IGRG), Gambling Industry Code for Socially Responsible Advertising as a requirement of the Gambling Commissions Licence Conditions and Codes of Practice Social Responsibility Code 5.1.6. The ASA CAP and IGRG codes relate to the content of the advertising and to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harm or exploited. Whilst these codes predominantly relate to the content of the advertising the Licensing Authority is concerned about the locality in which some advertising may take place within areas that have been identified as of greater risk or that have particularly sensitive buildings. As such the Licenisng Authority’s policy is that gambling operators should be particularly aware of the potential risks associated with advertising within the GVZ. Operators should assess how this may impact any at risk members of the public living, working or visiting the area.

G2.100 Where a risk to a particular group has been identified in the local area profile, any internal and external advertising should be careful so as not to be targeted towards these groups. Operators should refer to the relevant local area profile for further details.

G2.101 Operators outside of any GVZ should be aware of any advertising undertaken either directly or on their behalf taking place within or in close proximity to a GVZ which could impact upon at risk groups.

#### Bingo Merchandise Policy G2-M

**A. Applicants that wish to provide branded bingo merchandise, either for sale or to be given away without charge as promotional material will be required to demonstrate that the merchandise is not designed for, intended for use by or promoted to children.**

**B. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G2.102 Bingo operators merchandise carrying their logo, branding or any other such mark must not be designed or intended for use by children or young people or known at risk groups. Such merchandise should not be given away as a promotion or sold to any member of the public where the intention is to attract children, young people or other at-risk groups to the premises or to gamble.

## Provision and location of ATM's in Bingo Premises Policy G2-N

- A. If an applicant intends to provide an ATM within the licensed Bingo premises the location of that ATM shall be marked on the plan accompanying the application.**
- B. The applicant will be required to demonstrate to the Licensing Authority that the sighting of the ATM has been risk assessed to ensure that it:
  - 1. Is located in a position that will enable bingo staff to monitor it at all times either via CCTV or by staff present within the bingo premises**
  - 2. Is located at a sufficient distance away from the nearest gaming machine so as to require a customer to leave the machine in order to use the ATM**
  - 3. Is located in a position that will enable the safe restocking and removal of cash.****
- C. The applicant shall ensure that the opening of any ATM's is done at a time when the premises is either closed or at a time when there are sufficient security personnel or staff present.**

G2.103 The Licensing Authority is aware that frequent and repeated use of an ATM by customers is an indicator that they may be vulnerable to harm from gambling. As such, any ATM located on the premises should be positioned in an area so as to enable staff to monitor its use at all times. The location should be a sufficient distance from any gaming machine so that the customer has to leave the gaming machine in order to use the ATM. The Licensing Authority will expect any operator providing an ATM on the

premises to have policies in place which provide for adequate staff training in how to identify potentially at risk and vulnerable customers. Although frequent and repeated use of an ATM in itself is not necessarily evidence of gambling-related vulnerability to harm, the Licensing Authority considers it an indicator and therefore the responsibility is with the operator to identify and mitigate any risks to customers at this point.

G2.104 Operators should be aware of the risk of crime when opening any ATM to either refill or remove cash. The Licensing Authority expects any operator to risk assess and have a policy in place which will mitigate any risk of crime or disorder in these circumstances. This may include unlocking or accessing the machine only when no customers are on the premises or only when sufficient security personnel are present. Operators are expected to have sufficient security measures and personnel in place to mitigate any risk of crime and should liaise with the Police and responsible authorities when assessing this risk.

G2.105 The Licensing Authority may deem it necessary to restrict the use of any ATM, including imposing a condition on the premises licence prohibiting the presence of an ATM, where it feels it necessary in the circumstances. It will be for the operator to demonstrate in any application and risk assessment that sufficient measures are in place to mitigate the potential risks.

## Betting Premises (Tracks and Shops) Policies – G3

### Betting Tracks Policy G3-A1

**A. Applications for a provisional statement or new betting track premises licence or to vary an existing betting track licence will generally be granted subject to:**

- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
- 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.**
- 3. The applicant having undertaken an assessment of the local area risks as defined within the Location Policy F1 and Risk Assessment Policy C1.**
- 4. The hours for gambling activities being within the hours as specified within the Hours Policy E1.**
- 5. The applicant meeting the requirements of the other relevant policies within this section.**

G3.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and also general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self-contained

facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

- G3.2 All tracks will require a primary ‘general betting premises licence’ that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.
- G3.3 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The Licensing Authority will, however, assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.
- G3.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator’s premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.
- G3.5 Children and young people will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- G3.6 The Licensing Authority will consider the impact upon the protection of children licensing objective and the need to ensure

that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- G3.7 Due to the nature of tracks, the availability of betting facilities will be limited to those permitted to enter the track for specific sporting event. Unlike betting shops, the betting facilities at tracks will only be available to ticket holders to the event.
- G3.8 The Licensing Authority will generally permit applications if they meet the key considerations and relevant policies within this statement. Applications for betting tracks will not be subject to the specific restrictions associated with the Gambling Vulnerability Zones. This is because tracks are considered to be multi-purpose venues and provide a wide range of facilities other than gambling. Gambling may be provided when certain sporting events are taking place, but this may be limited to once a week, e.g. a football stadium when a Saturday match is taking place where spectators can access the ground. The availability of betting within a track is likely to be dictated by the relevant sporting activities calendar of events and when that track is being used.

### Betting Shop Policy G3-A2

**A. Applications outside a Gambling Vulnerability Zone for a provisional statement, new betting shop premises licence or to vary an existing licence will generally be granted subject to:**

- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**

- 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.**
- 3. The applicant having undertaken an assessment of the local area risks as defined within the Location Policy F1 and Risk Assessment Policy C1.**
- 4. The hours for gambling activities being within the specified hours for betting shops and betting tracks within the Hours Policy E1.**
- 5. The applicant meeting the requirements of the other relevant policies within this section.**

**B. Applications within a Gambling Vulnerability Zone for a provisional statement, new betting premises licence or to vary an existing licence will be considered on their own merits and subject to the following:**

- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
- 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.**
- 3. The applicant having demonstrated that they have sufficiently assessed the associated gambling risk and put forward sufficient mitigation to satisfy the Gambling Vulnerability Zones Policy F2 and the Risk Assessment Policy C1.**
- 4. The hours for gambling activities being within the hours as specified within the Hours Policy E1.**
- 5. The applicant meeting the requirements of the other relevant policies within the betting premises policies below.**

G3.9 Betting shops are a class of gambling premises permitted under the Gambling Act 2005. A premises licence for a betting shop enables the holder to use a premises for the provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets.<sup>51</sup> Betting shops are also permitted to make available up to four gaming machines of category B2 or below<sup>52</sup> in a licensed premises, as well as self-service betting terminals.

G3.10 Betting shops, as with all gambling premises, are the subject of dual regulation by the Gambling Commission, via personal and operating licences, and the Licensing Authority, via premises licences. The Gambling Commission, in considering, issuing and maintaining personal and operating licences, considers the operator's suitability and ensures the operator has policies and procedures in place to cover various issues such as anti-money laundering and reporting procedures.

G3.11 Betting shops are subject to the Licence Conditions and Codes of Practice which is set by the Gambling Commission. As such, these are issues that the Licensing Authority will not need to consider in determining applications and, in the interests of avoiding duplication of regulation, will focus on premises specific issues. In certain circumstances, however, the Licensing Authority will expect to be provided with information concerning an operator's policies and procedures to ensure that the operator has suitable policies in place to meet the challenges of the local area.

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<sup>51</sup> Section 150(1)(e), Gambling Act 2005

<sup>52</sup> Section 172(8), Gambling Act 2005 & Para 6(3)(d) The Categories of Gaming Machines Regulations 2007

#### *Licence conditions*

G3.12 Betting shop premises licences are also subject to mandatory and default conditions under the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007. Mandatory conditions for betting shops include requirements to:

- (a) display the summary of the premises licence in a prominent place within the premises;
- (b) maintain the layout of the premises in accordance with the plan submitted on a new or subsequent variation application;
- (c) prohibit the sale of National Lottery, private lottery or customer lottery tickets in the premises;
- (d) display a notice prohibiting persons under the age of 18 from entering the premises in a prominent place at every entrance to the premises;
- (e) have the entrance to the premises from a street or other betting shop;
- (f) prohibit direct access between the betting shop and another premises used for the retail sale of merchandise or services;
- (g) restrict the purpose of the shop solely to providing facilities for betting;
- (h) locate any ATM on the premises away from betting machines or gaming machines;
- (i) restrict sound and visual devices on the premises to those providing sporting coverage or information, including information on betting on such events;
- (j) restrict the sale of publications to racing periodicals or specialist betting publications;
- (k) prohibit music, dancing or any other entertainment on the premises;

- (l) prohibit the consumption of alcohol on the premises at any time while facilities for gambling are being provided and a notice to that effect to be displayed at every entrance to the premises in a prominent position;
- (m) Display a notice setting out the terms on which customers are invited to bet on the premises in a prominent place at the premises.

G3.13 The default condition for betting shops restricts the facilities for gambling at the premises to between 7am and 10pm each day. However, the default condition can be removed and/or varied as part of a new application or through a variation application.

G3.14 As above, the Licensing Authority will not seek to duplicate any of these measures but will, where appropriate, develop these conditions to deal with specific issues for the premises in the form of licence conditions attached to the premises licence.

G3.15 The operation of betting premises are restricted through mandatory conditions as set out in the Gambling Act 2005 (Mandatory and Default Conditions) Regulation 2007. The Licensing Authority can, upon application, remove default conditions from a premises licence but has no authority to remove or modify mandatory conditions. The default condition in relation to betting shops relates to hours of operation and will only be removed and / or replaced if the Licensing Authority is satisfied that the change is consistent with the criteria specified in section 153 of the Gambling Act 2005.

*Operating in a Gambling Vulnerability Zone*

G3.16 The Council has identified within its Local Area Profile (LAP)\_ areas where residents may be at greater risk to the impact of

gambling-related harm. It has also had and continues to have regard to relevant research which assists in providing more information on the gambling landscape within the borough to operators, responsible authorities and interested parties. The Gambling Vulnerability Zones (GVZ's) within Westminster define areas within which the Licensing Authority has significant and increased concerns regarding the impact on residents who may be at greater risk to gambling related harm. Therefore, gambling premises, either proposed or existing, within GVZ's can expect a greater degree of scrutiny from the Licensing Authority to ensure that the operation is in line with the principles of the legislation and associated regulations, specifically s153 of the Gambling Act 2005.

G3.17 It is important to note that the Licensing Authority, in establishing these GVZ's, is not creating a barrier to the operation of gambling premises within these areas. It does, however, expect operators with existing premises or planning to open new premises in such areas to have particular regard to the issues within the locality and clearly demonstrate how associated risks are to be mitigated. It is not the position of the Licensing Authority to dictate what measures are appropriate in all circumstances. Rather, it is the responsibility of each operator to satisfy the Licensing Authority that it has had particular regard to the issues affecting the locality and has appropriate measures in place to mitigate associated risks.

G3.18 All parties should refer to the Council's LAP for the relevant area in which the premises are located. The LAP sets out in detail the considerations which the Licensing Authority will expect all operators to take into account when making applications and forming or updating risk assessments for particular premises. The LAP is based on the Licensing Authority's knowledge of each area



and will develop over time as further information is provided and updated. However, we acknowledge that those local to the area may have more detailed knowledge of the area and welcome comments made at the application consultation stage or at any other time.

### *Applications*

- G3.19 Applications for betting shops must provide the minimum requirements as set out in the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007. Application forms only allow for limited information to be provided and applicants are encouraged to engage with responsible authorities, local residents and businesses to avoid attracting unnecessary representations. It is the Licensing Authority's experience that a complete and detailed application can allay concerns around betting shops. The Licensing Authority would recommend, where appropriate, that applications include the following additional information:
- (a) policies and procedures
  - (b) operating manual
  - (c) staff training measures
  - (d) risk assessment
  - (e) proof of age scheme
  - (f) CCTV measures incl. plans
  - (g) details of any entry control system
  - (h) supervision of entrances / machine areas
  - (i) location of entry
  - (j) notices / signage
  - (k) self-exclusion schemes
  - (l) provision of information leaflets / helpline numbers for organisations (e.g. GamCare)

G3.20 This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to demonstrate their efforts to meet the licensing objectives.

### Betting Premises Cashier Counters Policy G3-B

- A. The applicant must identify within the plan for the betting premises, accompanying the application the location of any cashier counter within the premises.**
- B. The applicant must include, within their gambling risk assessment details of the identified risks associated with the placement of the cashier counter, its operation and what control measures will be used to mitigate or eliminate those risks.**
- C. In conducting the risk assessment associated with the placement and use of a cashier counter within the premises the applicant will be expected to have considered the following:**
  - 1. The placement of any cashier counter so as to increase the ability of staff at the counter to actively monitor customers within the premises.**
  - 2. The design, accessibility, materials used in the construction, lighting, staff access and egress points, cash till and safe (if applicable) locations within the cashier counter and layout of the cashier counter to ensure that it is secure and reduces the risk of crime.**
  - 3. The minimum staffing requirements for the cashier counter.**
  - 4. The location and type of CCTV monitoring, both within and outside the cashier counter.**

5. **The ability and processes for cash handling and restocking of the cashier counter.**
6. **The security arrangements for the cashier counter, including bandit screens, alarms (both personal and fixed), and safehaven/panic room.**
7. **The policies, procedures and staff training required for the safe and compliant operation of the cashier counter and betting premises.**

G3.21 The Licensing Authority expects all operators to fully consider appropriate security measures for the protection of staff and customers within its premises. The layout of a premises and the security measures must be in line with a risk assessment undertaken by the operator.

G3.22 Premises within a Gambling Vulnerability Zone will be expected to take into account the relevant factors at that location. In relation to the cashier counter, this should include the location of the counter, whether a security screen is appropriate and any suitable security measures.

G3.24 The cashier counter is the point at which staff are likely to spend most of their time during operating hours, it is important that the cashier counter is located so as to provide staff with a clear and open view of the entire shop floor, or as much as is possible given the layout of any particular premises. In addition, a particular shop may wish to elect a particular till as the principal till for shop staff to avoid staff frequenting a till point which does not allow for a full view of the premises.

G3.25 The Licensing Authority is aware that betting shop staff report being spat at by customers or members of the public and that this can be an unintended consequence of security screens being fitted at the premises. As with all crime, the Licensing Authority considers that spitting at shop staff is unacceptable behaviour and should be reported to the Police. Operators may also wish to consider appropriate measures for stamping out such behaviour such as notices stating any such incidents will be reported to the Police or the implementation of spit kits at premises. The Licensing Authority will continue to work with and support operators and the Police where such measures are adopted.

G3.26 The Licensing Authority expects applicants to carry out a suitable risk assessment in accordance with the Council's Risk Assessment Policy C1. This risk assessment must consider whether security measures are required. Depending on the risks identified, Licensing Authority would expect appropriate security measures to be put in place such as:

- (a) full height screen
- (b) maglocks
- (c) staff safehaven or panic room
- (d) panic alarm
- (e) personal Fob alarm
- (f) CCTV

G3.27 Some betting shop premises within Westminster have sought to amend the layout of the premises to remove the counter and operate a more open design with staff circulating on the shop floor. The Licensing Authority recognises the benefits of greater staff interaction with customers and believes this approach can have advantages in identifying potential issues within the premises before they escalate. However, such benefits must be weighed carefully against security considerations in a particular

locality. Where operators seek such a design the Licensing Authority expects the operator to provide detailed reasoning as to how the benefits of an open layout will outweigh the security concerns. In particular, applications must reflect appropriate measures to protect staff in the event of an incident. Such measures may include, but are not limited to the following:

- (a) risk assessments
- (b) personal fob alarm
- (c) safe haven
- (d) CCTV linked to live monitoring
- (e) staff training
- (f) incident reporting log book

G3.28 The Licensing Authority recognises that staff interaction is intended to boost communication with customers and to create a friendlier environment, but also to promote betting and other gambling activities permitted on the premises. Whilst not seeking to interfere with the commercial operation of the business, the Licensing Authority will seek assurances from operators that customers approached by staff in this manner are assessed in line with the licensing objectives and that staff have suitable training to identify those who are at risk to gambling related harm.

### Betting Premises Abuse and Assaults Directed at Staff and Customers Policy G3-C

**A. The applicant must demonstrate that they have suitably assessed the risks and put forward sufficient measures to ensure that:**

- 1. Staff are able to actively identify customers who are exhibiting signs of agitation and aggressive behaviour before it can escalate.**

- 2. Staff are able to confidently carryout customer integration to de-escalate agitation or aggression.**
- 3. Staff can actively engage and deal with customers who are not compliant with premises rules, are causing a disturbance, abusing staff or other customers, undertaking criminal activity, or similar inappropriate customer behaviour or who are banned, or self excluded from the premises.**
- 4. Staff can retreat from the customer to a safe location or be able to call for assistance anywhere within the premises if required.**
- 5. Appropriate measures are in place to identify and take action against any customer who abuses or assaults a member of staff or customer or commits any criminal activity within the premises.**
- 6. Staff are able to log incidents associated with abuse or assault against them or a customer and that these reports are actively reviewed, and appropriate steps are taken to prevent similar incidents from occurring in the future, staff are fully supported, and that appropriate action is taken against the offending customer.**
- 7. Staff are supported if necessary if they have been a victim of abuse or have been assaulted by a customer whilst working in the betting premises.**
- 8. Customers are made aware of what is unacceptable behaviour and what action the licensed betting operator will take against customers who abuse or assault staff or other customers or commit offences on the premises.**
- 9. There are active communication channels with other licensed gambling premises and/or businesses in the**

**area to share information on problematic customers or other relevant issues.**

- 10. That following a change in operation, the local area, an incident with a customer or new intelligence about problematic customers, staff are able to undertake risk assessments to ensure necessary mitigation can be put in place.**

G3.29 Attacks on staff and customers, either physical or verbal, can occur in betting premises and must be considered seriously by the operator. A large amount of attention is often given to the risk of robbery due to the historical nature of serious crimes at betting premises. However, lower-level verbal abuse or physical assaults, such as common assault and actual bodily harm from pushing, spitting or striking staff members are more likely to occur. Other customers can also be victims of abuse or assault and therefore customers also need to be considered when assessing the risks of such incidents occurring and the measures to protect them. It is the experience of the Licensing Authority and the Police that such incidents, if not dealt with properly, can escalate quickly and require police intervention.

G3.30 Racial or homophobic abuse (verbal and physical) of staff within betting premises must be taken extremely seriously by operators. The Licensing Authority are aware that betting premises staff can receive racial or homophobic abuse, often verbally when they address poor customer behaviour or where customers divert their frustrations towards them. The Licensing Authority will expect applicants to have a robust and proactive approach to dealing with such customers and supporting staff who are the victims of such abuse. The Council and the Police will work with gambling operators to eradicate such behaviour from gambling

licensed premises and emphasise that such behaviour will not be tolerated within Westminster.

G3.31 The Licensing Authority will expect gambling operators to pay sufficient attention to the risks to staff and the related criminal activity against them. Applicants must adequately assess the risk of these occurrences based on historical complaints or incident reports from staff or looking at the likely risks for such incidents to occur when considering new sites. The applicant must have in place sufficient policies, procedures, staff training and control measures to deter such activities, identify offenders, take robust action against perpetrators and support staff.

#### Betting Premises Age Verification Policy G3-D

- A. Applicants will demonstrate that they have an age verification policy in place for the premises that meets the Licensing Authority's minimum requirements.**
- B. The applicant must demonstrate that all staff who interact with betting premises customers, either at entry or within the premises, are provided with sufficient training to carry out age verification checks in accordance with the betting operator's age verification policy.**
- C. The minimum requirements, referred to in Clause A, for applicants age verification policies will be Think/Challenge 21.**
- D. The applicant will be required to provide the Licensing Authority upon request with:
  - 1. The results of any age verification testing, either undertaken by the operator or by a third party, and****

2. **Any logs and/or records associated with:**
  - a. **Challenges made under the age verification policy,**
  - b. **The number of customers who failed challenges under this policy,**
  - c. **Any breaches of the age verification policy by staff, and,**
  - d. **Any incidents where a child or young person has accessed the premises, made a bet or used any other gambling products or machines on the premises.**

**E. For the purposes of this policy any reference to “child” or “young person” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005. Therefore, such references will apply to anyone under the age of 18.**

G3.32 The protection of children from being harmed or exploited by gambling is a fundamental principal of the Gambling Act 2005 and is enshrined in the licensing objectives. This is developed further in the Licence Conditions and Codes of Practice.

G3.33 In principle, it is the view of the Licensing Authority that this objective is the easiest to maintain through proper checks and staff vigilance. Applicants will be expected to deter underage attempts to access betting premises and to generate an understanding that those appearing to be under a certain age can expect to be challenged for age verification identification.

G3.34 The Licensing Authority expects operators to implement a Think/Challenge 21 policy as an absolute minimum requirement and to provide evidence of staff training on this policy. In certain

circumstances, a Challenge 25 policy may be required where the risk of underage access to the premises deems it necessary, for example where the premises have failed test purchases or children or young persons have gained access to the premises. Premises in close proximity to schools or further education institutions will be expected to demonstrate what measures are in place to mitigate the increased potential for underage access attempts. Operators should also maintain a refusal log where a person challenged for identification has failed to produce a satisfactory version.

G3.35 To ensure the effectiveness of age verification policies at the premises, operators should implement a process of third-party age restricted access testing at the premises. This should be undertaken at regular intervals as defined within the operator’s own risk assessment and company policy. Results of age verification policy testing should be assessed and where necessary policies should be reviewed and amended accordingly. The results of the third-party testing as well as any logs of age verification challenges or failures within the shop shall be made available to the Licensing Authority upon request.

G3.36 Where a betting premises fails test purchases, depending on the level of the failure, the Licensing Authority may seek to implement stricter age verification measures at the premises. For example, a premises operating a Think or Challenge 21 scheme which repeatedly fails the test purchase process or fails on multiple points may be required to implement a Think or Challenge 25 policy and review staff training methods.

G3.37 Parliament amended the Act<sup>53</sup> to allow the employment of persons under the age of 18 years at betting track premises, in functions not associated with gambling (for example, as ticket checkers, concession kiosk staff, litter collectors, and so on). However, the offence under the Act, prohibiting the employment of children and young persons to provide facilities for gambling, is unaffected<sup>54</sup>. Proprietors of track premises must ensure that any persons under the age of 18 employed at their premises are not called upon to assist with the operation of betting facilities.

### Betting Premises Staff Line of Sight Policy G3-E

- A. Applicants must demonstrate that they have considered the layout of the premises, including entry and egress points and the location of gaming machines, ATM's, Self Service Betting Terminals and/or Cashier Counters to provide clear lines of sight to enable staff to adequately monitor the premises.**
- B. If CCTV will be utilised to monitor the premises then the applicant must demonstrate that they meet the Betting Premises CCTV Cameras, Recording and Retention Policy G3-F.**

G3.38 The Licensing Authority expects operators to consider line of sight when considering the layout of a premises, especially in relation to the staff position from the counter. It is the Licensing Authority's position that staff must at all times be in control of the premises and to do so they must be aware of the entire premises floor to enable supervision at all times.

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<sup>53</sup> Section 55, Gambling Act 2005

<sup>54</sup> Section 51, Gambling Act 2005

G3.39 In particular, staff should have clear line-of-sight from their usual location (e.g. the counter position) to:

- (a) entrances to and exits from the premises
- (b) gaming machines
- (c) ATM's
- (d) self Service Betting Terminals
- (e) cashier Counters

G3.40 Where full line-of-sight is not possible, all alcoves and blind spots will need to be covered by the use of either CCTV with live monitoring available to staff or the use of a mirror to allow staff the ability to clearly view that area from the counter position. For the avoidance of doubt, it is the opinion of the Licensing Authority that the above listed items should be in direct line-of-sight in betting shops rather than covered solely by CCTV or mirrors. Betting tracks that cannot meet the direct line-of-sight requirement should provide other means of monitoring through additional floor walkers or security personnel who have additional training associated with gambling related considerations.

G3.41 Operators may also wish to consider a primary / principal counter position. In the event that a premises is manned by a single staff member, that staff member must place themselves in a position which enables them to monitor the entire premises. A staff member's favourite counter position may not be the most effective place from which to achieve this.

### Betting Premises CCTV Cameras, Recording and Retention Policy G3-F

- A. CCTV shall be provided throughout the betting premises and shall specifically cover the following:**
  - 1. Access and egress points for customers, staff and deliveries to the premises.**
  - 2. ATM's**
  - 3 Gaming machines**
  - 4 Self Service Betting Terminals**
  - 5. Cashier counters and staff area**
  - 6. Entrance and exit doors to any cashier counters or separate staff rooms.**
- B. CCTV shall meet the Metropolitan Police standards for CCTV.**
- C. Applicants will be required to demonstrate to the Licensing Authority how they will:**
  - 1. Provide sufficient CCTV coverage of the premises and the relevant outside locations**
  - 2. Manage and monitor the CCTV footage on a daily basis**
  - 3. Designate staff and ensure that they are sufficiently trained in the use, monitoring, and accessing of the CCTV system**
  - 4. Retain the CCTV recordings in a safe and secure way**
  - 5. Provide access or copies of CCTV recordings for the police, enforcement officer or authorised person, as defined under sections 303 and 304 of the Act**
  - 6. Ensure the CCTV system is maintained to ensure that it operates effectively**

G3.42 CCTV is recognised as an important tool in combating crime and disorder at a premises, as well as assisting in the identification of those who may be at risk to harm from gambling. The Licensing Authority is aware that, as most betting premises operators in

Westminster are larger national operators, CCTV matters are largely dealt with in a centralised control room at a separate location to the betting premises. This can cause issues with requesting and viewing CCTV footage, particularly in urgent circumstances. In addition, it is the experience of the Licensing Authority that the quality of CCTV can vary widely depending on the circumstances of each premises. For track operators the CCTV system may be operated by the Track owner, if different. Therefore, Betting Track operators must engage with the track owner and provide details relating accessing CCTV and the retention of the system. Given the importance of this tool for both the operator and the responsible authorities, the Licensing Authority has set out its expectations below.

- G3.43 As a minimum requirement, the Licensing Authority expects the operator to manage or have access to a CCTV system at the premises that covers the following:
- (a) full coverage of the premises
  - (b) full face capture / frontal identification of people entering / exiting the premises in any light condition
  - (c) recordings for a minimum of 31 days with date and time stamping
  - (d) recordings at all times when the licence is in operation and when customers are on the premises
  - (e) ability to provide the Police or Licensing Authority still images immediately on request
  - (f) ability to provide the Police or Licensing Authority recordings on a disc or memory stick or similar with the absolute minimum of delay
  - (g) ability to playback CCTV recordings immediately on the premises upon request from the Police

G3.44 The Licensing Authority expects betting premises operators to provide staff or suitable personnel with training on their CCTV systems so that they may be able to facilitate the above with the absolute minimum of delay. For betting tracks where the CCTV is managed by the track owner and not the betting track operator sufficient arrangements must be made to enable access to CCTV images and recordings without delay. In addition, any faults in the CCTV system shall be identified, recorded, reported and resolved with the absolute minimum of delay. Betting premises staff must be aware of the importance of compliance with this provision in assisting the Police and / or Licensing Authority with their investigations and it is for the operator to ensure training procedures are in place to minimise delays in receiving the CCTV images.

G3.45 Where appropriate and depending on the location, the Licensing Authority may require external CCTV to be provided at the premises. The Licensing Authority expects staff to be aware of the area immediately outside the premises' entrances / exits so that they have the ability to prevent entry should such measures be required. Therefore, if the view of the staff is excluded, either by window advertising or lack of line of sight (e.g. a basement premises), to the exterior of the entrance to the premises, the Licensing Authority may request external CCTV cameras to be positioned so as to allow staff to monitor these areas.

G3.46 Similarly, should the premises be located in an area which is known to suffer from loitering of customers or members of the public in the immediate exterior of the premises, whether to smoke or otherwise, the Licensing Authority may request the premises to incorporate external CCTV monitoring so as to allow staff to be aware of these areas.

G3.47 Where it deems it necessary, the Licensing Authority may require external CCTV coverage of external areas of the premises to be displayed on a monitor within the premises, either behind the counter for staff monitoring or more overtly within the betting premises so as to inform customers that such monitoring is in place.

### Betting Premises Gaming Machine Booths/Pods Policy G3-G

- A. Applicants that intend to place gaming machines within booths or pods within a betting premises will be required to demonstrate that they have considered the risks associated with:**
- 1. Customers breaching the rules of the betting premises operation, the terms and conditions of a licence, any offences under the Act or committing any other criminal activity.**
  - 2. The ability of staff to monitor customer behaviour and their ability to make positive interactions when customers are showing signs of agitation, aggression or vulnerability to gambling related harm.**
  - 3. Impact of gambling related harm on the customer due to the focused nature of the booths or pods on the gaming machine and the isolation that customers will have from the rest of the premises.**
  - 4. The potential impact of gambling related harm to customers where a premises are located within a designated Gambling Vulnerability Zone as set out within Policy F2.**



- B. Any gaming machine booths or pods located within a premises must meet the staff line of sight and CCTV requirements as set out in policies G3-E and G3-F.**
- C. No self-service betting terminals, in-play betting terminals or other gambling products other than a gaming machine shall be made available for use and accessible by a customer whilst within a booth or pod.**
- D. Sufficient gambling harm prevention advice, including a telephone number to access support if required, must be provided and easily accessible by the customer in the booth or pod.**

G3.48 The Licensing Authority has noted the introduction of booths or pods within some betting premises which enclose a gaming machine and / or a self-service betting terminal. These pods partially enclose the customer and gaming machine which limits their view of the premises.

G3.49 The Licensing Authority understands that it is the intention of the operators to provide customers with some privacy during their gaming and recognises that customers can become agitated or uncomfortable when other customers observe their play over the shoulder. However, given the private and potentially isolated nature of the booths / pods, the Licensing Authority expects operators to give consideration to the risks posed to those using gaming machines in booths and whether customers can be made more vulnerable by any consequential isolation or reduction in staff interaction or observation.

G3.50 The Licensing Authority expects all gaming machines in booths to meet the requirements for staff line-of-sight and supervision. In addition, the Licensing Authority expects any Self-Service Betting Terminals or in-play betting terminals not to be located in pods where gaming machines are located. A customer should not be able to participate in more than one form of gambling at any one time and the layout must take this into account, requiring the customer to leave the gaming machine should they wish to place an over-the-counter bet or use an SSBT or in-play betting machine.

G3.51 In addition to the considerations above, the Licensing Authority will expect the operation of booths / pods in premises that are located within a designated Gambling Vulnerability Zone to carefully assess the heightened risks to those who may be vulnerable to gambling related harm, as set out within the Councils Local Area Profile and Policies F2 and F3 of this statement. Where it is deemed that the levels of vulnerability or crime and disorder are significant, further consideration to the potential harm of booths / pods will be expected.

#### Betting Premises Gaming Machines Policy G3-H

- A. The applicant must demonstrate that they have sufficient policies, procedures, staffing and other control measures in place to ensure:**
  - 1. Gaming machines are located in appropriate locations within the betting premises to ensure that they can be sufficiently monitored at all times,**
  - 2. That the stools or seating for the gaming machines are sufficiently secured or weighted to prevent them from being used to cause criminal damage or assault staff or other customers,**

- 3. Gaming machines are constantly monitored either in person or via CCTV and that there are adequate staff who are trained and available to carry out that monitoring, in accordance with policies G3-E, G3-F, G3-G and G3-L ,
  - 4. There are sufficient numbers of trained staff who can interact with the customer if they are showing any signs that they may be vulnerable to gambling related harm, are not complying with the premises rules, are causing damage or who are acting in a disorderly or inappropriate manner,
  - 5. That cash going to a gaming machine and from that machine to the relevant cash handling location within the premises is done in a way that reduces the risk of crime, and,
  - 6. For betting track premises where they are entitled to use their gaming machine entitlement the gaming machines, excluding category D machines, must be located in a place where children are excluded.
- B. The applicant will ensure that there is sufficient gambling harm prevention advice, including a telephone number to access support if required is provided and easily accessible by the customer using a gaming machine.
  - C. Applicants for betting track premises who do not hold a pool betting operating licence will not be able to utilise their entitlement of up to four category B2 to D gaming machines on the premises.
  - D. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and

**young person within section 45 of the Gambling Act 2005. Therefore, such references will apply to anyone under the age of 18.**

- G3.52 Betting premises licences permit the operator to locate up to four category B2 or below gaming machines at the premises. Gaming machines are a popular form of gambling in betting shops and can account for a significant proportion of the commercial offer of the operation. However, the use of these machines and the ability of the operator to monitor and prevent harm to those at risk of vulnerability to gambling is a concern to the Licensing Authority as without appropriate supervision, customers can lack the regular interaction with staff they gain from over-the-counter betting. The Licensing Authority is also mindful that gaming machines are also frequently subjected to criminal damage or violent outbursts from customers who have lost control, even only temporarily, of their gambling behaviour.
- G3.53 The Licensing Authority expects all gaming machines to be located in a position so as to be in clear line-of-sight of staff at all times and meet the requirements of Policy G3-E.
- G3.54 To dissuade underage attempts, unacceptable or aggressive behaviour towards the machines, the Licensing Authority expects gaming machines to be located away from the entrance / exit to the premises and closer to the counter area so as to allow staff the opportunity to properly assess the customer and to challenge them on age verification or on grounds of behaviour or vulnerability if required.
- G3.55 So as to prevent incidences of criminal damage towards the gaming machines, the Licensing Authority will expect, where

appropriate, the stools or seats for gaming machines to either be fixed in place or sufficiently weighted so as not to allow them to be used as a weapon.

G3.56 The Licensing Authority expects operators to have mechanisms in place that allow staff to monitor the use of each gaming machine at all times from behind the counter, including the ability to remotely disable the machines should the circumstances require it. It is for the operator to determine what these circumstances are, and to train staff appropriately. However, the Licensing Authority would expect a clear example of these circumstances to be when a customer using the machine has lost control and is violent / aggressive towards other members of the public or the gaming machine in use. Operators may wish to consider time-out or cool-down periods for customers in this state or, where the circumstances deem it necessary, exclusion from the premises.

G3.57 So as not to present the opportunity for crime and to protect staff, the Licensing Authority expects policies and training procedures to be in place regarding the removal of cash from gaming machines. Depending upon the location of the premises, the Licensing Authority may apply conditions on the licence requiring all customers to be off the premises and the entrance door to be locked before cash is removed from the gaming machines.

G3.58 The protection of children from being harmed or exploited by gambling is a fundamental principal of the Act and is enshrined in the licensing objectives. In principle, it is the view of the Licensing Authority that this objective is the easiest to maintain through proper checks and staff vigilance. As such, any access to the premises or use of gaming machines by children will be a significant breach of the licence and an offence under the Act.

G3.59 The entitlement to make up to four gaming machines available for use at the track premises may only be utilised if the holder of the premises licence also holds a pool betting operating licence issued by the Gambling Commission. In situations where this is the case and it is proposed to make gaming machines available for use, any gaming machines (other than category D machines) must be located in areas from which children are excluded.

#### Betting Premises Staff Safety and Alarm Measures Policy G3-I

- A. The applicant has demonstrated that they have sufficiently assessed the associated risk of the operation of the betting premises with respect to staff safety and security so as to be responsibly consistent with the prevention of crime and disorder licensing objective and policy D1.**
- B. In meeting Clause A the applicant has clearly considered the associated risk and put forward sufficient measures to mitigate or eliminate the risk to staff safety and prevent crime and disorder at the premises.**

G3.60 All betting premises must be risk assessed to determine the appropriate security measures necessary to protect staff, customers, wider members of the public and as a deterrent to prevent crime or disorder. On application, the Licensing Authority may request to be provided with the risk assessment in order to assess the measures suggested.

G3.61 Depending on the particular location, the operator should consider the following measures:  
(a) panic alarms and their location within the premises

- (b) personal attack alarms for staff and any security personnel
- (c) staff training on conflict management
- (d) safe haven or panic room
- (e) CCTV monitor showing footage from cameras within the shop
- (f) access to a telephone
- (g) remote door control (e.g. maglock)

G3.62 Operators should pay particular attention to the Council's Local Area Profile and adjust any security measures in line with the risks identified. The Licensing Authority recommends regular communication with the responsible authorities to maintain awareness of any new trends developing in the locality.

G3.63 Betting premises can present opportunities for crime. In addition, the Licensing Authority is aware that some customers can lose control when using gaming machines and can become aggressive and violent. Operators are expected to take this into consideration when assessing the risk to staff and other customers.

G3.64 The Licensing Authority expects all crimes and incidents of disorder to be reported to the Police. In the first instance, where particular premises are experiencing issues relating to crime or disorder, the Licensing Authority will seek to work with the operator and Police to resolve such issues.

#### Betting Premises Staff Safe Havens/Panic Rooms Policy G3-J

**A. If the applicant has determined within their gambling risk assessment, that a safe haven or panic room is a suitable control measure for the premises to prevent the risk of crime**

**and disorder and to protect staff, the Licensing Authority will expect the applicant to demonstrate that they will provide the following, as a minimum within the safe haven or panic room:**

1. Secure door with peep hole,
2. CCTV monitor showing footage from cameras within the shop,
3. Landline and/or mobile telephone,
4. Alarm activation point, and
5. Lock / release control for the maglock (if fitted).

**B. Applicants who provide a safe haven or panic room for staff will need to demonstrate that they have sufficient policies and procedures in place relating to its use and that are providing staff with adequate training on the use of that safe haven or panic room in the event of a robbery, customer aggression towards staff or other reason when the operator deems it appropriate for staff to make use of such facilities.**

G3.65 All betting premises must be risk assessed to determine the appropriate security measures necessary to protect staff, customers, wider members of the public and as a deterrent to prevent crime or disorder. On application, the Licensing Authority may request to be provided with a copy of the relevant risk assessments in order to assess the measures suggested.

G3.66 Safe havens or panic rooms can be provided to enable staff an area to retreat to which will provide them with a safe location if the premises is being robbed, aggression is shown towards staff or there is a need for the staff member to remove themselves from potential harm.

- G3.67 If the operator has deemed it necessary to provide a safe haven or panic room within the premises it should be located in an area conveniently accessible to staff with the absolute minimum of delay. In most circumstances, this will be behind the cashier counter. Safe havens or panic rooms should be considered if a cashier counter screen is not employed at the premises and the layout can accommodate a safe haven behind the counter. Where a safe haven is provided, it should be fitted with:
- (a) secure door with peep hole;
  - (b) CCTV monitor showing footage from cameras within the shop;
  - (c) landline and/or mobile telephone;
  - (d) alarm activation point;
  - (e) lock / release control for the maglock (if fitted).

### Betting Shop External Shop and Forecourt Management Policy G3-K

- A. The applicant for a betting shop will demonstrate that they have assessed the risk to the licensing objectives associated with the entrance and egress points to the premises and the immediate area or forecourt to the front of the premises and put in place sufficient control measures to monitor that area and mitigate or eliminate those risks.**
- B. In meeting Clause A applicants risk assessments, as a minimum should consider:**
  - 1. Child or vulnerable persons safeguarding concerns (see Policy D3),**
  - 2. Customers congregating in numbers outside the premises,**
  - 3. Customers drinking alcohol outside the premises,**

- 4. Customers committing crime or disorder outside the premises,**
- 5. Begging taking place outside the premises, and**
- 6. Rough sleepers using the forecourt area to wait or sleep.**

- C. For the purposes of this policy any reference to “child” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- G3.68 The Licensing Authority expects the operator to monitor and be aware of its customers both inside and in the immediate vicinity of the premises. Therefore, for example, when customers leave the premises to smoke or step outside, the Licensing Authority expects the operator to take steps to ensure that its customers act in an appropriate manner and do not cause obstruction or otherwise to other businesses, residents or members of the public. This may include monitoring of external areas and warning / banning customers who behave inappropriately in such external areas, regardless of whether or not they are within the boundary of the premises licence.
- G3.69 Betting shop customers or members of the public loitering outside the premises can cause significant distress to local businesses and residents. In addition to the above, operators may wish to consider the implementation of deterrents to loitering outside the premises or sitting on walls or window sills on the premises forecourt.

G3.70 Operators will be expected to manage their customers and take affirmative action for those who drink alcohol outside the premises, cause disturbances or commit crime and/or disorder. Such affirmative action may include the issuing of warnings and/or banning the customer who persist in loitering or causing issues outside the premises or calling the police if crimes are about to or are taking place.

### Betting Premises Staffing Levels Policy G3-L

- A. The applicant will be required to demonstrate that they will have sufficient staffing levels, excluding any door supervisors or security personnel in place to:**
- 1. Monitor the operation of betting premises so as to:**
    - a. provide customers with support in understanding how to place bets, use the gaming machines or play any other gambling products provided at the premises,**
    - b. manage the payment for and winnings for any gambling products,**
    - c. provide positive customer interactions relating to their gambling behaviour,**
    - d. ensure that no one is committing any crime whilst on the premises, and**
    - e. ensure that customers comply with the operators' rules, the terms and conditions of the licence and the Act.**
  - 2. Carry out age verifications checks to ensure customers are over the age of 18 in line with the requirements of the Betting Premises Age Verification Policy G3-D and ensure that no child can access the premises without challenge, make a bet, play any gambling products or gaming machines.**

**B. For the purposes of this policy any reference to "child" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005. Therefore, such references will apply to anyone under the age of 18.**

- G3.71 Minimum staffing levels in betting premises has been an area of concern for the Licensing Authority. Lone working is a particular concern and can increase the risk of impacting on one or more of the licensing objectives. The Licensing Authority will consider the applications and the staffing levels proposed for the operation of the premises. There may be a circumstance that single staffing is appropriate, but this must be assessed associated with the risk of meeting the licensing objectives. In certain circumstances the Licensing Authority may set the minimum staffing levels that is deemed appropriate for the premises after have regard to the risks associated with the licensing objectives.
- G3.72 The Licensing Authority does expect operators to have sufficient staff on the premises so as to enable:
- (a) sufficient monitoring of the betting premises
  - (b) age verification checks upon entry to the premises
  - (c) monitoring and assistance to vulnerable customers
  - (d) adequate monitoring of all gaming machines and SSBT's / in-play terminals
  - (e) monitoring of all entrances to the premises
- G3.73 The Licensing Authority recognises that the size of the premises and levels of custom will play a factor in minimum staffing levels but expects operators to have sufficient staffing levels to be able to serve customers as well as all of the above functions at the

busiest of times. The Licensing Authority will not accept staff being busy serving customers as justification for not being aware of circumstances in the shop or being in control of the premises or failing to carry out age verification checks.

G3.74 Tracks may not be adult only environments and may be a popular premises for families who have come to watch a sporting event. It is therefore essential that adequate arrangements are put in place by betting track premises operators to assess the age of customers accessing the designated betting area so as to prevent anyone under the age of 18 entering the area and participating in gambling.

#### Betting Premises Door Supervision and Security Personnel Provisions Policy G3-M

- A. Applicants will be required to demonstrate that they have sufficiently risk assessed their operation and the location where they intend to operate to determine whether licensed door supervisors or security personnel are required.**
- B. If the applicant has identified that licensed door supervisors or security personnel are required as part of the operation of the premises, they must demonstrate that they:**
  - 1. Will have sufficient licensed door supervisors and security personnel on the entry and egress points and/or within the betting premises itself.**
  - 2. Will provide door supervisors and security personnel with sufficient training on:**
    - a. the betting premises age verification policy;**
    - b. emergency procedures associated with fire detection, bomb threat or other emergency incident;**

- c. appropriate action to be taken to prevent and detect crime and disorder inside the betting premises or immediately outside the entrances to the premises; and,**
- d. the powers of entry of the police, enforcement officers and authorised officers when carrying out their duties under the Act.**

- C. If an applicant for a betting track proposes to use door supervisors and/or security personnel who are directly employed by the track operator or are contracted by the track owner for a specific event the betting track operator must ensure that all door supervisors and/or security personnel who will work within the designated gambling area are, as a minimum, adequately trained on:**
  - 1. the betting premises age verification policy, and**
  - 2. appropriate action to be taken to prevent and detect crime and disorder inside the betting premises or immediately outside the entrances to the premises.**
- D. Licensed door supervisors and security personnel referred to within this policy are those licensed to carry out those functions by the Security Industry Authority (SIA).**

G3.74 Betting premises operators are required to adequately assess whether door supervisors should be employed at the premises. This will depend on the operation of the premises and the associated risk of crime and disorder, to manage of the premise so as to prevent underage access, etc.

G3.75 It will be for the operator to assess the specific needs of each entrance to the premises, as well as all areas within the premises,

and set this out within their risk assessment. Depending upon the specific circumstances of the premises location, the Licensing Authority will expect the operator to have training policies for all security personnel and door supervisors, as well as refresher training, which cover the local risks identified.

G3.76 Operators are expected to keep numbers of security and door supervision under review and in line with any advice or guidance provided by the responsible authorities. Where the premises are located in an area deemed to be sensitive or likely to attract crime or disorder, the operator is expected to increase any security presence accordingly. Regular communication with the Police is recommended and operators should follow any strategic advice provided by the responsible authorities where the licensing objectives are likely to be impacted.

G3.77 The Act permits the Licensing Authority to attach conditions to the premises licence in relation to door supervision<sup>55</sup>. The Licensing Authority is aware that such a measure is strongly resisted by the betting premises operators. However, where circumstances deem it necessary, the Licensing Authority will attach such a condition in order to guard the premises against unauthorised access or occupation, or against outbreaks of disorder or damage. Circumstances in which the Licensing Authority may deem this necessary include, but are not limited to:

- (a) repeated access by children or young persons;
- (b) failure to properly implement a Think/Challenge 21 or Think/Challenge 25 policy effectively;
- (c) repeated outbreaks of crime or disorder at the premises which are not dealt with appropriately by the operator;

- (d) repeated threats to staff welfare or safety which are not dealt with appropriately by the operator;
- (e) repeated incidents of violent or aggressive behaviour, including those towards staff and property such as gaming machines;

G3.78 The Licensing Authority regards the imposition of a condition requiring door supervision as a strong measure and will only resort to implementing such a condition where efforts to resolve on-going issues have proved unsuccessful. It is therefore in the operator's interests to work with the Licensing Authority, and other responsible authorities, in order to resolve such issues prior to this measure being required. It is the intention of the Licensing Authority to enforce the principal that crime or disorder in betting shops is unacceptable and that a standard of behaviour is expected of all customers.

#### Betting Premises Self-Service Betting Terminals Policy G3-N

- A. The plan, accompanying the application to the Licensing Authority, shall include the location of any Self-Service Betting Terminals that are proposed to be made available for use to customers.**
- B. The Licensing Authority will assess the size of the premises, its proposed operation and the number of self-service betting terminals proposed.**
- C. Applicants will be expected to demonstrate to the Licensing Authority how the premises will operate the proposed number of Self-Service Betting Terminals and why the number of machines is necessary.**

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<sup>55</sup> Section 178, Gambling Act 2005



**D. The Licensing Authority may restrict, via conditions, the number and location of the Self-Service Betting Terminals on the premises as well as the requirements for cash removal from these machines to ensure that the operation of the premises is reasonably consistent with the Licensing objectives.**

G3.79 The Act permits Licensing Authorities to attach conditions to premises licences in relation to the number and nature of SSBT's and the circumstances in which they are made available for use.<sup>56</sup> The Licensing Authority will seek to restrict SSBT machines in this manner where it has concerns that they pose a risk to the licensing objectives. The operator should bear the following factors in mind:

- (a) the number of counter positions available to staff
- (b) the number of staff at the premises at any one time
- (c) the size of the premises
- (d) location of the machines
- (e) layout of the premises
- (f) any local circumstances such as levels of crime / children / vulnerability
- (g) under 18 challenges / failures
- (h) ability of staff to monitor the machine areas

G3.80 So as not to present the opportunity for crime and to protect staff, the Licensing Authority expects policies and training procedures to be in place regarding the removal of cash from SSBT's. Depending upon the location of the premises, the Licensing Authority may apply conditions on the licence requiring

all customers to be off the premises and the entrance door to be locked before cash is removed from the machines.

### Betting Premises Provision of Gambling Rules and Gambling Harm Prevention Advice Policy G3-O

- A. Applicants will demonstrate that they will display a notice setting out the terms on which a bet may be placed in a prominent place on the premises and that place shall be marked on the plan accompanying the application.**
- B. The applicant will ensure that there is sufficient gambling harm prevention advice, including a telephone number to access support if required is provided and easily accessible by a customer, such as where they may:
  - 1. Complete a betting slip or review the relevant race and betting information,**
  - 2. Betting counters**
  - 3. Use a Self-Service Betting Terminal,**
  - 4. Play a gaming machine, including those provided in a booth or pod, and**
  - 5. Use an area where customers can sit and watch a race, match, etc to which they may have or will bet on.****
- C. Where the application relates to a premises located in an area of the city which has a prominent minority group who may not use English as their first language, the Licensing Authority will expect applicants to provide the information referred to in Clause A and B above in alternative relevant languages as well as English.**

<sup>56</sup> Section 181, Gambling Act 2005

**D. The Licensing Authority may impose the requirement to provide information in other languages as a condition on the licence if it feels it is required to ensure the premises will be reasonably consistent with the Licensing Objectives.**

- G3.81 Betting premises are required to display a notice setting out the terms on which a bet may be placed in a prominent place on the premises<sup>57</sup>. The notice must be clearly legible and easily accessible to members of the public. The positioning of the notice must be overt, ideally at head height and not in a position which can be obscured at any time (e.g. by positioning the notice behind a door).
- G3.82 Betting premises are also required to make information readily available to customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling<sup>58</sup>. Such information must include:
- (a) measures provided by the operator to help customers monitor or control their gambling, such as restricting the duration of a gambling session or the amount of money they can spend;
  - (b) timers or other forms of reminders or ‘reality checks’ where available;
  - (c) self-exclusion options;
  - (d) information about the availability of further help or advice (e.g. GamCare).

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<sup>57</sup> Mandatory condition 9, Part 1 Schedule 5 of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007.

<sup>58</sup> Social responsibility code provision 3.3.1, Licence Conditions and Codes of Practice, Effective from 31 October 2020.

- G3.83 Information must be available in prominent locations in all areas where gambling facilities are provided. The size and layout of the premises will be a factor in the amount of information available. However, as a minimum, the Licensing Authority expects information to be displayed at the betting counter, by any SSBT or gaming machine, by any ATM and in at least one discreet location. Methods of displaying this information are at the discretion of the operator, save that the information must be available at the premises as well as in a format that can be taken away from the premises.
- G3.84 As this social responsibility provision links directly to the third licensing objective of protecting the vulnerable, the duty lies with the operator to make this information available to its customers in the best possible format. Therefore, the Licensing Authority expects positive efforts from the operator in complying with this code. For example, where pamphlets are provided as a means of providing this information, pamphlets must be well stocked at each point around the premises. Posters must be of a reasonable size (as a guide, A4 size as a minimum) and any use of screens must be for a reasonable amount of time.
- G3.85 Where the premises is located in an area of the city where a prominent group of residents or part of the customer base of a premises may not use English as their first language, the Licensing Authority expects the information referred to above to be made available in alternative relevant languages as well as English. Such a factor should form part of the risk assessment for the premises.

[Betting shops and buildings where there are more than one gambling premises Policy G3-P](#)

- A. For applications for more than one application in a building and/or to divide an existing building containing a licensed gambling premises into different premises, the applicant must demonstrate that:**
- 1. Access is restricted to prevent unlawful direct access by customers between licensed premises**
  - 2. The different premises are generally separate premises, and not an artificially created part of what is readily identifiable as a single premise**
  - 3. The different premises operate independently and do not use common non gambling areas.**
  - 4. Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not ‘drift’ into a gambling area.**
  - 5. The premises are not configured so that children are invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited in taking part.**
- B. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G3.86 A premises can be any place<sup>59</sup>, but a single premises cannot hold more than one premises licence<sup>60</sup>. However, the Licensing

<sup>59</sup> Section 353, Gambling Act 2005

<sup>60</sup> Section 152, Gambling Act 2005

Authority recognises that there is, in principle, no reason why a building cannot comprise of two or more premises, and therefore, multiple premises licences, provided these premises occupy separate and distinct parts of the building.

- G3.87 Access to a betting shop premises is restricted by a mandatory condition<sup>61</sup> limiting access from a street or from another betting shop. Access is prohibited from any other premises used for the retail sale of merchandise or services. In effect, the mandatory condition restricts access from any other shop unless that premises is a betting shop itself.
- G3.88 A street is defined as including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not<sup>62</sup>.
- G3.89 The Gambling Commission’s guidance to Licensing Authorities notes that there is no definition of ‘direct access’, but the Licensing Authority, in line with the Gambling Commission’s guidance, considers that there should be an area separating the area concerned which the public go to for purposes other than gambling for there to be no direct access.<sup>63</sup> The area which separates the licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public for purposes other than gambling.

<sup>61</sup> Mandatory condition 2, Part 1, Schedule 5, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

<sup>62</sup> Section 2 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

<sup>63</sup> Para 7.22 Guidance to Licensing Authorities Published 1 April 2021

- G3.90 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATM's.
- G3.91 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
- (a) premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
  - (b) entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not 'drift' into a gambling area;
  - (c) customers should be able to participate in the activity named on the premises licence.
- G3.92 This list is not exhaustive, and the Licensing Authority will consider other aspects based on the merits of the application.
- G3.93 The Licensing Authority expects any application to have more than one licensed premises within a building to demonstrate that:
- (a) the different premises are genuinely separate and are not an artificially created part of what is readily identifiable as a single premises;
  - (b) separation between the premises is appropriate;
  - (c) access between premises is restricted to prevent unlawful direct access by customers between licensed premises.
- G3.94 For example, the Licensing Authority would not expect to receive applications to artificially separate a building or existing licensed premises to increase the number of gaming machines permitted in the building.
- G3.95 Children are not permitted into betting shops. Therefore, operators will need to carefully consider the configuration of buildings if they are seeking to develop multi-purpose sites. In these circumstances, the third licensing objective of protecting children and the vulnerable from harm means not only preventing them from entering the betting shop but also preventing them from being in close proximity to gambling. The Licensing Authority will expect any such application to demonstrate what measures the operator has in place to uphold this objective.
- G3.96 Factors the Licensing Authority will consider when determining whether a premises is truly separate include whether:
- (a) a separate registration for business rates is in place at the premises;
  - (b) the neighbouring premises are owned by the same person;
  - (c) each premises can be accessed from the street or a public passageway;
  - (d) the premises can only be accessed from any other gambling premises.

[Betting Premises, Premises-Based Advertising Policy G3-Q](#)

- A. Applicants will be expected to assess the associated risk with advertising the betting premises and/or any gambling activities that are visible from the exterior of the premises, advertised in the local area or advertised to a wider geographical area beyond the local area or beyond Westminster.**
- B. In considering the risk associated with any advertising of the betting premises or its functions the operator will demonstrate that they have considered:**
  - 1. If the content of the advertisement is designed or worded in a way that could attract children;**
  - 2. If the content of the advertisement is correct and accurately explains any promotion, activity, event, rules, terms, conditions, or restrictions;**
  - 3. The risk to those who may be of greater risk to gambling related harm within the area in which the advertisement is being displayed and does not target a particular vulnerable group or culture; and,**
  - 4. That any advertisements are not placed on or near buildings that are considered sensitive.**
- C. For the purposes of Clause B.4 a sensitive building is classified by the Licensing Authority as a:**
  - 1. School, college, or other educational institution**
  - 2. Community centre, youth centre, playground, toy shop, bowling alley, cinema, sport/leisure centre or premises of a similar nature where children are likely to gather**
  - 3. Church, mosque, temple, synagogue or other place of religious worship**
  - 4. Bank, building society, post office or other financial institution**
  - 5. Debt advice centre, job centre, community hub, citizen advice centre or similar premises associated with**

- 6. supporting those in financial difficulty or who are seeking employment**
- 6. General practitioners' surgery, health centre, hospital, residential care home, psychiatric treatment centre or other premises that provide support for vulnerable people**
- 7. Homeless hostel, shelter or other accommodation for those who are homeless or have been rough sleeping.**
- 8. Addiction clinic or other premises that are used for the treatment and support of gambling addiction or other addictive behaviours.**
- D. For the purposes of this policy any reference to "children" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G3.97 Operators must comply with the Advertising Standards Authority (ASA), UK Code of Non-Broadcast Advertising and Direct & Promotional Marketing (CAP) Code and the Industry Group for Responsible Gambling (IGRG), Gambling Industry Code for Socially Responsible Advertising as a requirement of the Gambling Commissions Licence Conditions and Codes of Practice Social Responsibility Code 5.1.6. The ASA CAP and IGRG codes relate to the content of the advertising and to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited. Whilst these codes predominantly relate to the content of the advertising the Licensing Authority is concerned about the locality in which some advertising may take place within the areas that have been

identified as of greater risk or that have particularly sensitive buildings. As such the Licensing Authority's policy is that gambling operators should be particularly aware of the potential risk associated with advertising within a designated Gambling Vulnerability Zone (GVZ). Operators should assess how this may impact any at risk members of the public living, working or visiting the area.

G3.98 Where a risk to a particular group has been identified in the local area profile, any internal and external advertising should be careful so as not to be targeted towards these groups. Operators should refer to the Council's Local Area Profile for further details.

G3.99 Operators outside of a Gambling Vulnerability Zone should be aware of any advertising undertaken either directly or on their behalf taking place within or in close proximity to a Gambling Vulnerability Zone which could impact upon at risk groups.

#### Betting Premises Merchandise Policy G3-R

- A. Applicants that wish to provide branded betting operator merchandise, either for sale or to be given away without charge as promotional material, will be required to demonstrate that the merchandise is not designed for, intended for use by or promoted to children.**
- B. For the purposes of this policy any reference to "children" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G3.100 Betting operators merchandise carrying their logo, branding or any other such mark must not be designed or intended for use by children or young people or known at risk groups. Such merchandise should not be given away as a promotion or sold to any member of the public with the intention of attracting children, young people or other at-risk groups to the premises or to gamble.

#### Betting Premises Provision and Location of ATM's Policy G3-S

- A. If an applicant intends to provide an ATM within the licensed betting premises the location of that ATM shall be marked on the plan accompanying the application.**
- B. The applicant will be required to demonstrate to the Licensing Authority that the sighting of the ATM has been risk assessed to ensure that it:
  - 1. Is located in a position that will enable betting staff to monitor it at all times either via CCTV or by staff present within the betting premises**
  - 2. Is located at a sufficient distance away from the nearest gaming machine so as to require a customer to leave the machine in order to use the ATM**
  - 3. Is located in a position that will enable the safe restocking and removal of cash.****
- C. The applicant shall ensure that the opening of any ATM's is done at a time when the premises is either closed or at a time when there are sufficient security personnel or staff present.**

G3.101 Any ATM on the premises must comply with the mandatory condition in relation to its location (i.e. away from betting

machines or gaming machines). The Licensing Authority would also expect the ATM to be in clear line-of-sight of staff at all times and staff would be expected to monitor customers using the ATM in order to observe any signs of problem gambling behaviour. The Licensing Authority would expect any customer observed repeatedly using an ATM (either inside or outside of the premises) to withdraw cash for gambling at the premises to be approached by staff and assessed as to their vulnerability. Repeated withdrawals of cash over a short period of time can be a sign of a person gambling beyond their means or more than they want to and as such the Licensing Authority deems this an appropriate indicator for an approach and assessment by staff.

G3.102 Operators should be aware of the risk of crime when opening any ATM to either refill or remove cash. The Licensing Authority expects any operator to risk assess and have a policy in place which will mitigate any risk of crime or disorder in these circumstances. This may include unlocking or accessing the machine only when no customers are on the premises or when sufficient security personnel are present. Operators are expected to have sufficient security measures and personnel in place to mitigate any risk of crime and should liaise with the Police and responsible authorities when assessing this risk.

G3.103 The Licensing Authority may deem it necessary to restrict the use of any ATM, including imposing a condition on the premises licence prohibiting the presence of an ATM, where it feels it necessary in the circumstances. It will be for the operator to demonstrate in any application and risk assessment that sufficient measures are in place to mitigate these risks.

## Adult Gaming Centres Policies – G4

### Adult Gaming Centres Policy G4-A

- A. Applications outside a Gambling Vulnerability Zone for provisional statements or new Adult Gaming Centres or to vary an existing premises licence will generally be granted subject to:**
- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.**
  - 3. The applicant having undertaken an assessment of the local area risks as defined within the Location Policy F1 and Risk Assessment Policy C1.**
  - 4. The applicant meeting the requirements of the other relevant policies within this section.**
- B. Applications within a Gambling Vulnerability Zone for provisional statements or new Adult Gaming Centres or to vary an existing premises licence will be considered on their own merits and subject to the following:**
- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.**
  - 3. The applicant having demonstrated that they have sufficiently assessed the associated gambling risk and put forward sufficient mitigation to satisfy the Gambling**

### **Vulnerability Zones Policy F2 and the Risk Assessment Policy C1.**

- 4. The applicant meeting the requirements of the other relevant policies within the casino policies section of this statement.**
- C. Applications for Adult Gaming Centre premises licences if granted will be subject to the Councils Pleasure Fairs (Amusement Premises) Byelaws made in pursuance of Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976 as set out in Appendix 9 which regulate the following:**
- 1. Opening hours,**
  - 2. Provision for safe ingress and egress,**
  - 3. Nuisances, sanitary conditions, cleanliness, order and public safety, and**
  - 4. Fire protection.**

- G4.1 Adult Gaming Centres are a class of gambling premises permitted under the Gambling Act 2005. A premises licence for an Adult Gaming Centre enables the holder to make an unlimited number of gaming machines available for use. Of the total number, up to 20% of the gaming machines can be category B3 or B4 gaming machines and the remainder are limited to category C or D gaming machines. If the premises held an Adult Gaming Centre premises licence prior to 13 July 2011, the holder can provide either up to four B3 or B4 gaming machines or up to 20% of the total number of gaming machines, whichever number is greater.
- G4.2 Adult Gaming Centres, as with all gambling premises, are the subject of dual regulation by the Gambling Commission, via personal and operating licences, and the Licensing Authority, via



premises licences. The Gambling Commission, in considering, issuing and maintaining personal and operating licences, considers the operator's suitability and ensures the operator has policies and procedures in place to cover various issues such as anti-money laundering and reporting procedures. Adult Gaming Centres are subject to the Licence Conditions and Codes of Practice which is set by the Gambling Commission. As such, these are issues that the Licensing Authority will not need to consider in determining applications and, in the interests of avoiding duplication of regulation, will focus on premises specific issues. In certain circumstances, however, the Licensing Authority will expect to be provided with information concerning an operator's policies and procedures to ensure that the operator has suitable policies in place to meet the challenges of the local area.

G4.3 Adult Gaming Centres are also the subject of mandatory and default conditions under the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007. Mandatory conditions for Adult Gaming Centres include requirements to:

- (a) display the summary of the premises licence in a prominent place within the premises;
- (b) maintain the layout of the premises in accordance with the plan submitted on a new or subsequent variation application;
- (c) prohibit the sale of National Lottery, private lottery or customer lottery tickets in the premises;
- (d) display a notice stating that no person under the age of 18 years is permitted to enter the premises in a prominent place at every entrance to the premises;
- (e) prohibit access to the premises from another licensed gambling premises or premises holding a Family Entertainment Centre Gaming Machine Permit, Club

- Gaming Permit, Club Machine Permit or Licensing Premises Gaming Machine Permit;
- (f) locate any ATM available for use on the premises in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;
- (g) prohibit the consumption of alcohol on the premises at any time during which gaming machines are available for use on the premises;
- (h) display notices regarding the prohibition of alcohol consumption on the premises in a prominent place at every entrance to the premises.

G4.4 As above, the Licensing Authority will not seek to duplicate any of these measures but will, where appropriate, develop these conditions to deal with specific issues for the premises in the form of licence conditions attaching to the premises licence.

*Protecting the vulnerable and children*

G4.5 Adult Gaming Centres, by virtue of the nature of the gambling at the premises, can be largely automated operations, which can result in a limited staffing presence on the gaming floor. This can lead to heightened risks to underage access and reduced assessment of potentially vulnerable customers. As such, the operator is expected to show sufficient staffing levels to monitor the gaming floor and access points as well as the ability to carry out vulnerability checks where necessary.

G4.6 Given the restrictions on gaming machines at Adult Gaming Centres, the Licensing Authority recognises that category B3 gaming machine do provide a greater risk compared with lower category gaming machines permitted in these premises. However, gaming machines can present a risk to vulnerable

persons and children. These premises, by virtue of their operation can attract crime and disorder and, therefore, the Licensing Authority expects operators to demonstrate their capability to uphold the licensing objectives regarding such issues.

G4.7 Some of the Adult Gaming Centres currently operating in Westminster operate an open-door policy permitting customers to enter and leave the premises freely without any interaction with staff. The lack of interaction with customers and staffing levels must be considered by the applicant. The Licensing Authority may require applicants to provide a certain number of staff to enable interactions with customers if there is perceived to be a risk to the licensing objectives. Further information on the Licensing Authority's approach to staffing and interactions are detailed within the policies within this section.

G4.8 As gaming machines provide opportunities for solitary play and immediate pay-outs, they are more likely to engender repetitive and excessive play. As such, particular regard should be given to the need to protect the vulnerable from gambling related harm.

#### *Byelaws*

G4.9 The Council has created a Byelaw for Pleasure Fairs (Amusement Premises) in pursuance of section 75 of the Public Health Act 1961 (the 1961 Act) as amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1976. These byelaws apply to Adult Gaming Centres as the premises are used to provide entertainment and amusement with prizes machines (gaming machines). This byelaw regulates the:

- (i) hours to which a Licensed Family Entertainment Centre can be open,

- (ii) the provision of safe ingress and egress,
- (iii) Nuisances, sanitary conditions, cleanliness, order and public safety, and
- (iv) Fire protection.

G4.10 Applicants and licensee will need to ensure that the operation of the premises does not breach them. The Council will actively monitor compliance with these byelaws and if necessary, take appropriate enforcement action if breaches are identified. The Pleasure Fairs (Amusement Premises) byelaws is attached for information as Appendix 9.

G4.11 Applications for new or to vary existing licences must consider the specific concerns identified within this policy and whether the relevant premises are located within a Gambling Vulnerability Zone and demonstrate how they will mitigate all concerns arising.

#### *Operating in a Gambling Vulnerability Zone*

G4.12 The Council has identified within its Local Area Profile (LAP) areas where residents may be at greater risk to the impact of gambling-related harm. It has also had and continues to have regard to relevant research which assists in providing more information on the gambling landscape within the borough to operators, responsible authorities and interested parties. The Gambling Vulnerability Zones (GVZ) within Westminster define areas within which the Licensing Authority has significant and increased concerns regarding the impact on residents who may be at greater risk to gambling related harm. Therefore, gambling premises, either proposed or existing, within GVZ's can expect a greater degree of scrutiny from the Licensing Authority to ensure that the operation is in line with the principles of the legislation

and associated regulations, specifically s153 of the Gambling Act 2005.

G4.13 It is important to note that the Licensing Authority, in establishing these GVZ's, is not creating a barrier to the operation of gambling premises within these areas. It does, however, expect operators with existing premises or planning to open new premises in such areas to have particular regard to the issues within the locality and clearly demonstrate how associated risks are to be mitigated. It is not the position of the Licensing Authority to dictate what measures are appropriate in all circumstances. Rather, it is the responsibility of each operator to satisfy the Licensing Authority that it has had particular regard to the issues affecting the locality and has appropriate measures in place to mitigate associated risks.

G4.14 All parties should refer to the Council's LAP for the relevant area in which the premises is located. The LAP sets out in detail the considerations which the Licensing Authority will expect all operators to take into account when making applications and forming or updating risk assessments for particular premises. The LAP is based on the Council's knowledge of each area and will develop over time as further information is provided and updated. However, we acknowledge that those local to the area may have more detailed knowledge of the area and welcome comments made at the application consultation stage or at any other time.

#### *Applications*

G4.15 Applications for Adult Gaming Centres must provide the minimum requirements as set out in the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.

Application forms only allow for a limited amount of information to be provided and applicants are encouraged to engage with responsible authorities and local residents and businesses to avoid attracting unnecessary representations. It is the Licensing Authority's experience that a complete and detailed application can allay concerns around Adult Gaming Centres. The Licensing Authority would recommend, where appropriate, that applications include the following additional information:

- (a) policies and procedures
- (b) operating manual
- (c) staff training measures
- (d) security provisions
- (e) risk assessment
- (f) proof of age scheme
- (g) CCTV measures including the location of CCTV coverage on plans
- (h) details of entry control systems
- (i) supervision of entrances and machine areas
- (j) location of entrances
- (k) any notices and signage to be displayed
- (l) self-exclusion schemes
- (m) provision of information leaflets / helpline numbers for organisations.<sup>64</sup> (e.g. GamCare)

G4.16 This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to demonstrate their efforts to meet the licensing objectives.

G4.17 The Licensing Authority recommends that any new application for an Adult Gaming Centre includes a full and detailed description of

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<sup>64</sup> Social Responsibility Code 3.3.1, Licence conditions and codes of practice, Effective from the 31 October 2020

the premises and proposed operation. The Licensing Authority will require a copy of the risk assessment which operators must prepare under the Licence Conditions and Codes of Practice<sup>65</sup>. It is the Licensing Authority's experience that complete and detailed applications can reduce the potential for unnecessary representations to be made against the application.

G4.18 The Licensing Authority recommends that any application to vary an Adult Gaming Centre premises licence includes a full and detailed description of the proposed variation:

- (a) where an application is made to vary the layout of the premises, a detailed description of the proposed changes;
- (b) where an application is made to add, change or remove a condition on the premises licence, an explanation as to why the amendment is required and appropriate;
- (c) where the application can have a bearing on the licensing objectives, the Licensing Authority will expect a revised risk assessment to be provided with the application detailing what measures are in place to mitigate any potential risks.

G4.19 The Licensing Authority is unlikely to consider the suitability of an applicant which holds an operating licence from the Gambling Commission. However, the Licensing Authority may seek information from the proposed licence holder as to policies and procedures they intend to implement at the premises to ensure that the licensing objectives are being upheld.

G4.20 Depending on the levels of risk to vulnerability, children, crime and disorder in the particular location, the Licensing Authority

may require all areas of the premises to be supervised at all times. Adult Gaming Centres can operate with lower staffing levels when compared with other classes of gambling premises. However, in an GVZ, the operator must carefully consider staffing levels and satisfy the Licensing Authority that these levels are appropriate to ensure that the licensing objectives are being upheld. Where it deems it necessary, the Licensing Authority will seek to attach a condition to the premises licence specifying minimum levels of staffing and security personnel, as well as their location and times during which these levels must be maintained.

G4.21 Any entrances to the premises will need to be carefully considered by the operator in relation to management, location and design. Where necessary, the Licensing Authority may seek to attach a condition to the premises licence requiring security personnel to be located at entrances. Operators must detail any and all checks that are carried out at any entry control points in order to assess age and potential vulnerability of any person wishing to enter the premises.

G4.22 The location, layout and management of gaming machines is another significant consideration within an GVZ and operators should consider appropriate locations of the following when designing the layout of a premises:

- (a) any entrances;
- (b) any ATM located on the premises;
- (c) entry control points;
- (d) higher category gaming machines;
- (e) staff desk or cashier points;
- (f) CCTV;
- (g) security personnel;

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<sup>65</sup> Ordinary Code 10.1.2, Licence conditions and codes of practice, Effective from the 31 October 2020

## Annual fees

G4.23 Holders of a premises licence must pay the annual fee prior to the anniversary of the issue of the licence each year<sup>66</sup>. Failure to do so will result in the revocation of the premises licence unless the Licensing Authority determines the failure is due to an administrative error<sup>67</sup>. There is no definition of administrative error and the Licensing Authority, in the first instance, will seek clarification from the licence holder as to the reason for the failure to pay the fee. If the Licensing Authority is satisfied that the failure to pay on time was due to an administrative error, it will allow the operator to pay the annual fee within a reasonable period. The Licensing Authority considers this reasonable period to be no longer than 14 days from the date that the operator was first notified about the failure to pay the annual fee.

## Adult Gaming Centres Cashier Counters Policy G4-B

- A. The applicant must identify within the plan for the Adult Gaming Centre, accompanying the application the location of any cashier counter within the premises or other locations where cash, card payments, tokens, vouchers or other payment options are handled.**
- B. The applicant must include within their gambling risk assessment details of the identified risks associated with the placement of the cashier counter and its operation and what control measures will be used to mitigate or eliminate those risks.**

<sup>66</sup> Section 184(1)(b), Gambling Act 2005

<sup>67</sup> Section 193, Gambling Act 2005

- C. In conducting the risk assessment associated with the placement and use of a cashier counter within the premises the applicant will be expected to have considered the following:**
  - 1. The placement of any cashier counter so as to increase the ability of staff at the counter to actively monitor customers within the premises.**
  - 2. The design, accessibility, materials used in the construction, lighting, staff access and egress points, cash till and safe (if applicable) locations within the cashier counter and layout of the cashier counter to ensure that it is secure and reduces the risk of crime.**
  - 3. The minimum staffing requirements for the cashier counter.**
  - 4. The location and type of CCTV monitoring both within and outside the cashier counter.**
  - 5. The ability and processes for cash handling and restocking of the cashier counter.**
  - 6. The security arrangements for the cashier counter, including bandit screens, alarms (both personal and fixed), and staff safehaven/panic room.**
  - 7. The policies, procedures and staff training required for the safe and compliant operation of the cashier counter and Adult Gaming Centre.**

G4.24 Applications for an Adult Gaming Centre must appropriately assess the risk of the particular location. It is likely that the Licensing Authority will seek a copy of the risk assessment with any new or variation application. The Licensing Authority provides information on the levels of crime, disorder and risk to gambling related harm and expects operators to make full use of this information in formulating and updating a risk assessment.

G4.25 The safety and security of staff and customers is a consideration for the Licensing Authority when assessing applications. Depending on the level of risk at the particular location, the Licensing Authority expects operators to demonstrate what security measures are in place to ensure that the risk of crime is mitigated. Operators should address the following points in their application:

- (a) the location of any cashier counter;
- (b) the requirement for a security screen, including the height and material to be used;
- (c) CCTV, including the location of cameras, storage of recordings and access by staff;
- (d) access to the cash desk area;
- (e) the construction of the cashier counter, including whether it is open or enclosed;
- (f) the requirement for a safe room;
- (g) the location of any panic alarm;
- (h) personal fob alarms for staff;
- (i) cash storage and access, for example safe and cash desk provisions.

G4.26 Adult Gaming Centres are likely to be cash environments and as such have the potential to be a target for crime. Operators should take measures to mitigate this risk by considering the location and security arrangements of any cashier counters at the premises. The Licensing Authority will assess any new and relevant variation application against the first licensing objective of preventing gambling from being a source of crime and disorder.

#### Age Verification within Adult Gaming Centres Policy G4-C

- A. Applicants will demonstrate that they have an age verification policy in place for the premises that meets the Licensing Authority’s minimum requirements.**
- B. The applicant must demonstrate that all staff who interact with Adult Gaming Centre customers, either at entry or within the premises are provided with sufficient training to carry out age verification checks in accordance with the operators age verification policy.**
- C. The minimum requirements, referred to in Clause A for applicants age verification policies will be Think/Challenge 21.**
- D. The applicant will be required to provide the Licensing Authority upon request with:**
  - 1. The results of any age verification testing, either undertaken by the operator or by a third party, and**
  - 2. Any logs and/or records associated with:**
    - a. challenges made under the age verification policy,**
    - b. the number customers who failed a challenge under this policy,**
    - c. any breaches of the age verification policy by staff, and,**
    - d. any incidents where a child or young person has accessed the premises or played on any adult only gaming machines.**
- E. For the purposes of this policy any reference to “child” or “young person” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- G4.27 The Licensing Authority views underage access to premises extremely seriously and the onus is placed firmly on the licence holder to ensure that appropriate checks are in place to prevent and deter opportunities for children and young people to gain access to the premises. Underage access to an Adult Gaming Centre is an offence<sup>68</sup> and the display of notices prohibiting underage access is a requirement of the mandatory conditions<sup>69</sup> attached to all licences.
- G4.28 It is the Licensing Authority's view that preventing underage access should be a major consideration for any applicant or operator and effective measures such as age verification checks are a simple solution to this issue. Therefore, failure to implement effective measures and enforce this requirement by operators will be dealt with strictly by the Licensing Authority. Operators can expect serious or repeated breaches of these requirements to be dealt with by review proceedings.
- G4.29 Operators are expected to assess the risk of underage access to their premises for the particular location and implement mitigation measures accordingly. As a minimum, all operators are expected to implement a Think or Challenge 21 policy and a refusals log<sup>70</sup> at the premises. Where necessary, operators may seek a stricter Think or Challenge 25 policy. If it deems it necessary, the Licensing Authority will seek to attach conditions to the premises licence in relation to age verification measures.

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<sup>68</sup> Section 47, Gambling Act 2005

<sup>69</sup> Mandatory condition 1, Schedule 3, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

<sup>70</sup> A log of any incident where a person has been refused access to the premises following a failure to provide suitable age verification identification. The log should include the time, date, entrance used and description of the person.

Operators will also be expected to demonstrate suitable training measures for staff and maintain records of training logs<sup>71</sup> at the premises.

- G4.30 To ensure the effectiveness of age verification policies at the premises, operators should implement a process of third-party age restricted access testing at the premises. This should be undertaken at regular intervals as defined within the operator's own risk assessment and company policy. Results of age verification policy testing should be assessed and where necessary policies should be reviewed and amended accordingly.
- G4.31 Where an Adult Gaming Centre fails a test purchase, depending on the level of the failure the Licensing Authority may seek to implement stricter age verification measures at the premises. For example, a premises operating a Think or Challenge 21 scheme which repeatedly fails the test purchase process or fails on multiple points may be required to implement a Think or Challenge 25 policy and review staff training methods.
- G4.32 In all instances, the Licensing Authority is available to work with premises which are at risk of underage access. Operators are encouraged to share concerns with the responsible authorities where they have concerns. The Licensing Authority has access to a network of services both within and outside the Council which can seek to address the wider issues with underage gambling.

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<sup>71</sup> Training logs should include the name of the staff member, the date of the training and a description of the type of training provided.

## Adult Gaming Centres CCTV Cameras, Recording and Retention Policy G4-D

- A. CCTV shall be provided throughout the Adult Gaming Centre and at key access and egress points for customers, staff and deliveries.**
- B. CCTV shall meet the Metropolitan Police standards for CCTV.**
- C. Applicants will be required to demonstrate to the Licensing Authority how they will:**
  - 1. Provide sufficient CCTV coverage of the premises and the relevant outside locations**
  - 2. Manage and monitor the CCTV footage on a daily basis**
  - 3. Designate staff and ensure that they are sufficiently trained in the use, monitoring, and accessing of the CCTV system**
  - 4. Retain the CCTV recordings in a safe and secure way**
  - 5. Provide access or copies of CCTV recordings for the police, enforcement officer or authorised person, as defined under sections 303 and 304 of the Act**
  - 6. Ensure the CCTV system is maintained to ensure that it operates effectively**

G4.33 CCTV is an important tool in crime prevention and evidence gathering. It acts as a valuable tool for both the operator and responsible authorities in identifying and resolving issues which can impact upon the licensing objectives.

G4.34 Operators should assess the level of CCTV requirement depending on the location, layout and staffing levels of their

premises. The Licensing Authority expects to see this as a consideration in the risk assessment for the premises.

G4.35 Where necessary, the Licensing Authority may attach a condition to the premises licence requiring minimum standards of CCTV provision. The Licensing Authority has produced model conditions for CCTV provisions which may be relied upon where appropriate.

G4.36 The production of good quality CCTV with the minimum of delay can be of significant value to responsible authorities when investigating an incident and detecting crime. Therefore, the co-operation of operators with responsible authorities in this respect is key. Where such co-operation is lacking, the Licensing Authority will seek to attach conditions to the premises licence to ensure this standard is maintained.

G4.37 Similarly, it is the experience of the Licensing Authority that effective communication between operators and responsible authorities can be of value to all parties. The Licensing Authority expects all operators to establish effective, clear lines of communication, particularly in relation to incident reporting, with the responsible authorities.

## Staff Line of Sight within Adult Gaming Centres Policy G4-E

- A. Applicants must demonstrate that they have considered the layout of the premises, including entry and egress points and the location of gaming machines, ATM's and/or Cashier Counters to provide clear lines of sight to enable staff to adequately monitor the premises.**



**B. If CCTV will be utilised to monitor the premises then the applicant must demonstrate that they meet the Adult Gaming Centre CCTV Cameras, Recording and Retention Policy G5-D.**

- G4.38 The layout of an Adult Gaming Centre is an important consideration for the operator when considering control measures at the premises. Staffing levels in Adult Gaming Centres can be minimal and banks of gaming machines can create corridors or alcoves into which customers can spend undetermined lengths of time. As such, the location of staff and measures such as CCTV are significant.
- G4.39 The Licensing Authority expects operators to design their premises so as to allow staff or live-monitored CCTV to have clear lines-of-sight in all light conditions of all relevant areas of the premises. The operator should assess within their own premises what is relevant but as a minimum the Licensing Authority expects this to cover:
- (a) gaming machines;
  - (b) ATM's;
  - (c) entrances to the premises;
  - (d) Cashier Counters
- G4.40 The Licensing Authority is aware of the dangers posed by repetitive machine play on the potential harm to vulnerable customers and it considers continuous line-of-sight to be essential for staff to maintain control of the premises and to address any issues with customers before they escalate.
- G4.41 Where CCTV is relied upon in the absence of sufficient staffing levels within the premises, it should be monitored live and operators of the CCTV should have an immediate communication

system in place to enable them to contact staff without delay, for example a radio.

- G4.42 Operators should give consideration to the location of any staff desk or cashier counter (in combination with other policies in this section) to enable staff to have clear visibility of the premises, as well as the location of any obstructions such as walls or pillars. Any remaining blind spots should be addressed by the operator along with measures to mitigate the risks these pose.
- G4.43 Gaming machines should be positioned so as to ensure no blind spots are created. In addition, the requirements for the display of information on gaming machines<sup>72</sup> must be strictly adhered to and in an overt position on each gaming machine. The layout of the gaming machines must not be configured so as to obscure information or notices in any way.

**Gaming Machines within Adult Gaming Centres Policy G4-F**

- A. The applicant must demonstrate that they have sufficiently assessed the risks and put in place measures to ensure:**
- 1. Gaming machines are located in appropriate locations within the Adult Gaming Centre to ensure that they can be sufficiently monitored at all times,**
  - 2. Gaming machines are constantly monitored either in person or via CCTV and that there are adequate staff who are trained and available to carry out that monitoring, in accordance with policies G4-D and G4-E above,**
  - 3. There are sufficient numbers of trained staff who can interact with the customer if they are showing any signs that they may be vulnerable to gambling related harm, are**

<sup>72</sup> Section 3 The Gaming Machine (Circumstances of Use) Regulations 2007

**not complying with the premise's rules, are causing damage or who are acting in a disorderly or inappropriate manner,**

**4. That cash going to a gaming machine and from that machine to the relevant cash handling location within the premises is done in a way that reduces the risk of crime.**

**B. The applicant will ensure that there is sufficient gambling harm prevention advice, including a telephone number to access support if required is provided and easily accessible by the customer using a gaming machine.**

- G4.44 Gaming machines are the primary purpose of an Adult Gaming Centre and as such operators should be proficient in their management. This policy sets out some of the factors that the Licensing Authority expects an operator to consider when designing and operating their premises.
- G4.45 The positioning of gaming machines must be such that the signage required by regulations<sup>73</sup> is not obscured in any way. Signage on gaming machines must be overt.
- G4.46 Gaming machines should be positioned so as to allow staff and, where necessary, security personnel to monitor their use at all times. Monitoring may include, but should not solely consist of, remote monitoring. Operators with premises in an GVZ should consider remote monitoring of gaming machines as a method of detecting gambling related harm and should provide staff with the ability to remotely disable a gaming machine if they assess that a customer is at risk of or is being harmed by gambling.

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<sup>73</sup> Section 3 The Gaming Machine (Circumstances of Use) Regulations 2007

- G4.47 Operators should have a policy in place regarding staff training on how to identify customers at risk from gambling related harm based on the local area profile and should be aware of the warning signs, as well as customer interaction. The frequency and content of staff training should form part of the risk assessment in line with the local area profile. A record of training logs should be maintained at the premises.
- G4.48 Operators should risk assess the need to locate higher-category gaming machines in a separate or specific location within the premises. Gaming machines should be located a suitable distance from any entrance to the premises so as to allow staff and any security personnel the opportunity to challenge the customer for age verification.
- G4.49 The Licensing Authority is aware that customers who lose control of their gambling whilst using gaming machines can seek to cause criminal damage to gaming machines or act aggressively or violently towards staff, security personnel or other customers. Operators should assess this risk taking the local area profile into account and in particular consider the requirement for fixed or weighted stools in order to prevent them from being used as a weapon. The Licensing Authority expects any such behaviour constituting a crime or an incident of disorder to be reported to the Police.
- G4.50 The location of any ATM on the premises is restricted by mandatory condition<sup>74</sup> requiring any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

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<sup>74</sup> Mandatory condition 3, Schedule 3, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

Operators should ensure that the ATM is a reasonable distance from any gaming machine in order to comply with this condition and also locate any ATM so as to allow a clear line of sight for staff. The Licensing Authority is aware that frequent and repeated use of an ATM can be a sign that a customer has lost control of their gambling or is gambling beyond their means. In certain circumstances where a premises is located within an GVZ, the Licensing Authority may seek to attach a condition to the premises licence prohibiting the presence of any ATM on the premises.

- G4.51 Operators should risk assess and implement a policy regarding the emptying of cash from and accessing of gaming machines or ATM's at the premises. This should be assessed in line with the first licensing objective of preventing gambling from being a source of crime or disorder. Factors to consider should include:
- (a) the location of the premises;
  - (b) local risk levels including crime data and the view of the police;
  - (c) whether customers are permitted on the premises when this process takes place;
  - (d) whether security personnel are present;
  - (e) whether entrances are controlled or locked;

- G4.52 Where necessary, the Licensing Authority may seek to attach a condition to the premises licence specifying the minimum requirements for emptying or accessing gaming machines.

#### Staff Safety and Alarm Measures within Adult Gaming Centres Policy G4-G

**A. The applicant has demonstrated that they have sufficiently assessed the associated risk of the operation of the Adult Gaming Centre with respect to staff safety and security so as to be responsibly consistent with the prevention of crime and disorder licensing objective and Policy D1.**

**B. In meeting Clause A the applicant has clearly considered the associated risk and put forward sufficient procedures, policies, staff training and other control measures to mitigate or eliminate the risk to staff safety and prevent crime and disorder at the premises.**

- G4.53 All Adult Gaming Centres must be risk assessed to determine the appropriate security measures necessary to protect staff, customers, wider members of the public and as a deterrent to prevent crime or disorder. On application, the Licensing Authority may request to be provided with the risk assessment in order to assess the measures suggested.

- G4.54 Depending on the particular location, the operator should consider the following measures:
- (a) panic alarms and their location within the premises
  - (b) personal attack alarms for staff and any security personnel
  - (c) staff training on conflict management
  - (d) safe haven with a secure door and peep hole
  - (e) CCTV monitor showing footage from cameras within the shop
  - (f) landline telephone
  - (g) remote door control (e.g. maglock)

G4.55 Operators should pay particular attention to the local area profile and adjust any security measures in line with the risks identified. The Licensing Authority recommends regular communication with the responsible authorities to maintain awareness of any new trends developing in the locality.

G4.56 The Licensing Authority expects all crimes and incidents of disorder to be reported to the Police. In the first instance, where particular premises are experiencing issues relating to crime or disorder, the Licensing Authority will seek to work with the operator and Police to resolve such issues.

#### Adult Gaming Centre External Shop and Forecourt Management Policy G4-H

**A. The applicant will demonstrate that they have assessed the risk to the licensing objectives associated with the entrance and egress points to the premises and the immediate area or forecourt to the front of the premises and put in place sufficient control measures to monitor that area and mitigate or eliminate those risks.**

**B. In meeting Clause A applicants risk assessments, as a minimum should consider:**

- 1. Child or vulnerable persons safeguarding concerns (see Policy D3),**
- 2. Customers congregating in numbers outside the premises,**
- 3. Customers drinking alcohol outside the premises,**
- 4. Customers committing crime or disorder outside the premises,**
- 5. Begging taking place outside the premises, and**

**6. Rough sleepers using the forecourt area to wait or sleep.**

**C. For the purposes of this policy any reference to “child” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G4.57 The Licensing Authority expects operators to monitor and be aware of its customers both inside and in the immediate vicinity of the premises. Therefore, for example, when customers leave the premises to smoke or step outside, the Licensing Authority expects the operator to take steps to ensure that its customers act in an appropriate manner and do not cause obstruction or otherwise to other businesses, residents or members of the public. Such issues may include:

- (a) child or vulnerable persons safeguarding concerns, see policy D3 for more details.
- (b) customers congregating in numbers outside the premises
- (c) customers drinking alcohol outside the premises
- (d) customers committing crime or disorder outside the premises
- (e) begging taking place outside the premises.
- (f) rough sleepers using the forecourt area to wait or sleep.

G4.58 Operators should implement measures or policies to enable staff to control these areas. Measures the operator may undertake to mitigate these risks include:

- (a) monitoring of external areas, either by staff, security personnel or CCTV
- (b) warning or banning procedures for customers who behave inappropriately in such external areas, regardless

- of whether or not they are within the boundary of the premises licence
- (c) locating staff counter positions so as to allow staff to monitor the external area
- (d) reducing window displays so as to allow staff better lines of sight to the exterior of the premises from their counter position
- (e) adjusting any forecourt areas under their control so as not to encourage loitering
- (f) close interaction with the Police Local Safer Neighbourhood Teams and Council Officers to address begging and rough sleeping issues outside the premises.

G4.59 In particular locations, operators should be aware that even a small number of customers congregating in the external area of the premises can cause significant distress to local residents and neighbouring businesses. As such, operators are expected to take positive actions in order to prevent such situations arising and should be sensitive to the impact upon local residents and businesses. The Council has a network of services that can assist in such situations and operators experiencing such issues should seek discussions with the Licensing Authority in the first instance to seek a mutually beneficial solution.

#### Adult Gaming Centre Staffing Levels Policy G4-I

- A. The applicant will be required to demonstrate that they will have sufficient staffing levels, excluding door supervisors or security personnel in place to:**
  - 1. Monitor the operation of Adult Gaming Centre so as to:**
    - a. provide customers with support in understanding how to use the gaming machines,**

- b. manage payments and prizes associated with the operation of Adult Gaming Centre,**
  - c. provide positive customer interactions relating to their gambling behaviour,**
  - d. ensure that no one is committing any crime whilst on the premises, and**
  - e. ensure that customers comply with the operators' rules, the terms and conditions of the licence and the Act.**
- 2. Carryout age verifications checks to ensure customers are over the age of 18 in line with the requirements of the Adult Gaming Centre Age Verification Policy G4-C and ensure that no child can access the premises or play on any category B3 or C gaming machines.**

**B. For the purposes of this policy any reference to "child" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G4.60 Minimum staffing levels in Adult Gaming Centres has been an area of concern for the Licensing Authority and can increase the risk of impacting on one or more of the licensing objectives. However, the Licensing Authority generally accepts that staffing levels are to be determined by business needs and should be risk assessed in line with the local area profile.

G4.61 The Licensing Authority does expect operators to have sufficient staff on the premises so as to enable:

- (a) sufficient monitoring of the entire premises
- (b) age verification checks upon entry to the premises

- (c) monitoring of and assistance to vulnerable customers
- (d) adequate monitoring of all gaming machines
- (e) monitoring of all entrances to the premises

G4.62 The Licensing Authority recognises that the size of the premises and levels of custom will play a factor in minimum staffing levels, but expects operators to have sufficient staffing levels to be able to serve customers as well as all of the above functions at the busiest of times. The Licensing Authority will not accept staff being busy serving customers as justification for not being aware of circumstances in the premises or being in control of the premises, or failing to carry out age verification checks.

G4.63 In certain circumstances, the Licensing Authority may deem it necessary to impose minimum staffing levels after certain times and / or in certain areas through conditions attached to the premises licence.

#### Adult Gaming Centre Door Supervision and Security Personnel Provisions Policy G4-J

- A. Applicants will be required to demonstrate that they have sufficiently risk assessed their operation and the location where they intend to operate to determine whether licensed door supervisors or security personnel are required.**
- B. If the applicant has identified that licensed door supervisors or security personnel are required as part of the operation of the premises, they must demonstrate that they:**
  - 1. Will have sufficient licensed door supervisors and security personnel on the entry and egress points and/or within the Adult Gaming Centre itself.**

- 2. Will provide door supervisors and security personnel with sufficient training on:**
  - a. the Adult Gaming Centre age verification policy;**
  - b. emergency procedures associated with fire detection, bomb threat or other emergency incident;**
  - c. appropriate action to be taken to prevent and detect crime and disorder inside the premises or immediately outside the entrances to the premises; and,**
  - d. the powers of entry of the police, enforcement officers and authorised officers when carrying out their duties under the Act.**

**C. Licensed door supervisors and security personnel referred to within this policy will be those licensed to carry out those functions by the Security Industry Authority (SIA).**

G4.64 Adult Gaming Centre operators are required to adequately assess whether door supervisors should be employed at the premises. This will depend on the operation of the premises, the associated risk of crime and disorder and to manage the access and egress of customers to the premise, etc.

G4.65 It will be for the operator to assess the specific needs of each entrance to the premises, as well as all areas within the premises, and set this out within their risk assessment. Depending upon the specific circumstances of the premises location, the Licensing Authority will expect the operator to have training policies for all security personnel and door supervisors, as well as refresher training, which cover the local risks identified.

G4.66 Operators are expected to keep numbers of security and door supervision under review and in line with any advice or guidance provided by the responsible authorities. Where the premises are located in an area designated as a GVZ or likely to attract crime or disorder, the operator is expected to increase any security presence accordingly. Regular communication with the Police is recommended and operators should follow any strategic advice provided by the responsible authorities where the licensing objectives are likely to be impacted.

G4.67 The Act permits the Licensing Authority to attach conditions to the premises licence in relation to door supervision.<sup>75</sup> Where circumstances deem it necessary, the Licensing Authority will attach such a condition in order to guard the premises against unauthorised access or occupation, or against outbreaks of disorder or damage. Circumstances in which the Licensing Authority may deem this necessary include, but are not limited to:

- (a) repeated access by children or young persons;
- (b) failure to properly implement a Think/Challenge 21 or Think/Challenge 25 policy effectively;
- (c) repeated outbreaks of crime or disorder at the premises which are not dealt with appropriately by the operator;
- (d) repeated threats to staff welfare or safety which are not dealt with appropriately by the operator;
- (e) repeated incidents of violent or aggressive behaviour, including those towards staff and property such as gaming machines;

G4.68 The Licensing Authority regards the imposition of a condition requiring door supervision as a strong measure and will only

resort to implementing such a condition where it is deemed necessary to ensure that the premises operation does not adversely impact the licensing objectives or efforts to resolve on-going issues have proved unsuccessful. It is therefore in the operators' interests to work with the Licensing Authority, and other responsible authorities, in order to resolve such issues prior to this measure being required. It is the intention of the Licensing Authority to enforce the principal that crime or disorder in Adult Gaming Centres is unacceptable and that a standard of behaviour is expected of all customers.

#### Adult Gaming Centre Premises-Based Advertising Policy G4-K

- A. Applicants will be expected to assess the associated risk with advertising the Adult Gaming Centre, the entertainment and/or any gambling activities that are visible from the exterior of the premises, advertised in the local area or advertised to a wider geographical area beyond the local area or beyond Westminster.**
- B. In considering the risk associated with any advertising of the Adult Gaming Centre or its functions the operator will demonstrate that they have considered:**
  - 1. If the content of the advertisement is designed or worded in a way that could attract children to gamble;**
  - 2. If the content of the advertisement is correct and accurately explains any promotion, activity, event, rules, terms, conditions, or restrictions;**
  - 3. The risk to those who may be of greater risk to gambling related harm within the area in which the advertisement is being displayed and does not target a particular vulnerable group or culture; and,**

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<sup>75</sup> Section 178, Gambling Act 2005

4. That any advertisements are not placed on or near buildings that are considered sensitive.

**C. For the purposes of Clause B.4 a sensitive building is classified by the Licensing Authority as a:**

1. School, college, or other educational institution
2. Community centre, youth centre, playground, toy shop, bowling alley, cinema, sport/leisure centre or premises of a similar nature where children are likely to gather
3. Church, mosque, temple, synagogue or other place of religious worship
4. Bank, building society, post office or other financial institution
5. Debt advice centre, job centre, community hub, citizen advice centre or similar premises associated with supporting those in financial difficulty or who are seeking employment
6. General practitioners' surgery, health centre, hospital, residential care home, psychiatric treatment centre or other premises that provide support for vulnerable people
7. Homeless hostel, shelter or other accommodation for those who are homeless or have been rough sleeping.
8. Addiction clinic or other premises that are used for the treatment and support of gambling addiction or other addictive behaviours.

**D. For the purposes of this policy any reference to "children" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G4.69 Operators must comply with the Advertising Standards Authority (ASA), UK Code of Non-Broadcast Advertising and Direct & Promotional Marketing (CAP) Code and the Industry Group for Responsible Gambling (IGRG), Gambling Industry Code for Socially Responsible Advertising as a requirement of the Gambling Commissions Licence Conditions and Codes of Practice Social Responsibility Code 5.1.6. The ASA CAP and IGRG codes relate to the content of the advertising and to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited. Whilst these codes predominantly relate to the content of the advertising the Licensing Authority is concerned about the locality in which some advertising may take place within the areas that have been identified as of greater risk or that have particularly sensitive buildings. As such the Licensing Authority's policy is that gambling operators should be particularly aware of the potential risk associated with advertising within a designated Gambling Vulnerability Zone (GVZ). Operators should assess how this may impact any at risk members of the public living, working or visiting the area.

G4.70 Where a risk to a particular group has been identified in the LAP, any internal and external advertising should be careful so as not to be targeted towards these groups. Operators should refer to the relevant local area profile for further details.

G4.71 Operators outside of any GVZ should be aware of any advertising undertaken either directly or on their behalf taking place within or in close proximity to a GVZ which could impact upon at risk groups.



## Adult Gaming Centre Merchandise Policy G4-L

- A. Applicants that wish to provide branded Adult Gaming Centre merchandise, either for sale or to be given away without charge as promotional material will be required to demonstrate that the merchandise is not designed for, intended for use by or promoted to children.**
- B. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G4.72 Adult Gaming Centre operators merchandise carrying their logo, branding or any other such mark must not be designed or intended for use by children or young people or known at risk groups. Such merchandise should not be given away as part of a promotion sold to any member of the public with the intention of attracting children, young people or other at-risk groups to the premises or to gamble.

## Provision and location of ATM’s in Adult Gaming Centres Policy G4-M

- A. If an applicant intends to provide an ATM within Adult Gaming Centre the location of that ATM shall be marked on the plan accompanying the application.**

- B. The applicant will be required to demonstrate to the Licensing Authority that the sighting of the ATM has been risk assessed to ensure that it:
  - 1. Is located in a position that will enable staff to monitor it at all times either via CCTV or by staff present within the Adult Gaming Centre.
  - 2. Is located at a sufficient distance away from the nearest gaming machine so as to require a customer to leave the machine in order to use the ATM
  - 3. Is located in a position that will enable the safe restocking and removal of cash.**
- C. The applicant shall ensure that the opening of any ATM’s is done at a time when the premises is either closed or at a time when there are sufficient security personnel or staff present.**

G4.73 The Licensing Authority is aware that frequent and repeated use of an ATM by customers is an indicator that they may be vulnerable to harm from gambling. As such, any ATM located on the premises should be positioned in an area so as to enable staff to monitor its use at all times. The location should be a sufficient distance from any gaming machine so that the customer has to leave the gaming machine in order to use the ATM. The Licensing Authority will expect any operator providing an ATM on the premises to have policies in place which show staff training measures as to how to identify potentially at risk and vulnerable customers. Although frequent and repeated use of an ATM in itself is not evidence of gambling-related vulnerability to harm, the Licensing Authority considers it an indicator and therefore the responsibility is with the operator to identify and mitigate any risks to customers at this point.

G4.74 Operators should be aware of the risk of crime when opening any ATM to either refill or remove cash. The Licensing Authority expects any operator to risk assess and have a policy in place which will mitigate any risk of crime or disorder in these circumstances. This may include unlocking or accessing the machine only when no customers are on the premises or when sufficient security personnel are present. Operators are expected to have sufficient security measures and personnel in place to mitigate any risk of crime and should liaise with the Police and responsible authorities when assessing this risk.

G4.75 The Licensing Authority may deem it necessary to restrict the use of any ATM, including imposing a condition on the premises licence prohibiting the presence of an ATM, where it feels it necessary in the circumstances. It will be for the operator to demonstrate in any application and risk assessment that sufficient measures are in place to mitigate these risks.

#### Provision of Gambling Harm Prevention Advice within Adult Gaming Centres Policy G4-N

**A. Applicants must demonstrate that they will provide sufficient and readily accessible information and advice on gambling harm prevention and support for customers within the Adult Gaming Centre.**

**B. The information and advice referred to in Clause A as a minimum must be displayed or made readily available for customers at:**

- 1. Cashier counters**
- 2. By any gaming machines**
- 3. By any ATM, and**

**4. In at least one discreet location within the premises.**

**C. If the Licensed Family Entertainment Centre is located within an area of the city where a majority or part of that premises customer base does not use English as their first language the applicant will be expected to provide the information referred to in Clause A in alternative relevant languages as well as English.**

G4.76 Adult Gaming Centres are required to make information readily available to customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling<sup>76</sup>. Such information must include:

- (a) measures provided by the operator to help customers monitor or control their gambling, such as restricting the duration of a gambling session or the amount of money they can spend;
- (b) timers or other forms of reminders or 'reality checks' where available;
- (c) self-exclusion options;
- (d) information about the availability of further help or advice (e.g. GamCare).

G4.77 Information must be available in prominent locations in all areas where gambling facilities are provided. The size and layout of the premises will be a factor in the amount of information available. However, as a minimum, the Licensing Authority expects information to be displayed at the cashier counter, by any gaming machine or bank of gaming machines, by any ATM and in at least

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<sup>76</sup> Social responsibility code provision 3.3.1, Licence Conditions and Codes of Practice. Effective from the 31 October 2020.

one discreet location. Methods of displaying this information are at the discretion of the operator, save that the information must be available at the premises as well as in a format that can be taken away from the premises.

G4.78 As this social responsibility provision links directly to the third licensing objective of protecting the vulnerable, the duty lies with the operator to make this information available to its customers in the best possible format. Therefore, the Licensing Authority expects positive efforts from the operator in complying with this code. For example, where pamphlets are provided as a means of providing this information, pamphlets must be well stocked at each point around the premises. Posters must be of a reasonable size (as a guide, A4 size as a minimum) and any use of screens must be for a reasonable amount of time.

G4.79 Where the majority or part of the customer base of a premises may not have English as their first language, the Licensing Authority expects the information referred to above to be made available in the alternative relevant languages appropriate to the area and customer base as well as English. Such a factors should form part of the risk assessment and mitigation measures for the premises.

### Buildings where there are more than one gambling premises Policy G4-O

**A. Applications for more than one application in a building and/or to divide an existing building containing a licensed gambling premises into different premises the applicant must demonstrate that:**

- 1. Access is restricted to prevent unlawful direct access by customers between licensed premises**
- 2. The different premises are generally separate premises, and not an artificially created part of what is readily identifiable as a single premise**
- 3. The different premises operate independently and do not use common non gambling areas.**
- 4. Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not 'drift' into a gambling area.**
- 5. The premises are not configured so that children are invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited in taking part.**

**B. For the purposes of this policy any reference to "children" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G4.80 A premises can be any place<sup>77</sup>, but a single premises cannot hold more than one premises licence<sup>78</sup>. However, the Licensing Authority recognises that there is, in principle, no reason why a building cannot comprise of two or more premises, and therefore, multiple premises licences, provided these premises occupy separate and distinct parts of the building.

<sup>77</sup> Section 353, Gambling Act 2005

<sup>78</sup> Section 152, Gambling Act 2005

- G4.81 Access to an Adult Gaming Centre is restricted by mandatory condition.<sup>79</sup> prohibiting access from another licensed gambling premises or premises holding a Family Entertainment Centre Gaming Machine Permit, Club Gaming Permit, Club Machine Permit or Licensing Premises Gaming Machine Permit.
- G4.82 The Gambling Commission’s guidance to Licensing Authorities notes that there is no definition of ‘direct access’, but the Licensing Authority, in line with the Gambling Commission’s guidance, considers that there should be an area separating the area concerned which the public go to for purposes other than gambling for there to be no direct access.<sup>80</sup> The area which separates the licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public for purposes other than gambling.
- G4.83 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATM’s.
- G4.84 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory

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<sup>79</sup> Mandatory condition 2, Schedule 3, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

<sup>80</sup> Para 7.22 Guidance to Licensing Authorities, Published 1 April 2021

provisions, the Licensing Authority will expect applicants to ensure that:

- (a) premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- (b) entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not ‘drift’ into a gambling area;
- (c) customers should be able to participate in the activity named on the premises licence.

- G4.85 This list is not exhaustive, and the Licensing Authority will consider other aspects based on the merits of the application.
- G4.86 The Licensing Authority expects any application to have more than one licensed premises within a building to demonstrate that:
- (a) the different premises are genuinely separate and are not an artificially created part of what is readily identifiable as a single premises;
  - (b) separation between the premises is appropriate;
  - (c) access between premises is restricted to prevent unlawful direct access by customers between licensed premises.
- G4.87 For example, the Licensing Authority would not expect to receive applications to artificially separate a building or existing licensed premises to increase the number of gaming machines permitted in the building.

- G4.88 Factors the Licensing Authority will consider when determining whether a premises is truly separate include:
- (a) whether a separate registration for business rates is in place at the premises;
  - (b) whether the neighbouring premises are owned by the same person;
  - (c) whether each premises can be accessed from the street or a public passageway;
  - (d) whether the premises can only be accessed from any other gambling premises.
- G4.89 Children are not permitted into Adult Gaming Centres. Therefore, operators will need to carefully consider the configuration of buildings if they are seeking to develop multi-purpose sites. In these circumstances, the third licensing objective of protecting children and the vulnerable from harm means not only preventing them from entering the Adult Gaming Centre but also preventing them from being in close proximity to gambling.
- G4.90 The Licensing Authority will expect any such application to demonstrate what measures the operator has in place to uphold this objective, including how the configuration of the premises will ensure that children are not invited to participate in, have accidental access to or closely observe gambling. Aspects of the design such as line-of-sight into the premises must be considered and risk assessed with this in mind. Those premises which operate on the high street should consider visibility into the premises from any windows or glass / open doors.

## Licensed Family Entertainment Centres Policies – G5

### Licensed Family Entertainment Centres Policy G5-A

- A. Applications outside a Gambling Vulnerability Zone for a provisional statements or new Licensed Family Entertainment Centre or to vary an existing premises licence will generally be granted subject to:**
- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.**
  - 3. The applicant having undertaken an assessment of the local area risks as defined within the Location Policy F1 and Risk Assessment Policy C1.**
  - 4. The applicant meeting the requirements of the other relevant policies within this section.**
- B. Applications within a Gambling Vulnerability Zone for a provisional statement or new Licensed Family Entertainment Centre or to vary an existing premises licence will be considered on their own merits and subject to the following:**
- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meet the criteria and considerations within policies D1, D2 and D3.**

- 3. The applicant having demonstrated that they have sufficiently assessed the associated gambling risk and put forward sufficient mitigation to satisfy the Gambling Vulnerability Zones Policy F2 and the Risk Assessment Policy C1.**
  - 4. The applicant meeting the requirements of the other relevant policies within the casino policies section of this statement.**
- C. Applications for Family Entertainment Centre premises licences if granted will be subject to the Councils Pleasure Fairs (Amusement Premises) Byelaws made in pursuance of Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976 which regulate the following:**
- 1. Opening hours,**
  - 2. Provision for safe ingress and egress,**
  - 3. Nuisances, sanitary conditions, cleanliness, order and public safety, and**
  - 4. Fire protection.**

- G5.1 Licensed Family Entertainment Centres are a class of gambling premises permitted under the Gambling Act 2005. This section refers to Family Entertainment Centres which hold a premises licence under Part 8 of the Gambling Act 2005, not to be confused with Family Entertainment Centre Gaming Machine Permits (also referred to as unlicensed Family Entertainment Centres) under Schedule 10 of the Gambling Act 2005. The Licensing Authority's policies for Family Entertainment Centre Gaming Machine Permits (Unlicensed Family Entertainment Centres) are detailed within Part H of this policy.

G5.2 A premises licence for a Family Entertainment Centre enables the holder to make an unlimited number of category C or D gaming machines available for use at the premises.

G5.3 Licensed Family Entertainment Centres, as with all gambling premises, are the subject of dual regulation by the Gambling Commission, via personal and operating licences, and the Licensing Authority, via premises licences. The Gambling Commission, in considering, issuing and maintaining personal and operating licences, considers the operator's suitability and ensures the operator has policies and procedures in place to cover various issues such as anti-money laundering and reporting procedures. Family Entertainment Centres are subject to the Licence Conditions and Codes of Practice which is set by the Gambling Commission. As such, these are issues that the Licensing Authority will not need to consider when determining applications and, in the interests of avoiding duplication of regulation, will focus on premises specific issues. In certain circumstances, however, the Licensing Authority will expect to be provided with information concerning an operator's policies and procedures to ensure that the operator has suitable policies in place to meet the challenges of the local area.

#### *Licence conditions*

G5.4 Licensed Family Entertainment Centres are also the subject of mandatory conditions under the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007. Mandatory conditions for Licensed Family Entertainment Centres include requirements to:

- (a) display the summary of the premises licence in a prominent place within the premises;

- (b) maintain the layout of the premises in accordance with the plan submitted on a new or subsequent variation application;
- (c) prohibit the sale of National Lottery, private lottery or customer lottery tickets in the premises;
- (d) prohibits direct access to the public from a casino, an adult gaming centre or a betting shop;
- (e) locate any ATM available for use on the premises in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;
- (f) ensure any category C gaming machines are separated from the rest of the premises by a physical barrier;
- (g) ensure any category C area is supervised at all times to ensure children or young people do not gain access;
- (h) ensure any category C area is arranged so as to allow those responsible for supervising the area to observe all areas;
- (i) display a notice at the entrance to any Category C area prohibiting under 18's access;
- (j) prohibit the consumption of alcohol on the premises at all times the gaming machines are available for use and display notices to that effect in a prominent place at every entrance to the premises.

G5.5 As above, the Licensing Authority will not seek to duplicate any of these measures but will, where appropriate, develop these conditions to deal with specific issues for the premises in the form of licence conditions attaching to the premises licence.

#### *Protecting the vulnerable and children*

- G5.6 The Gambling Commission Guidance<sup>81</sup> recognises Family Entertainment Centres as premises which cater for families, including unaccompanied children and young people. Within the premises there may be areas where children are not permitted entry. As such, the Licensing Authority will expect applicants and licence holders to have particular regard to the licensing objective of the protection of children and the vulnerable from being harmed or exploited by gambling. The Licensing Authority will take into account these specific risks when considering applications.
- G5.7 Licensed Family Entertainment Centres, by virtue of the nature of the gambling at the premises, can be largely automated operations, which can result in a limited staffing presence on the gaming floor. This can lead to heightened risks to underage access and reduced assessment of potentially vulnerable customers. As such, the operator is expected to show sufficient staffing levels to monitor the gaming floor and access points as well as the ability to carry out vulnerability checks where necessary.
- G5.8 Given the restrictions on gaming machines at Licensed Family Entertainment Centres, the Licensing Authority recognises that the maximum stake which can be accepted on a category C gaming machine is significantly lower than that of a category B gaming machine. However, the lower stake does not necessarily result in a lower risk than other gambling premises. The Licensing Authority accepts that the risks still apply to vulnerable persons and children as well as the potential for crime and disorder at the premises and, therefore, expects operators to demonstrate their

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<sup>81</sup> Paragraph 22.2 of the Gambling Commission's Guidance to Licensing Authorities, Published 1 April 2021

capability to uphold the licensing objectives regarding such issues.

- G5.9 Licensed Family Entertainment Centres can operate an open door policy permitting customers to enter and leave the premises freely without any interaction with staff. The lack of interaction with customers and staffing levels must be considered by the applicant. The Licensing Authority may require applicants to provide a certain number of staff to enable interactions with customers if there is perceived to be a risk to the licensing objectives. Further information on the Licensing Authority's approach to staffing and interactions are detailed within the policies within this section.
- G5.10 As gaming machines provide opportunities for solitary play and immediate pay-outs, they are more likely to engender repetitive and excessive play. As such, particular regard should be given to the need to protect children and the vulnerable from gambling related harm.
- G5.11 The prevalence of gambling and the associated harms in children is of significant concern. In a study undertaken by Cardiff University two fifths (41%) of children aged between 11 to 16 had engaged in gambling in the past year.<sup>82</sup> Gaming machines in arcades, pubs and clubs were found to be the most popular form of gambling by children who were involved in the study. The Licensing Authority will significantly scrutinise applications for Licensed Family Entertainment Centres and will expect operators to be able to demonstrate their policies and training procedures

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<sup>82</sup> Prevalence of gambling behaviours and their associations with socioemotional harm among 11 – 16 year olds in Wales: findings from the School Health Research Network survey, 3 October 2019



that will enable them to identify and offer assistance to children that may be at risk and vulnerable to gambling related harm.

### *Byelaws*

- G5.12 The Council has created a Byelaw for Pleasure Fairs (Amusement Premises) in pursuance of section 75 of the Public Health Act 1961 (the 1961 Act) as amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1976. These byelaws apply to Licensed Family Entertainment Centres as the premises are used to provide entertainment and amusement with prizes machines (gaming machines). This byelaw regulates the:
- (i) hours to which a Licensed Family Entertainment Centre can be open,
  - (ii) the provision of safe ingress and egress,
  - (iii) Nuisances, sanitary conditions, cleanliness, order and public safety, and
  - (iv) Fire protection.
- G5.13 Applicants and licensees will need to ensure that the operation of the premises does not breach them. The Council will actively monitor compliance with these byelaws and if necessary, take appropriate enforcement action if breaches are identified. A copy of the Pleasure Fairs (Amusement Premises) byelaws is attached for information as Appendix 9.

### *Gaming machines*

- G5.14 Only a premises wholly or mainly used for making gaming machines available may hold a Family Entertainment Centre

premises licence<sup>83</sup>. The Gambling Commission's Guidance<sup>84</sup> recommends that gaming machines are located in a designated, enclosed area and that applications for premises covering, for example, an entire shopping centre are generally not permissible.

- G5.15 In addition, the location of gaming machines within a Licensed Family Entertainment Centre premises should not be located in corridors or walkways which form part of a larger building. Machines should be located in areas where there are sufficient monitoring controls in place to minimise or eliminate crime and disorder and to protect children and vulnerable people from gambling-related harm. Operators must not place gaming machines in locations that are not covered by the licence should seek to protect children and young people from ambient gambling<sup>85</sup>.

### *Operating within a Gambling Vulnerability Zone*

- G5.16 Applications for new or to vary existing licences must consider the specific concerns identified within this policy and whether the relevant premises are located within a Gambling Vulnerability Zone (GVZ) and demonstrate how they will mitigate all concerns arising.
- G5.17 The Council has identified within its Local Area Profile (LAP) areas where residents may be at greater risk to the impact of gambling-related harm. It has also had and continues to have regard to

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<sup>83</sup> Section 238, Gambling Act 2005

<sup>84</sup> Paragraph 22.5 of the Gambling Commission's Guidance to Licensing Authorities, Published 1 April 2021

<sup>85</sup> Paragraph 22.6 of the Gambling Commission's Guidance to Licensing Authorities, Published 1 April 2021

relevant research which assists in providing more information on the gambling landscape within the borough to operators, responsible authorities and interested parties. The GVZ within Westminster define areas within which the Licensing Authority has significant and increased concerns regarding the impact on residents who may be at greater risk to gambling related harm. Therefore, gambling premises, either proposed or existing, within GVZ's can expect a greater degree of scrutiny from the Licensing Authority to ensure that the operation is in line with the principles of the legislation and associated regulations, specifically section 153 of the Gambling Act 2005.

G5.18 It is important to note that the Licensing Authority, in establishing these GVZ's, is not creating a barrier to the operation of gambling premises within these areas. It does, however, expect operators with existing premises or planning to open new premises in such areas to have particular regard to the issues within the locality and clearly demonstrate how associated risks are to be mitigated. It is not the position of the Licensing Authority to dictate what measures are appropriate in all circumstances. Rather, it is the responsibility of each operator to satisfy the Licensing Authority that it has had particular regard to the issues affecting the locality and has appropriate measures in place to mitigate associated risks.

G5.19 All parties should refer to the Council's LAP for the relevant area in which the premises is located. The LAP sets out in detail the considerations which the Licensing Authority will expect all operators to take into account when making applications and forming or updating risk assessments for particular premises. The LAP is based on the Council's knowledge of each area and will develop over time as further information is provided and updated. However, we acknowledge that those local to the area

may have more detailed knowledge of the area and welcome comments made at the application consultation stage or at any other time.

### *Applications*

- G5.20 Applications for Licensed Family Entertainment Centres must provide the minimum requirements as set out in the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007. Application forms only allow for a limited amount of information to be provided and applicants are encouraged to engage with responsible authorities and local residents and businesses to avoid attracting unnecessary representations. It is the Licensing Authority's experience that a complete and detailed application can allay concerns around Licensed Family Entertainment Centres. The Licensing Authority would recommend, where appropriate, that applications include the following additional information:
- (a) policies and procedures
  - (b) operating manual
  - (c) staff training measures
  - (d) security provisions
  - (e) risk assessment
  - (f) proof of age scheme
  - (g) CCTV measures including the location of CCTV coverage on plans
  - (h) details of entry control systems
  - (i) supervision of entrances and machine areas, particularly those involving category C gaming machine areas
  - (j) location of entrances
  - (k) any notices and signage to be displayed
  - (l) self-exclusion schemes

- (m) provision of information leaflets / helpline numbers for organisations<sup>86</sup> (e.g. GamCare)

- G5.21 This list is not exhaustive and is merely indicative of example measures the Licensing Authority will expect applicants to offer to demonstrate their efforts to meet the licensing objectives.
- G5.22 The Licensing Authority is unlikely to consider the suitability of an applicant which holds an operating licence from the Gambling Commission. However, the Licensing Authority may seek information from the proposed licence holder as to policies and procedures they intend to implement at the premises to ensure that the licensing objectives are being upheld.
- G5.23 The Licensing Authority recommends that any new application or application to vary an existing premises licence includes a full and detailed description of the premises and current and/or proposed operation. It is likely that the Licensing Authority will request a copy of the risk assessment which operators must prepare under the Gambling Commissions Licence Conditions and Codes of Practice<sup>87</sup>. It is the Licensing Authority's experience that complete and detailed applications can reduce the potential for unnecessary representations to be made against the application.
- G5.24 Depending on the levels of risk to vulnerability, children, crime and disorder in the particular location, the Licensing Authority may require all areas of the premises to be supervised at all times. Licensed Family Entertainment Centres can operate with

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<sup>86</sup> Social Responsibility Code 3.3.1, Licence conditions and codes of practice, Effective from the 31 October 2020

<sup>87</sup> Ordinary Code 10.1.2, Licence conditions and codes of practice, Effective from the 31 October 2020

lower staffing levels when compared with other classes of gambling premises. The operator must carefully consider staffing levels and satisfy the Licensing Authority that these levels are appropriate to ensure that the licensing objectives are being upheld. Where it deems it necessary, the Licensing Authority will seek to attach a condition to the premises licence specifying minimum levels of staffing and security personnel, as well as their location and times during which these levels must be maintained.

- G5.25 Any entrances to the premises and access to category C gaming machine areas will need to be carefully considered by the operator in relation to management, location and design. Where necessary, the Licensing Authority may seek to attach a condition to the premises licence requiring security personnel to be located at entrances. Operators must detail any and all checks that are carried out at any entry control points in order to assess age and potential vulnerability of any person wishing to enter the premises.
- G5.26 The location, layout and management of gaming machines is another significant consideration and operators should consider appropriate locations of the following when designing the layout of a premises:
  - (a) any entrances;
  - (b) any ATM located on the premises;
  - (c) entry control points;
  - (d) category C gaming machines;
  - (e) staff desk or cashier points;
  - (f) CCTV;
  - (g) security personnel;
  - (h) access points to category C gaming machine areas;

## Annual fees

G5.27 Holders of a premises licence must pay the annual fee prior to the anniversary of the issue of the licence each year<sup>88</sup>. Failure to do so will result in the revocation of the premises licence unless the Licensing Authority determines the failure is due to an administrative error<sup>89</sup>. There is no definition of administrative error and the Licensing Authority, in the first instance, will seek clarification from the licence holder as to the reason for the failure to pay the fee. If the Licensing Authority is satisfied that the failure to pay on time was due to an administrative error, it will allow the operator to pay the annual fee within a reasonable period. The Licensing Authority considers this reasonable period to be no longer than 14 days from the date that the operator was first notified about the failure to pay the annual fee.

## Licensed Family Entertainment Centres Cashier Counters Policy G5-B

- A. The applicant must identify within the plan for the Family Entertainment Centre, accompanying the application the location of any cashier counter within the premises or other locations where cash, card payments, tokens, vouchers or other payment options are handled.**
- B. The applicant must include within their gambling risk assessment details of the identified risks associated with the placement of the cashier counter and its operation and what**

<sup>88</sup> Section 184(1)(b) Gambling Act 2005

<sup>89</sup> Section 193 Gambling Act 2005

**control measures will be used to mitigate or eliminate those risks.**

- C. In conducting the risk assessment associated with the placement and use of a cashier counter within the premises the applicant will be expected to have considered the following:**
  - 1. The placement of any cashier counter so as to increase the ability of staff at the counter to actively monitor customers within the premises.**
  - 2. The design, accessibility, materials used in the construction, lighting, staff access and egress points, cash till and safe (if applicable) locations within the cashier counter and layout of the cashier counter to ensure that it is secure and reduces the risk of crime.**
  - 3. The minimum staffing requirements for the cashier counter.**
  - 4. The location and type of CCTV monitoring both within and outside the cashier counter.**
  - 5. The ability and processes for cash handling and restocking of the cashier counter.**
  - 6. The security arrangements for the cashier counter, including bandit screens, alarms (both personal and fixed), and staff safehaven/panic room.**
  - 7. The policies, procedures and staff training required for the safe and compliant operation of the cashier counter and Family Entertainment Centre.**

G5.28 Applications for a Licensed Family Entertainment Centre must appropriately assess the risk of the particular location. It is likely that the Licensing Authority will seek a copy of the risk assessment with any new or variation application. The Licensing Authority provides information on the levels of crime, disorder

and risk to gambling related harm and expects operators to make full use of this information in formulating and updating a risk assessment.

- G5.29 The safety and security of staff and customers is a consideration for the Licensing Authority when assessing applications. Depending on the level of risk at the particular location, the Licensing Authority expects operators to demonstrate what security measures are in place to ensure that the risk of crime is mitigated. Operators should address the following points in their application:
- (a) the location of any cashier counter;
  - (b) the requirement for a security screen, including the height and material to be used;
  - (c) CCTV, including the location of cameras, storage of recordings and access by staff;
  - (d) access to the cash desk area;
  - (e) the construction of the cashier counter, including whether it is open or enclosed;
  - (f) the requirement for a safe room;
  - (g) the location of any panic alarm;
  - (h) personal fob alarms for staff;
  - (i) cash storage and access, for example safe and cash desk provisions.

- G5.30 Licensed Family Entertainment Centres are likely to be cash environments and as such have the potential to be a target for crime. Operators should take measures to mitigate this risk by considering the location and security arrangements of any cashier counters at the premises. The Licensing Authority will assess any new and relevant variation application against the first licensing objective of preventing gambling from being a source of crime and disorder.

## Age Verification within Licensed Family Entertainment Centres Policy G5-C

- A. Applicants will demonstrate that they have an age verification policy in place for the premises that meets the Licensing Authority's minimum requirements.**
- B. The applicant must demonstrate that all staff who interact with Family Entertainment Centre customers, either at entry or within the premises, are provided with sufficient training to carry out age verification checks in accordance with the operators age verification policy.**
- C. The minimum requirements, referred to in Clause A for applicants age verification policies will be Think/Challenge 21.**
- D. The applicant will be required to provide the Licensing Authority upon request with:**
  - 1. The results of any age verification testing, either undertaken by the operator or by a third party, and**
  - 2. Any logs and/or records associated with:**
    - a. Challenges made under the age verification policy,**
    - b. The number customers who failed a challenge under this policy,**
    - c. Any breaches of the age verification policy by staff, and,**
    - d. Any incidents where a child or young person has accessed an adult only area or played on any adult only gaming machines.**

**E. For the purposes of this policy any reference to “child” or “young person” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- G5.31 The Licensing Authority views underage access to age-restricted areas extremely seriously and the onus is placed firmly on the licence holder to ensure that appropriate checks are in place to prevent and deter opportunities for children and young people to gain access to the category C gaming machine areas. Underage access to category C gaming machine areas in a Licensed Family Entertainment Centre is an offence<sup>90</sup> and the display of notices prohibiting underage access is a requirement of the mandatory conditions<sup>91</sup> attached to all licences.
- G5.32 It is the Licensing Authority’s view that preventing underage access should be a major consideration for any applicant or operator and effective measures such as age verification checks are a simple solution to this issue. Therefore, failure to implement effective measures and enforce this requirement by operators will be dealt with strictly by the Licensing Authority. Operators can expect serious or repeated breaches of these requirements to be dealt with by review proceedings.
- G5.33 Operators are expected to assess the risk of underage access to their premises for the particular location and implement mitigation measures accordingly. As a minimum, all operators are

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<sup>90</sup> Section 47, Gambling Act 2005

<sup>91</sup> Mandatory condition 3(3), Schedule 4, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

expected to implement a Think or Challenge 21 policy and a refusals log<sup>92</sup> at the premises. Where necessary, operators may seek a stricter Think or Challenge 25 policy. If it deems it necessary, the Licensing Authority will seek to attach conditions to the premises licence in relation to age verification measures. Operators will also be expected to demonstrate suitable training measures for staff and maintain records of training logs<sup>93</sup> at the premises.

- G5.34 To ensure the effectiveness of age verification policies at the premises, operators should implement a process of third-party age restricted access testing at the premises. This should be undertaken at regular intervals as defined within the operator’s own risk assessment and company policy. Results of age verification policy testing should be assessed and where necessary policies should be reviewed and amended accordingly. The results of the third-party testing as well as any logs of age verification challenges or failures within the Family Entertainment Centre should be made available to the Licensing Authority upon request.
- G5.35 Where a Licensed Family Entertainment Centre fails a test purchase, depending on the level of the failure, the Licensing Authority may seek to implement stricter age verification measures at the premises. For example, a premises operating a Think or Challenge 21 scheme which repeatedly fails the test purchase process or fails on multiple points may be required to

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<sup>92</sup> A log of any incident where a person has been refused access to the premises following a failure to provide suitable age verification identification. The log should include the time, date, entrance used and description of the person.

<sup>93</sup> Training logs should include the name of the staff member, the date of the training and a description of the type of training provided.

implement a Think or Challenge 25 policy and review staff training methods.

G5.36 In all instances, the Licensing Authority is available to work with premises which are at risk of underage access. Operators are encouraged to engage with the responsible authorities where they have concerns or are experiencing increased attempts to gain access to premises by children or young people. The Licensing Authority has access to a network of services both within and outside the Council which can seek to address the wider issues with underage gambling.

#### Licensed Family Entertainment Centres CCTV Cameras, Recording and Retention Policy G5-D

- A. CCTV shall be provided throughout the Family Entertainment Centre and at key access and egress points for customers, staff and deliveries.**
- B. CCTV shall meet the Metropolitan Police standards for CCTV.**
- C. Applicants will be required to demonstrate to the Licensing Authority how they will:**
  - 1. Provide sufficient CCTV coverage of the premises and the relevant outside locations**
  - 2. Manage and monitor the CCTV footage on a daily basis**
  - 3. Designate staff and ensure that they are sufficiently trained in the use, monitoring, and accessing of the CCTV system**
  - 4. Retain the CCTV recordings in a safe and secure way**

- 5. Provide access or copies of CCTV recordings for the police, enforcement officer or authorised person, as defined under sections 303 and 304 of the Act**
- 6. Ensure the CCTV system is maintained to ensure that it operates effectively**

G5.37 CCTV is an important tool in crime prevention and evidence gathering. It acts as a valuable tool for both the operator and responsible authorities in identifying and resolving issues which can impact upon the licensing objectives.

G5.38 Operators should assess the level of CCTV requirement depending on the location, layout and staffing levels of their premises. The Licensing Authority expects to see this as a consideration in the risk assessment for the premises.

G5.39 Where necessary, the Licensing Authority may attach a condition to the premises licence requiring minimum standards of CCTV provision. The Licensing Authority has produced model conditions for CCTV provisions which may be relied upon where appropriate.

G5.40 The production of good quality CCTV with the minimum of delay can be of significant value to responsible authorities when investigating an incident. Therefore, the co-operation of operators with responsible authorities in this respect is key. Where such co-operation is lacking, the Licensing Authority will seek to attach conditions to the premises licence to ensure this standard is maintained.

G5.41 Similarly, it is the experience of the Licensing Authority that effective communication between operators and responsible authorities can be of value to all parties. The Licensing Authority

expects all operators to establish effective, clear lines of communication, particularly in relation to incident reporting, with the responsible authorities.

#### Staff Line of Sight within Licensed Family Entertainment Centre Policy G5-E

- A. Applicants must demonstrate that they have considered the layout of the premises, including entry and egress points and the location of gaming machines, ATM's and/or Cashier Counters to provide clear lines of sight to enable staff to adequately monitor the premises.**
- B. If CCTV will be utilised to monitor the premises then the applicant must demonstrate that they meet the Licensed Family Entertainment Centre CCTV Cameras, Recording and Retention Policy G6-D.**

- G5.42 The layout of a Licensed Family Entertainment Centre is an important consideration for the operator when considering control measures at the premises. Staffing levels in Licensed Family Entertainment Centres can be minimal and banks of gaming machines can create corridors or alcoves into which customers can spend undetermined lengths of time. As such, the location of staff and measures such as CCTV are significant.
- G5.43 The Licensing Authority expects operators to design their premises so as to allow staff or live-monitored CCTV to have clear lines-of-sight in all light conditions of all relevant areas of the premises. The operator should assess within their own premises

what is relevant but as a minimum the Licensing Authority expects this to cover:

- (a) gaming machines;
- (b) ATM's;
- (c) entrances to the premises;
- (d) cashier counters

- G5.44 The Licensing Authority is aware of the dangers posed by repetitive machine play on the potential harm to vulnerable customers and it considers continuous line-of-sight to be essential for staff to maintain control of the premises and to address any issues with customers before they escalate.
- G5.45 Where CCTV is relied upon in the absence of sufficient staffing levels within the premises, it should be monitored live and operators of the CCTV should have an immediate communication system in place to enable them to contact staff without delay, for example a radio.
- G5.46 Operators should give consideration to the location of any staff desk or cashier counter (in combination with other policies in this section) to enable staff to have clear visibility of the premises, as well as the location of any obstructions such as walls or pillars. Any remaining blind spots should be addressed by the operator along with measures to mitigate the risks these pose.
- G5.47 Gaming machines should be positioned so as to ensure no blind spots are created. In addition, the requirements for the display of information on gaming machines<sup>94</sup> must be strictly adhered to and in an overt position on each gaming machine. The layout of

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<sup>94</sup> Section 3 The Gaming Machine (Circumstances of Use) Regulations 2007



the gaming machines must not be configured so as to obscure information or notices in any way.

## Gaming Machines within Licensed Family Entertainment Centres Policy G5-F

- A. The applicant must demonstrate that they have sufficient policies, procedures, staffing and other control measures in place to ensure:**
- 1. Gaming machines are located in appropriate locations within the Licensed Family Entertainment Centre to ensure that they can be sufficiently monitored at all times,**
  - 2. Gaming machines are constantly monitored either in person or via CCTV and that there are adequate staff who are trained and available to carry out that monitoring, in accordance with policies G5-D and G5-E above,**
  - 3. There are sufficient numbers of trained staff who can interact with the customer if they are showing any signs that they may be vulnerable to gambling related harm, are not complying with the premise's rules, are causing damage or who are acting in a disorderly or inappropriate manner,**
  - 4. That cash going to a gaming machine and from that machine to the relevant cash handling location within the premises is done in a way that reduces the risk of crime.**
- B. The applicant will ensure that there is sufficient gambling harm prevention advice, including a telephone number to access support if required is provided and easily accessible by the customer using a gaming machine.**

G5.48 Gaming machines are the primary purpose of a Licensed Family Entertainment Centre and as such operators should be proficient in their management. This policy sets out some of the factors that the Licensing Authority expects an operator to consider when designing and operating their premises.

G5.49 The positioning of gaming machines must be such that the signage required by regulations<sup>95</sup> is not obscured in any way. Signage on gaming machines must be overt.

G5.50 Gaming machines should be positioned so as to allow staff and, where necessary, security personnel to monitor their use at all times. Monitoring may include, but should not solely consist of, remote monitoring. Operators with premises in an GVZ should consider remote monitoring of gaming machines as a method of detecting gambling related harm and should provide staff with the ability to remotely disable a gaming machine if they assess that a customer is at risk of or is being harmed by gambling.

G5.51 Operators should have a policy in place regarding staff training on how to identify customers at risk from gambling related harm based on the LAP and should be aware of the warning signs, as well as customer interaction. The frequency and content of staff training should form part of the risk assessment in line with the local area profile. A record of training logs should be maintained at the premises.

G5.52 Operators should risk assess the need to locate Category C gaming machines in a separate or specific location within the premises. Category C gaming machines should be located a suitable distance from any entrance to the premises so as to

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<sup>95</sup> Section 3 The Gaming Machine (Circumstances of Use) Regulations 2007

allow staff and any security personnel the opportunity to challenge the customer for age verification.

G5.53 The Licensing Authority is aware that customers who lose control of their gambling whilst using gaming machines can seek to cause criminal damage to gaming machines or act aggressively or violently towards staff, security personnel or other customers. Operators should assess this risk taking the LAP into account and in particular consider the requirement for fixed or weighted stools in order to prevent them from being used as a weapon. The Licensing Authority expects any such behaviour constituting a crime or an incident of disorder to be reported to the Police.

G5.54 The location of any ATM on the premises is restricted by a mandatory condition<sup>96</sup> requiring any customer who wishes to use it to cease gambling at any gaming machine in order to do so. Operators should ensure that the ATM is a reasonable distance from any gaming machine in order to comply with this condition and also locate any ATM so as to allow a clear line of sight for staff. The Licensing Authority is aware that frequent and repeated use of an ATM can be a sign that a customer has lost control of their gambling or is gambling beyond their means. In certain circumstances where a premises is located within an GVZ, the Licensing Authority may seek to attach a condition to the premises licence prohibiting the presence of any ATM on the premises.

G5.55 Operators should risk assess and implement a policy regarding the emptying of cash from and accessing of gaming machines or ATM's at the premises. This should be assessed in line with the

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<sup>96</sup> Mandatory condition 2, Schedule 4, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

first licensing objective of preventing gambling from being a source of crime or disorder. Factors to consider should include:

- (a) the location of the premises;
- (b) local risk levels including crime data and the view of the police;
- (c) whether customers are permitted on the premises when this process takes place;
- (d) whether security personnel are present;
- (e) whether entrances are controlled or locked;

G5.56 Where necessary, the Licensing Authority may seek to attach a condition to the premises licence specifying the minimum requirements for emptying or accessing gaming machines.

### Segregation of Gaming Machines within a Family Entertainment Centre Policy G5-G

- A. The applicant will be required to demonstrate where it will place any category C gaming machines on the premises and how they will be monitored and managed.**
- B. In meeting Clause A, applicants, as a minimum must provide the following information:**
  - 1. The arrangements for the separation of the gaming machines from the rest of the premises, including the location of entrance and exit points from this area.**
  - 2. The policies, procedures and staffing levels for the supervision and management of the gaming machine area.**
  - 3. The CCTV coverage for the gaming machine area and whether it will be monitored live by staff, and operate in accordance with policies G5-D and G5-E,**

4. **The signage that will be used to prevent under 18 access to this area and where it will be located in and around the gaming machine area.**
5. **The training procedures and material for staff who are required to supervise the gaming machine area.**

- G5.57 Premises seeking to make category C gaming machines available for use must comply with the mandatory condition regarding their location.<sup>97</sup> This requires that areas containing category C gaming machines:
- (a) are separated from the rest of the premises by a physical barrier which prevents access other than by an entrance designed for the purpose. The Licensing Authority does not seek to specify what a physical barrier should consist of. Rather, it will be for the operator to consider in relation to the design of the premises. However, the Licensing Authority will only consider that a barrier meets this requirement if it is effective in preventing unauthorised access.
  - (b) are supervised at all times to ensure children and young persons do not enter the area. This can be either by staff responsible for supervising the entrance or by monitored CCTV. For the avoidance of doubt, the Licensing Authority regards monitored CCTV to mean live monitoring of the CCTV. Where CCTV is used, those responsible for its monitoring must have the ability to respond to an underage access attempt immediately, either by immediate direct contact with the child or by

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<sup>97</sup> Mandatory condition 3, Schedule 4, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

- immediately contacting staff on the premises floor (e.g. via radio communication).
- (c) are arranged so that all of the category C gaming machine area can be observed by staff. Operators should design the layout of the premises so as to allow staff clear lines of sight at all times.

- G5.58 The mandatory condition also requires signage to be displayed at a prominent place at the entrance of any area containing category C gaming machines stating that no person under the age of 18 years is permitted to enter. The Licensing Authority considers that signage must be clearly visible at all times (and not, for example, obscured by open doors), of a reasonable size and, where the customer base of the premises may not use English as their first language, available in relevant alternative languages as well as English.
- G5.59 The Gambling Commission's Licence Conditions and Codes of Practice<sup>98</sup> and guidance to licensing authorities<sup>99</sup> reinforce the importance of prohibiting underage access to category C gaming machine areas. The Licensing Authority will expect operators to provide details of policies and procedures designed to ensure that these requirements are met, including levels of staffing and supervision.
- G5.60 Where CCTV is relied upon in the absence of sufficient staffing levels within the premises, it should be monitored live and operators of the CCTV should have an immediate communication

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<sup>98</sup> Social Responsibility Code 3.2.5, Licence conditions and codes of practice, Effective from the 31 October 2021

<sup>99</sup> Paragraph 22.4, Gambling Commission's Guidance to Licensing Authorities, Published 1 April 2021

system in place to enable them to contact staff without delay, for example a radio.

- G5.61 Gaming machines should be positioned so as to ensure no blind spots are created. In addition, the requirements for the display of information on gaming machines<sup>100</sup> must be strictly adhered to and in an overt position on each gaming machine. The layout of the gaming machines must not be configured so as to obscure information or notices in any way.

#### Staff Safety and Alarm Measures within Family Entertainment Centres Policy G5-H

- A. The applicant has demonstrated that they have sufficiently assessed the associated risk of the operation of the Licensed Family Entertainment Centre with respect to staff safety and security so as to be responsibly consistent with the prevention of crime and disorder licensing objective and Policy D1.**
- B. In meeting Clause A the applicant has clearly considered the associated risk and put forward sufficient procedures, policies, staff training and other control measures to mitigate or eliminate the risk to staff safety and prevent crime and disorder at the premises.**

- G5.62 All Licensed Family Entertainment Centres must be risk assessed to determine the appropriate security measures necessary to protect staff, customers, wider members of the public and as a

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<sup>100</sup> Section 3 The Gaming Machine (Circumstances of Use) Regulations 2007

deterrent to prevent crime or disorder. On application, the Licensing Authority may request to be provided with the risk assessment in order to assess the measures suggested.

- G5.63 Depending on the particular location, the operator should consider the following measures:
- (a) panic alarms and their location within the premises
  - (b) personal attack alarms for staff and any security personnel
  - (c) staff training on conflict management
  - (d) safe haven with a secure door and peep hole
  - (e) CCTV monitor showing footage from cameras within the shop
  - (f) access to a telephone
  - (g) remote door control (e.g. maglock)
- G5.64 Operators should pay particular attention to the Council's Local Area Profile and adjust any security measures in line with the risks identified. The Licensing Authority recommends regular communication with the responsible authorities to maintain awareness of any new trends developing in the locality.
- G5.65 Licensed Family Entertainment Centres are cash environments that can present opportunities for crime. In addition, the Licensing Authority is aware that some customers can lose control when using gaming machines and can become aggressive and violent. Operators are expected to take this into consideration when assessing the risk to staff and other customers.
- G5.66 The Licensing Authority expects all crimes and incidents of disorder to be reported to the Police. In the first instance, where a particular premises is experiencing issues relating to crime or

disorder, the Licensing Authority will seek to work with the operator and Police to resolve such issues.

### Licensed Family Entertainment Centre External Shop and Forecourt Management Policy G5-I

- A. The applicant will demonstrate that they have assessed the risk to the licensing objectives associated with the entrance and egress points to the premises and the immediate area or forecourt to the front of the premises and put in place sufficient control measures to monitor that area and mitigate or eliminate those risks.**
- B. In meeting Clause A applicants risk assessments, as a minimum, should consider:**
- 1. Child or vulnerable persons safeguarding concerns (see Policy D3),**
  - 2. Customers congregating in numbers outside the premises,**
  - 3. Customers drinking alcohol outside the premises,**
  - 4. Customers committing crime or disorder outside the premises,**
  - 5. Begging taking place outside the premises, and**
  - 6. Rough sleepers using the forecourt area to wait or sleep.**
- C. For the purposes of this policy any reference to “child” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- G5.67 The Licensing Authority expects operators to monitor and be aware of its customers both inside and in the immediate vicinity of the premises. Therefore, for example, when customers leave the premises to smoke or step outside, the Licensing Authority expects the operator to take steps to ensure that its customers act in an appropriate manner and do not cause obstruction or otherwise to other businesses, residents or members of the public. Such issues may include:
- (a) child or vulnerable persons safeguarding concerns, see policy D3 for more details.
  - (b) customers congregating in numbers outside the premises
  - (c) customers drinking alcohol outside the premises
  - (d) customers committing crime or disorder outside the premises
  - (e) begging taking place outside the premises.
  - (f) rough sleepers using the forecourt area to wait or sleep.
- G5.68 Operators should implement measures or policies to enable staff to control these areas. Measures the operator may undertake to mitigate these risks include:
- (a) monitoring of external areas, either by staff, security personnel or CCTV
  - (b) warning or banning procedures for customers who behave inappropriately in such external areas, regardless of whether or not they are within the boundary of the premises licence
  - (c) locating staff counter positions so as to allow staff to monitor the external area
  - (d) reducing window displays so as to allow staff better lines of sight to the exterior of the premises from their counter position

- (e) adjusting any forecourt areas under their control so as not to encourage loitering
- (f) close interaction with the Police Local Safer Neighbourhood Teams and Council Officers to address begging and rough sleeping issues outside the premises.

G5.69 In particular locations, operators should be aware that even a small number of customers congregating in the external area of the premises can cause significant distress to local residents and neighbouring businesses. As such, operators are expected to take positive actions in order to prevent such situations arising and should be sensitive to the impact upon local residents and businesses. The Council has a network of services that can assist in such situations and operators experiencing such issues should seek discussions with the Licensing Authority in the first instance to seek a mutually beneficial solution.

### Licensed Family Entertainment Centre Staffing Levels Policy G5-J

- A. The applicant will be required to demonstrate that they will have sufficient staffing levels, excluding any door supervisors or security personnel to:**
  - 1. Monitor the operation of Licensed Family Entertainment Centre so as to:**
    - a. provide customers with support in understanding how to use the gaming machines,
    - b. manage payments and prizes associated with the operation of Family Entertainment Centre,
    - c. provide positive customer interactions relating to their gambling behaviour,

- d. ensure that no one is committing any crime whilst on the premises, and
- e. ensure that customers comply with the operators' rules, the terms and conditions of the licence and the Act.

**2. Undertake age verifications checks to ensure customers are over the age of 18 in line with the requirements of the Family Entertainment Centre Age Verification Policy G5-C and ensure that no child can access any adult only area or play on any category C gaming machines.**

**B. For the purposes of this policy any reference to "child" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G5.70 Minimum staffing levels in Licensed Family Entertainment Centres has been an area of concern for the Licensing Authority and can increase the risk of impacting on one or more of the licensing objectives. The Licensing Authority will consider the applications and the staffing levels proposed for the operation of the premises. There may be a circumstance that single staffing is appropriate, but this has to be assessed associated with the risk of meeting the licensing objectives. In certain circumstances the Licensing Authority may set the minimum staffing levels that is deemed appropriate for the premises after have regard to the risks associated with the licensing objectives.

G5.71 The Licensing Authority does expect operators to have sufficient staff on the premises so as to enable:

- (a) sufficient monitoring of the entire premises

- (b) age verification checks upon entry to age-restricted areas of the premises
- (c) monitoring of and assistance to vulnerable customers
- (d) adequate monitoring of all gaming machines
- (e) monitoring of all entrances to the premises

G.5.72 The Licensing Authority recognises that the size of the premises and levels of custom will play a factor in minimum staffing levels, but expects operators to have sufficient staffing levels to be able to serve customers as well as all of the above functions at the busiest of times. The Licensing Authority will not accept staff being busy serving customers as justification for not being aware of circumstances in the premises or being in control of the premises, or failing to carry out age verification checks.

#### Licensed Family Entertainment Centre Door Supervision and Security Personnel Provisions Policy G5-K

- A. Applicants will be required to demonstrate that they have sufficiently risk assessed their operation and the location where they intend to operate to determine whether licensed door supervisors or security personnel are required.**
- B. If the applicant has identified that licensed door supervisors or security personnel are required as part of the operation of the premises, they must demonstrate that they:**
  - 1. Will have sufficient licensed door supervisors and security personnel on the entry and egress points and/or within the Licensed Family Entertainment Centre itself.**
  - 2. Will provide door supervisors and security personnel with sufficient training on:**

- a. the Family Entertainment Centre age verification policy;**
- b. emergency procedures associated with fire detection, bomb threat or other emergency incident;**
- c. appropriate action to be taken to prevent and detect crime and disorder inside the premises or immediately outside the entrances to the premises; and,**
- d. the powers of entry of the police, enforcement officers and authorised officers when carrying out their duties under the Act.**

**C. Licensed door supervisors and security personnel referred to in this policy will be those licensed to carry out those functions by the Security Industry Authority (SIA).**

G5.73 Licensed Family Entertainment Centre operators are required to adequately assess whether door supervisors should be employed at the premises. This will depend on the operation of the premises, the associated risk of crime and disorder, to manage the segregation of adult gaming machine areas from the rest of the premise, etc.

G5.74 It will be for the operator to assess the specific needs of each entrance to the premises, as well as all areas within the premises, and set this out within their risk assessment. Depending upon the specific circumstances of the premises location, the Licensing Authority will expect the operator to have training policies for all security personnel and door supervisors, as well as refresher training, which cover the local risks identified.

G5.75 Operators are expected to keep numbers of security and door supervision under review and in line with any advice or guidance provided by the responsible authorities. Where the premises are located in an GVZ or likely to attract crime or disorder, the operator is expected to increase any security presence accordingly. Regular communication with the Police is recommended and operators should follow any strategic advice provided by the responsible authorities where the licensing objectives are likely to be impacted.

G5.76 The Act permits the Licensing Authority to attach conditions to the premises licence in relation to door supervision.<sup>101</sup> Where circumstances deem it necessary, the Licensing Authority will attach such a condition in order to guard the premises against unauthorised access or occupation, or against outbreaks of disorder or damage. Circumstances in which the Licensing Authority may deem this necessary include, but are not limited to:

- (a) repeated access to restricted areas by children or young persons;
- (b) failure to properly implement a Think or Challenge 21 or Think or Challenge 25 policy effectively;
- (c) repeated outbreaks of crime or disorder at the premises which are not dealt with appropriately by the operator;
- (d) repeated threats to staff welfare or safety which are not dealt with appropriately by the operator;
- (e) repeated incidents of violent or aggressive behaviour, including those towards staff and property such as gaming machines;

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<sup>101</sup> Section 178, Gambling Act 2005

G5.77 The Licensing Authority regards the imposition of a condition requiring door supervision as a strong measure and will only resort to implementing such a condition where efforts to resolve on-going issues have proved unsuccessful. It is therefore in the operators' interests to work with the Licensing Authority, and other responsible authorities, in order to resolve such issues prior to this measure being required. It is the intention of the Licensing Authority to enforce the principal that crime or disorder in Licensed Family Entertainment Centres is unacceptable and that a standard of behaviour is expected of all customers.

#### Licensed Family Entertainment Centre Premises-Based Advertising Policy G5-L

- A. Applicants will be expected to assess the associated risk with advertising the Family Entertainment Centre, the entertainment and/or any gambling activities that are visible from the exterior of the premises, advertised in the local area or advertised to a wider geographical area beyond the local area or beyond Westminster.**
- B. In considering the risk associated with any advertising of the Family Entertainment Centre or its functions the operator will demonstrate that they have considered:**
  - 1. If the content of the advertisement is designed or worded in a way that could attract children to gamble;**
  - 2. If the content of the advertisement is correct and accurately explains any promotion, activity, event, rules, terms, conditions, or restrictions;**
  - 3. The risk to those who may be of greater risk to gambling related harm within the area in which the advertisement**



is being displayed and does not target a particular vulnerable group or culture; and,

4. That any advertisements are not placed on or near buildings that are considered sensitive.

**C. For the purposes of Clause B.4 a sensitive building is classified by the Licensing Authority as a:**

1. School, college, or other educational institution
2. Community centre, youth centre, playground, toy shop, bowling alley, cinema, sport/leisure centre or premises of a similar nature where children are likely to gather
3. Church, mosque, temple, synagogue or other place of religious worship
4. Bank, building society, post office or other financial institution
5. Debt advice centre, job centre, community hub, citizen advice centre or similar premises associated with supporting those in financial difficulty or who are seeking employment
6. General practitioners' surgery, health centre, hospital, residential care home, psychiatric treatment centre or other premises that provide support for vulnerable people
7. Homeless hostel, shelter or other accommodation for those who are homeless or have been rough sleeping.
8. Addiction clinic or other premises that are used for the treatment and support of gambling addiction or other addictive behaviours.

**D. For the purposes of this policy any reference to "children" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005,**

**therefore such references will apply to anyone under the age of 18.**

G5.78 Operators must comply with the Advertising Standards Authority (ASA), UK Code of Non-Broadcast Advertising and Direct & Promotional Marketing (CAP) Code and the Industry Group for Responsible Gambling (IGRG), Gambling Industry Code for Socially Responsible Advertising as a requirement of the Gambling Commissions Licence Conditions and Codes of Practice Social Responsibility Code 5.1.6. The ASA CAP and IGRG codes relate to the content of the advertising and to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited. Whilst these codes predominantly relate to the content of the advertising the Licensing Authority is concerned about the locality in which some advertising may take place within the areas that have been identified as of greater risk or that have particularly sensitive buildings. As such the Licensing Authority's policy is that gambling operators should be particularly aware of the potential risk associated with advertising within a designated Gambling Vulnerability Zone (GVZ). Operators should assess how this may impact any at risk members of the public living, working or visiting the area.

G5.79 Where a risk to a particular group has been identified in LAP, any internal and external advertising should be careful so as not to be targeted towards these groups.

G5.80 Operators outside of any GVZ should be aware of any advertising undertaken either directly or on their behalf taking place within

or in close proximity to a GVZ which could impact upon at risk groups.

#### Licensed Family Entertainment Centre Merchandise Policy G5-M

- A. Applicants that wish to provide branded Licensed Family Entertainment Centre merchandise, either for sale or to be given away without charge as promotional material will be required to demonstrate that the merchandise is not designed for, intended for use by or promoted to children.**
- B. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G5.81 Licensed Family Entertainment Centre operators merchandise carrying their logo, branding or any other such mark must not be designed or intended for use by children or young people or known at risk groups. Such merchandise should not be given away as part of a promotion or sold to any member of the public with the intention of attracting children, young people or other at-risk groups to gamble.

#### Provision and location of ATM’s in Licensed Family Entertainment Centres Policy G6-N

- A. If an applicant intends to provide an ATM within the Licensed Family Entertainment Centre the location of that ATM shall be marked on the plan accompanying the application.**
- B. The applicant will be required to demonstrate to the Licensing Authority that the sighting of the ATM has been risk assessed to ensure that it:
  - 1. Is located in a position that will enable staff to monitor it at all times either via CCTV or by staff present within the Family Entertainment Centre.**
  - 2. Is located at a sufficient distance away from the nearest gaming machine so as to require a customer to leave the machine in order to use the ATM**
  - 3. Is located in a position that will enable the safe restocking and removal of cash.****
- C. The applicant shall ensure that the opening of any ATM’s is done at a time when the premises is either closed or at a time when there are sufficient security personnel or staff present.**

G5.82 The Licensing Authority is aware that frequent and repeated use of an ATM by customers is an indicator that they may be vulnerable to harm from gambling. As such, any ATM located on the premises should be positioned in an area so as to enable staff to monitor its use at all times. The location should be a sufficient distance from any gaming machine so that the customer has to leave the gaming machine in order to use the ATM. The Licensing Authority will expect any operator providing an ATM on the premises to have policies in place which show staff training measures as to how to identify potentially at risk and vulnerable customers. Although frequent and repeated use of an ATM in itself is not evidence of gambling-related vulnerability to harm,

the Licensing Authority considers it an indicator and therefore the responsibility is with the operator to identify and mitigate any risks to customers at this point.

G5.83 Operators should be aware of the risk of crime when opening any ATM to either refill or remove cash. The Licensing Authority expects any operator to risk assess and have a policy in place which will mitigate any risk of crime or disorder in these circumstances. This may include unlocking or accessing the machine only when no customers are on the premises or when sufficient security personnel are present. Operators are expected to have sufficient security measures and personnel in place to mitigate any risk of crime and should liaise with the Police and responsible authorities when assessing this risk.

G5.84 The Licensing Authority may deem it necessary to restrict the use of any ATM, including imposing a condition on the premises licence prohibiting the presence of an ATM, where it feels it necessary in the circumstances. It will be for the operator to demonstrate in any application and risk assessment that sufficient measures are in place to mitigate these risks.

#### Provision of Gambling Harm Prevention Advice within Family Entertainment Centres Policy G5-O

**A. Applicants must demonstrate that they will provide sufficient and readily accessible information and advice on gambling harm prevention and support for customers within the Licensed Family Entertainment Centre.**

- B. The information and advice referred to in Clause A as a minimum must be displayed or made readily available for customers at:**
- 1. Cashier counters**
  - 2. By any gaming machines**
  - 3. By any ATM, and**
  - 4. In at least one discreet location within the premises.**
- C. If the Licensed Family Entertainment Centre is located within an area of the city where a majority or part of that premises customer base does not use English as their first language the applicant will be expected to provide the information referred to in Clause A in alternative relevant languages as well as English.**

G5.85 Licensed Family Entertainment Centres are required to make information readily available to customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling.<sup>102</sup> Such information must include:

- (a) measures provided by the operator to help customers monitor or control their gambling, such as restricting the duration of a gambling session or the amount of money they can spend;
- (b) timers or other forms of reminders or ‘reality checks’ where available;
- (c) self-exclusion options;
- (d) information about the availability of further help or advice (e.g. GamCare).

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<sup>102</sup> Social Responsibility Code 3.3.1, Licence Conditions and Codes of Practice, Effective from the 31 October 2020.

G5.86 Information must be available in prominent locations in all areas where gambling facilities are provided. The size and layout of the premises will be a factor in the amount of information available. However, as a minimum, the Licensing Authority expects information to be displayed at any cashier counter, by any gaming machine or bank of gaming machines, by any ATM and in at least one discreet location. Methods of displaying this information are at the discretion of the operator, save that the information must be available at the premises as well as in a format that can be taken away from the premises.

G5.87 As this social responsibility provision links directly to the third licensing objective of protecting the vulnerable, the duty lies with the operator to make this information available to its customers in the best possible format. Therefore, the Licensing Authority expects positive efforts from the operator in complying with this code. For example, where pamphlets are provided as a means of providing this information, pamphlets must be well stocked at each point around the premises. Posters must be of a reasonable size (as a guide, A4 size as a minimum) and any use of screens must be for a reasonable amount of time.

G5.88 Where the majority or part of the customer base of a premises may not use English as their first language, the Licensing Authority expects the information referred to above to be made available in alternative relevant languages as well as English. Such a factor should form part of the risk assessment for the premises.

## Buildings where there are more than one gambling premises Policy G5-P

**A. Applications for more than one application in a building and/or to divide an existing building containing a licensed gambling premises into different premises must demonstrate that:**

- 1. Access is restricted to prevent unlawful direct access by customers between licensed premises**
- 2. The different premises are generally separate premises, and not an artificially created part of what is readily identifiable as a single premise**
- 3. The different premises operate independently and do not use common non gambling areas.**
- 4. Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not 'drift' into a gambling area.**
- 5. The premises is not configured so that children are invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited in taking part.**

**B. For the purposes of this policy any reference to "children" will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

G5.89 A premises can be any place<sup>103</sup>, but a single premises cannot hold more than one premises licence<sup>104</sup>. However, the Licensing Authority recognises that there is, in principle, no reason why a

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<sup>103</sup> Section 353, Gambling Act 2005

<sup>104</sup> Section 152, Gambling Act 2005

building cannot comprise of two or more premises, and therefore, multiple premises licences, provided these premises occupy separate and distinct parts of the building.

G5.90 Access to a Licensed Family Entertainment Centre is restricted by a mandatory condition<sup>105</sup> prohibiting access from a casino, Adult Gaming Centre or betting shop.

G5.91 The Gambling Commission's guidance to Licensing Authorities notes that there is no definition of 'direct access', but the Licensing Authority, in line with the Gambling Commission's guidance, considers that there should be an area separating the area concerned which the public go to for purposes other than gambling for there to be no direct access<sup>106</sup>. The area which separates the licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public for purposes other than gambling.

G5.92 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATM's.

G5.93 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory

provisions, the Licensing Authority will expect applicants to ensure that:

- (a) premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- (b) entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area;
- (c) customers should be able to participate in the activity named on the premises licence.

G5.94 This list is not exhaustive and the Licensing Authority will consider other aspects based on the merits of the application.

G5.95 The Licensing Authority expects any application that has more than one licensed premises within a building to demonstrate that:

- (a) the different premises are genuinely separate and are not an artificially created part of what is readily identifiable as a single premises;
- (b) separation between the premises is appropriate;
- (c) access between premises is restricted to prevent unlawful direct access by customers between licensed premises.

G5.96 For example, the Licensing Authority would not expect to receive applications to artificially separate a building or existing licensed premises to increase the number of gaming machines permitted in the building.

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<sup>105</sup> Mandatory condition 1, Schedule 4, The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007

<sup>106</sup> Para 7.22 Guidance to Licensing Authorities, Published 1 April 2021

G5.97 Factors the Licensing Authority will consider when determining whether a premises is truly separate include:

- (a) whether a separate registration for business rates is in place at the premises;
- (b) whether the neighbouring premises are owned by the same person;
- (c) whether each premises can be accessed from the street or a public passageway;
- (d) whether the premises can only be accessed from any other gambling premises.

G5.98 Children are not permitted into category C gaming machine areas of Licensed Family Entertainment Centres. Therefore, operators will need to carefully consider the configuration of buildings if they are seeking to develop multi-purpose sites. In these circumstances, the third licensing objective of protecting children and the vulnerable from harm means not only preventing them from entering the category C gaming machine areas of the Licensed Family Entertainment Centre but also preventing them from being in close proximity to gambling from which they are prohibited. The Licensing Authority will expect any such application to demonstrate what measures the operator has in place to uphold this objective, including how the configuration of the premises will ensure that children are not invited to participate in, have accidental access to or closely observe gambling. Aspects of the design such as line-of-sight into the premises must be considered and risk assessed with this in mind. Those premises which operate on the high street should consider visibility into the premises from any windows or glass / open doors.

Part H. Unlicensed Family Entertainment  
Centres

*Part H Cover Page to be added by design*

## Part H – Unlicensed Family Entertainment Centres Policies

### Unlicensed Family Entertainment Centre Policy H1

- A. Applications for an Unlicensed Family Entertainment Centre Permit outside a Gambling Vulnerability Zone will generally be granted subject to:**
- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meeting the relevant criteria and considerations within policies D1, D2 and D3.**
  - 3. The applicant having demonstrated that they have appropriate training, policies and procedures in place to ensure that staff fully understand the maximum stakes and prizes that can be made available for use on the premises and the requirements upon them associated with the terms and conditions of the permit and the Gambling Act 2005.**
  - 4. The applicant having undertaken an assessment of the local area risks as identified within the Council's Local Area Profile and put forward sufficient measures to ensure that those risks are mitigated or eliminated.**
  - 5. The applicant meeting the requirements of the other relevant policies within this Part of the statement.**
- B. Applications for an Unlicensed Family Entertainment Centre must provide the following upon application:**
- 1. A plan of the premises showing:**
    - a. The location of any staff counter and cash desks**

- b. The location of where the gaming machines will be located within the premises**
    - c. The location of any ATM's**
    - d. The entry and egress points for the premises**
    - e. The location of CCTV cameras and their field of view**
    - f. The location of any toilet facilities**
    - g. The location and description of any other facilities or activities that are located within the premises to which the permit relates that are not regulated under the Gambling Act 2005.**
  - 2. The operator's insurance certificates for the premises, including the public liability insurance for the venue.**
- C. The Licensing Authority may, save in the most exceptional case, refuse applications for Unlicensed Family Entertainment Centres that do not meet the requirements of Clause A and B.**

H1.1 The term 'unlicensed family entertainment centre' is one defined in the Gambling Act 2005 (the Act) and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines. Given that category D machines have no age restrictions, these premises will particularly appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.



- H1.2 The council will require applicants to demonstrate:
- (a) a full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres;
  - (b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
  - (c) that staff are trained to have a full understanding of the maximum stakes and prizes.

- H1.3 The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:
- (a) criminal record checks for staff,
  - (b) appropriate measures and/or training for staff with regard to suspected truant school children on the premises,
  - (c) appropriate measures and/or training for staff with regard to unsupervised very young children being on the premises and children causing perceived problems on or around the premises
  - (d) appropriate measures and/or staff training covering how staff would deal with children causing perceived problems on or around the premises.
  - (e) appropriate measures and/or staff training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

H.4 All premises that hold an Unlicensed Family Entertainment Centre gaming machine permits will be subject to the Pleasure Fairs (Amusement Premises) byelaw which has been adopted by the

council. This byelaw is attached to this statement as Appendix 9 This byelaw will apply to premises that operate as an Unlicensed Family Entertainment Centre as they provide amusement with prize machines (gaming machines) and also entertainment machines which are used to play games where there are no opportunities for winning prizes.

### Gaming Machines within Unlicensed Family Entertainment Centres Policy H2

- A. The applicant must demonstrate that they have sufficiently assessed the associated risk and put in place measures to ensure:**
- 1. Gaming machines are located in appropriate locations within the Unlicensed Family Entertainment Centre to ensure that they can be sufficiently monitored at all times.**
  - 2. The stools or seating for the gaming machines are sufficiently secured or weighted to prevent them from being used to cause criminal damage or assault staff or other customers.**
  - 3. Gaming machines are monitored either in person or via CCTV and that there are adequate staff who are trained and available to carry out that monitoring.**
  - 4. There are sufficient numbers of trained staff who can interact with the customer if they are showing any signs that they may be vulnerable to gambling related harm, are not complying with the premises rules, are causing damage or who are acting in a disorderly or inappropriate manner.**
  - 5. The gaming machines can be remotely disabled by staff if there is a need to prevent the customer from continuing to**

**use the machine to prevent the risk of harm to that person or to prevent crime.**

**6. That cash going to a gaming machine and from that machine to the relevant cash handling location within the premises is done in a way that reduces the risk of crime.**

- H2.1 Applicants should be proficient in the management and operation of gaming machines. This policy sets out some of the factors that the Licensing Authority expects an applicant to consider when designing and operating their premises.
- H2.2 Gaming machines should be positioned to allow staff and, where necessary, security personnel to monitor their use at all times. Monitoring may include, but should not solely consist of, remote monitoring. Operators should consider remote monitoring of gaming machines as a method of detecting gambling related harm or criminal activity and should provide staff with the ability to remotely disable a gaming machine if they assess that a customer is at risk or is committing criminal acts.
- H2.3 Operators should have a policy in place regarding staff training on how to protect children and identify customers at risk from gambling related harm. Applicants will be expected to consider the Council's Local Area Profile (LAP) in developing and completing a gambling risk assessment in accordance with Policy C1. The frequency and content of staff training should form part of the risk assessment in line with the LAP. A record of training logs should be maintained at the premises.
- H2.4 The Licensing Authority is aware that customers who lose control of their gambling whilst using gaming machines can seek to cause criminal damage to gaming machines or act aggressively or

violently towards staff, security personnel or other customers. Operators should assess this risk taking the Council's LAP into account and in particular consider the requirement for fixed or weighted stools in order to prevent them from being used as a weapon. The Licensing Authority expects any such behaviour constituting a crime or an incident of disorder to be reported to the police.

- H2.5 Operators should risk assess and implement a policy regarding the emptying of cash from and accessing of gaming machines at the premises. This should be assessed in line with the first licensing objective of preventing gambling from being a source of crime or disorder. Factors to consider should include:
- (a) the location of the premises;
  - (b) local risk levels including crime data and the view of the police;
  - (c) whether customers are permitted on the premises when this process takes place;
  - (d) whether security personnel are present; and
  - (e) whether entrances are controlled or locked.

### Unlicensed Family Entertainment Centres CCTV Cameras, Recording and Retention Policy H3

- A. CCTV shall be provided throughout the premises to which an application has been made for an Unlicensed Family Entertainment Centre and as a minimum cover key access and egress points for customers, staff and deliveries as well as the customer gambling areas.**
- B. CCTV shall meet the Metropolitan Police standards for CCTV.**

- C. Applicants will be required to demonstrate to the Licensing Authority how they will:**
- 1. Provide sufficient CCTV coverage of the premises.**
  - 2. Manage and monitor the CCTV footage on a daily basis.**
  - 3. Designate staff and ensure that they are sufficiently trained in the use, monitoring, and accessing of the CCTV system.**
  - 4. Retain the CCTV recordings in a safe and secure way.**
  - 5. Provide access or copies of CCTV recordings for the police, enforcement officer or authorised person, as defined under Sections 303 and 304, Gambling Act 2005.**
  - 6. Ensure the CCTV system is maintained to ensure that it operates effectively.**

- H3.1 CCTV is an important tool in crime prevention and evidence gathering. It acts as a valuable tool for both the operator and responsible authorities in identifying and resolving issues which can impact upon the licensing objectives.
- H3.2 The Licensing Authority expects operators to provide full coverage of the customer gambling areas as a minimum.
- H3.3 The Licensing Authority is aware that the production of good quality CCTV with minimum delay can be of significant value to responsible authorities when investigating an incident. Therefore, the co-operation of operators with responsible authorities in this respect is key.
- H3.4 Effective communication between operators and responsible authorities can be of value to all parties. The Licensing Authority expects all operators to establish effective, clear lines of

communication, particularly in relation to incident reporting, with the responsible authorities.

#### Provision and location of ATM's in Unlicensed Family Entertainment Centres Policy H4

- A. If an applicant intends to provide an ATM within the Unlicensed Family Entertainment Centre the location of that ATM shall be marked on the plan accompanying the application.**
- B. The applicant will be required to demonstrate to the Licensing Authority that the siting of the ATM has been risk assessed and that it is located:**
- 1. In a position that will enable staff to monitor it at all times either via CCTV or by staff present within the Unlicensed Family Entertainment Centre.**
  - 2. At a sufficient distance away from the nearest gaming machine so as to require a customer to leave the machine in order to use the ATM.**
  - 3. In a position that will enable the safe restocking and removal of cash**
- C. The applicant shall ensure that the opening of any ATM's is done at a time when the premises is either closed or at a time when there are sufficient security personnel or staff present.**

- H4.1 Any ATM located on the premises should be positioned in an area to enable staff to monitor its use at all times. The location should be a sufficient distance from any gaming machine so that the customer has to leave the gaming machine in order to use the ATM. The Licensing Authority will expect any operator providing

an ATM on the premises to have policies in place which provide for adequate staff training in how to identify potentially at risk and vulnerable customers and criminal activity. Although frequent and repeated use of an ATM in itself is not necessarily evidence of gambling-related vulnerability to harm, the Licensing Authority considers it an indicator and therefore the responsibility is with the operator to identify and mitigate any risks to customers at this point.

H4.2 Operators should be aware of the risk of crime when opening any ATM to either refill or remove cash. The Licensing Authority expects any operator to risk assess and have a policy in place which will mitigate any risk of crime or disorder in these circumstances. This may include unlocking or accessing the machine only when no customers are on the premises or only when sufficient security personnel are present. Operators are expected to have sufficient security measures and personnel in place to mitigate any risk of crime and should liaise with the police and responsible authorities when assessing this risk.

Part I. Clubs, Permits and Entitlements

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## Part I – Clubs, Permits and Entitlements

### Club Gaming and Machine Permits Policy I1

- A.** The Licensing Authority will grant an application for a Club Gaming or Club Gaming Machine Permit if the applicant meets the requirements of the Gambling Act 2005 and the application is unopposed.
- B** If the Licensing Authority is satisfied that the application for a Club Gaming Permit:
1. does not fulfil the requirements for a members' club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied, or
  2. does not fulfil the requirements for a members' club, miners' welfare institute or commercial club and therefore is not entitled to receive the type of permit for which it has applied, or
  3. is for a premises that are wholly or mainly used by children and/or young persons, then it may refuse the application.
- C.** The Licensing Authority may refuse applications for a Club Gaming or Club Machine Permit if the application:
1. has been made by an applicant who has been convicted of an offence under the Gambling Act 2005 or breached the terms and conditions of a permit while providing gaming facilities, or
  2. has been made by a person who has had a permit, held by them cancelled in the previous 10 years, or
  3. is opposed by the Gambling Commission and/or the Metropolitan Police Service.

- D** Before considering whether to refuse an application in accordance with Clause B or C the Licensing Authority will hold a hearing to consider the application, any objections and any representations made on behalf of the applicant.
- E.** For the purposes of this policy any reference to "children" or "young person" will include any person who meets the definition of a child and young person within Section 45, Gambling Act 2005, therefore such references will apply to anyone under the age of 18.

- 11.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).
- 11.2 Clubs must have regard to the protection of children and vulnerable people from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18-year-olds do not use the adult only gaming machines. These measures may include:
- (a) the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
  - (b) posting notices and signage; and

- (c) providing information leaflets / helpline numbers for organisations such as GamCare.

11.3 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 issued by the Gambling Commission about the location and operation of gaming machines.

11.4 Before granting the permit the Licensing Authority will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.

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

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

## Fast Track Procedure for Club Premises Certificate Holders Policy 12

**A. The Licensing Authority will grant applications for Club Gaming or Club Machine Permits for premises that hold a Club Premises Certificate under Section 72, Licensing Act 2003 if the applicant meets the requirements of the Act.**

**B The Licensing Authority may refuse applications for Club Gaming or Club Machine Permits for premises that hold a Club Premises Certificate under Section 72, Licensing Act 2003 if the applicant:**

- 1. has established or conducts a club that is wholly or mainly for the purposes of providing facilities for gaming as prescribed in Schedule 12, Paragraph 10 (3)(a), Gambling Act 2005, or**
- 2. Has established or conducted a club wholly or mainly for the purposes of gaming other than of a kind prescribed under Schedule 12, Paragraph 10 (3)(b), Gambling Act 2005 and also provides facilities for another kind, or**
- 3. as had a club gaming permit or club machine permit issued to them cancelled during the previous 10 years.**

12.1 There is also a "fast-track" procedure available under the Gambling Act 2005 (the Act) for premises which hold a club premises certificate under the Schedule 12, Paragraph 10, Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced.

12.2 Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

## Exemptions from the need for a permit

### *Bingo in Clubs*

- 12.3 Clubs and miners' welfare institutes are able to provide facilities for playing bingo<sup>107</sup> or other facilities in accordance with a club gaming permit, provided that the restrictions within the Act<sup>108</sup> are complied with. These include that in any seven-day period the aggregate stakes or prizes for bingo must not exceed £2,000, see the Gambling Commissions Code of practice for equal chance gaming in clubs and premises with an alcohol licence for the requirements associated with this entitlement. If that limit is breached the club must hold a bingo operator's licence and the relevant personal licences issued by the Gambling Commission. A Bingo Premises Licence will also be required. The bingo must comply with any code issued by the Gambling Commissions Code of practice for gaming in clubs and premises with an alcohol licence. Further information about bingo in clubs can be found within the Gambling Commissions Guidance to Licensing Authorities.

### *Betting in Clubs*

- 12.4 Commercial betting, regardless of the level of stakes, is not allowed in clubs. Those who facilitate such betting - whether designated premises supervisors or club officials - are providing illegal facilities for gambling and are committing offences under the Act. Even where designated premises supervisors or club

officials accept bets on behalf of licensed bookmakers, or just facilitate betting through their own telephone accounts, they are acting as betting intermediaries and could be prosecuted.

- 12.5 Licensed bookmakers with a full or ancillary remote licence may accept telephone bets from a customer watching an event in a club, as long as that customer has an individual account with them. It is illegal for bookmakers to sit in the club taking bets themselves. Similarly, it is also illegal for operators to put their agents in clubs, for example, in a working men's club on a Saturday, to take bets.

### *Exempt Gaming in Clubs*

- 12.6 Exempt gaming is generally permissible in any club but gaming under these exemptions should comply with any code of practice issued by the Gambling Commission. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by Regulations.
- 12.7 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kabook, dominoes, cribbage, bingo and poker.
- 12.8 The Gambling Act (Exempt Gaming in Clubs) Regulations 2007 sets out both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises. These limits are set out in Appendix 8 of this Policy.

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<sup>107</sup> Section 275, Gambling Act 2005

<sup>108</sup> Section 275, Gambling Act 2005



12.9 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount they may charge is as prescribed in regulations.<sup>109</sup> See Appendix 8 to this policy for further details.

12.10 In order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.

12.11 Members' clubs may only be established wholly or mainly for the purposes of the provision of facilities for gaming, if the gaming is of a prescribed kind. Currently, bridge and whist are the only prescribed kinds of gaming<sup>110</sup>. So long as it does not provide facilities for other types of gaming, a club established wholly or mainly for the purposes of the provision of facilities for gaming (currently bridge and whist) may apply for a club gaming permit. In any other case, if gaming is the main purpose of the club, that gaming cannot be treated as exempt gaming under the Act<sup>111</sup>. For example, if poker was the main purpose of the club, it could not be provided as exempt gaming.

12.12 The gaming offered must not be linked to gaming in other premises and no person under 18 may participate in the gaming.

12.13 Gaming which meets these conditions needs no permission from the Licensing Authority. However, if the Licensing Authority believes that these conditions are being breached, it may remove the exemption and ban gaming in a specific pub or club. Examples of potential breaches include:

- (a) poker prize limits being exceeded on a regular basis
- (b) a rake being applied to a poker game
- (c) the siting of illegal gaming machines
- (d) failure to adhere to other exemptions and codes.

12.14 The Gambling Commission has issued a code of practice in respect of exempt equal chance gaming which requires owners/licensees to adopt good practice measures for the provision of gaming in general and poker in particular. The code also sets out the stakes and prizes limits and the limits on participation fees laid out in regulations.

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<sup>109</sup> The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007

<sup>110</sup> The Gambling Act 2005 (Gaming in Clubs) Regulations 2007

<sup>111</sup> Section 269, Gambling Act 2005

Part J. Prize Gaming, Permits and Entitlements

*Part J Cover Page to be added by design*

## Part J – Prize Gaming Policies

### Prize Gaming Permits Policy J1

- A. Applications for a Prize Gaming Permit will generally be granted subject to:**
- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Guidance to Licensing Authorities.**
  - 2. The application and proposed operation meeting the relevant criteria and considerations within policies D1, D2 and D3.**
  - 3. The applicant having demonstrated that they have training in place for staff at the premises to ensure that they fully understand the maximum stakes and prizes that can be made available for use on the premises.**
  - 4. The applicant having undertaken an assessment of the local area risks as identified within the Council’s Local Area Profile and put forward sufficient measures to ensure that those risks are mitigated or eliminated.**
  - 5. The applicant meeting the requirements of the other relevant policies within this Part of the Statement.**
- B. Applications for Prize Gaming Permits must provide the following upon application:**
- 1. A plan of the premises showing the:**
    - a. location of any staff counter and cash desks**
    - b. location of where prize gaming will take place**
    - c. location of any ATM’s**
    - d. entry and egress points for the premises**
    - e. location of CCTV cameras and their field of view**
    - f. location of any toilet facilities**

- g. location and description of any other facilities or activities that are located within the premises to which the permit relates that are not regulated under the Gambling Act 2005.**
- 2. The operator’s insurance certificates for the premises, including the public liability insurance for the venue.**

- C. The Licensing Authority may, save in the most exceptional case, refuse applications for Prize Gaming Permits that do not meet the requirements of Clause A and B.**

- J1.1 This policy applies to applications for new permits or renewals of, existing prize gaming permits. Gaming is “prize gaming” if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- J1.2 Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs, see further information on the exemptions associated with Prize Gaming below.
- J1.3 Given that the prize gaming will particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues and particularly Licensing Objective Policy D3.
- J1.4 The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children

from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

- J1.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
- (a) appropriate measures and training for staff as regards suspected truant children on the premises
  - (b) measures and training covering how staff would deal with unsupervised very young children being on the premises
  - (c) measures and training covering how staff would deal with children causing perceived problems on or around the premises.
  - (d) the arrangements for supervision of premises either by staff or the use of CCTV.
- J1.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.
- J1.7 The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- (a) An understanding of the limits to stakes and prizes set out in regulations;
  - (b) That the gaming offered is within the law;
  - (c) Clear policies that outline the steps to be taken to protect children from harm.
- J1.8 The Licensing Authority will only grant a permit after consultation with the chief officer of police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them

unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

- J1.9 It should be noted that there are conditions within the Gambling Act 2005 (the Act) with which the permit holder must comply, but that the council cannot attach conditions. The conditions in the Act are:
- (a) the limits on participation fees, as set out in the Gambling Act 2005 (Prize Gaming)(Permits) Regulations 2007, must be complied with;
  - (b) all chances to participate in the gaming must be acquired or allocated in 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;
  - (c) 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
  - (d) participation in the gaming must not entitle the player to take part in any other gambling.

#### Prize Gaming CCTV Cameras, Recording and Retention Policy J2

- A. CCTV shall be provided throughout the premises in respect of which an application has been made for a Prize Gaming Permit and as a minimum must cover key access and egress points for customers, staff and deliveries as well as the locations where prize gaming is taking place.**
- B. CCTV shall meet the Metropolitan Police standards for CCTV.**

- C. Applicants will be required to demonstrate to the Licensing Authority how they will:**
- 1. Provide sufficient CCTV coverage of the premises.**
  - 2. Manage and monitor the CCTV footage on a daily basis.**
  - 3. Designate staff and ensure that they are sufficiently trained in the use, monitoring, and accessing of the CCTV system.**
  - 4. Retain the CCTV recordings in a safe and secure way**
  - 5. Provide access or copies of CCTV recordings for the police, enforcement officer or authorised person, as defined under Sections 303 and 304, Gambling Act 2005.**
  - 6. Ensure the CCTV system is maintained to ensure that it operates effectively.**

- J2.1 CCTV is an important tool in crime prevention and evidence gathering. It acts as a valuable tool for both the operator and responsible authorities in identifying and resolving issues which can impact upon the licensing objectives.
- J2.2 The Licensing Authority expects operators to provide full coverage of the entrance and exit points and area where prize gaming will be provided.
- J2.3 The Licensing Authority is aware that the production of good quality CCTV with the minimum of delay can be of significant value to responsible authorities when investigating an incident. Therefore, the co-operation of operators with responsible authorities in this respect is key.
- J2.4 Similarly, it is the experience of the Licensing Authority that effective communication between operators and responsible authorities can be of value to all parties. The Licensing Authority

expects all operators to establish effective, clear lines of communication, particularly in relation to incident reporting, with the responsible authorities.

### Provision and Location of ATM's in Prize Gaming Permit Premises Policy J3

- A. If an applicant intends to provide an ATM within a premises that intends to operate under a Prize Gaming Permit the location of that ATM shall be marked on the plan accompanying the application.**
- B. The applicant will be required to demonstrate to the Licensing Authority that the sighting of the ATM has been risk assessed to ensure that it:**
- 1. Is located in a position that will enable staff to monitor it at all times either via CCTV or by staff present within the premises to which the permit relates.**
  - 2. Is located at a sufficient distance away from prize gaming so as to require a customer to leave the prize gaming activity in order to use the ATM.**
  - 3. Is located in a position that will enable the safe restocking and removal of cash.**
- C. The applicant shall ensure that the opening of any ATM's is done at a time when the premises is either closed or at a time when there are sufficient security personnel or staff present.**

- J3.1 Any ATM located on the premises should be positioned in an area to enable staff to monitor its use at all times. The location should be a sufficient distance from any gaming machine so that the

customer has to leave the gaming machine in order to use the ATM. The Licensing Authority will expect any operator providing an ATM on the premises to have policies in place which provide for adequate staff training in how to identify potentially at risk and vulnerable customers and criminal activity. Although frequent and repeated use of an ATM in itself is not necessarily evidence of gambling-related vulnerability to harm, the Licensing Authority considers it an indicator and therefore the responsibility is with the operator to identify and mitigate any risks to customers at this point.

- J3.2 Operators should be aware of the risk of crime when opening any ATM to either refill or remove cash. The Licensing Authority expects any operator to risk assess and have a policy in place which will mitigate any risk of crime or disorder in these circumstances. This may include unlocking or accessing the machine only when no customers are on the premises or only when sufficient security personnel are present. Operators are expected to have sufficient security measures and personnel in place to mitigate any risk of crime and should liaise with the police and responsible authorities when assessing this risk.

## Exemptions from the need for a permit

### Casinos

- J3.3 A casino operating licence gives authority to provide all games of chance, except any form of bingo, which is excluded from the scope of the casino licence by Section 68(3)(b), Gambling Act 2005. If a casino wishes to provide bingo generally, it would need to obtain a bingo operating licence, however, this is subject to the constraint under the Act that only one premises licence may be

issued for any particular premises at any time and so the premises would have to be distinct.<sup>112</sup> Only large casino premises licences permit bingo to be offered within the casino premises.<sup>113</sup> If a casino wishes to offer prize bingo, it could obtain a prize gaming permit, however, it is more likely that the casino will apply for an operating licence to cover all forms of bingo (subject to the constraint already mentioned).

### Bingo

- J3.4 The Act enables any form of prize gaming to be provided in premises in reliance on their bingo operating licence.<sup>114</sup> This provision allows bingo operators to provide prize gaming in respect of casino games as well as games of equal chance, which they would not otherwise be able to do under the conditions of their operating licence. In the case of bingo operators, the Gambling Commission or Secretary of State could impose conditions preventing specified games from being offered. Additionally, limits have been set on individual and aggregated stakes and prizes for prize gaming in bingo premises, the purpose of which is to ensure that such gaming is restricted to low stakes.<sup>115</sup>

### Adult Gaming Centres and Licensed and Unlicensed Family Entertainment Centres

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<sup>112</sup> Section 152, Gambling Act 2005

<sup>113</sup> Section 174, Gambling Act 2005

<sup>114</sup> Section 291, Gambling Act 2005

<sup>115</sup> The Gambling Act 2005 (Operating Licence Conditions) Regulations 2007 and The Gambling Act 2005 (Operating Licence Conditions) (Amendment) Regulations 2010

J3.5 The Act provides that any type of prize gaming may be provided in adult gaming centres (AGCs) and licensed family entertainment centres (FECs), and that unlicensed FECs may only offer equal chance prize gaming under the auspices of their gaming machine permit, without the need for a prize gaming permit.<sup>116</sup>

J3.6 The Act provides that travelling fairs are also able to offer equal chance prize gaming without a permit, provided that, taken together, the facilities for gambling are an ancillary amusement at the fair.<sup>117</sup>

J3.7 Children and young persons may participate in equal chance prize gaming only.

J3.8 The Act sets out four conditions with which permit holders, AGCs, FECs and travelling fairs must comply to lawfully offer prize gaming<sup>118</sup>. These are:

- (a) the limits on participation fees, as set out in regulations<sup>119</sup> must be complied with,
- (b) all chances to participate in the gaming must be acquired or allocated in 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,
- (c) the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), and the prescribed value (if non-monetary prize),

- (d) participation in the gaming must not entitle the player to take part in any other gambling.

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<sup>116</sup> Section 290, Gambling Act 2005

<sup>117</sup> Section 292, Gambling Act 2005

<sup>118</sup> Section 293, Gambling Act 2005

<sup>119</sup> The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2009

Part K. Alcohol Licensed Premises,  
Notifications, Permits and Entitlements

*Part K Cover Page to be added by design*



## Part K – Alcohol Licensed Premises

### Alcohol Licensed Premises Gaming Machine Permit Policy K1

- A. Applications for new Prize Gaming Permits or to vary existing permits will generally be granted subject to:**
- 1. The application and proposed operation meeting the requirements of the Gambling Commissions Guidance to licensing authorities.**
  - 2. The application and proposed operation meeting the relevant criteria and considerations within policies D1, D2 and D3.**
  - 3. The applicant having demonstrated that they have appropriate training, policies and procedures in place to ensure that they will comply with the Gambling Commissions Codes of Practice in clubs and premises with an alcohol premises licence and the Gambling Act 2005.**
  - 4. The question of whether the licensee or the premises itself has a history of noncompliance with the any terms and conditions of the alcohol premises licence or other authorisations issued to them under the Licensing Act 2003.**
  - 5. The question of whether the licensee or the premises has any history or complaints, review applications under the Licensing Act 2003 or convictions relating to children or young person’s having access to, purchasing, or obtaining age restricted products.**
  - 6. The number of the gaming machines specified on the application and the size and capacity of the premises.**

- B. The Licensing Authority may refuse an application for an alcohol licensed gaming machine permit if it is satisfied that:**
- 1. The permit is likely to adversely impact upon the licensing objectives**
  - 2. The applicant has not adequately demonstrated that they have sufficient training, policies, procedures, and control measures in place to mitigate or eliminate any local risks, to restrict access and use to category C gaming machines by children or young persons or to ensure compliance with the Gambling Commissions Codes of Practice, the terms and conditions of the permit if granted or the Gambling Act 2005.**
  - 3. The premises or licensee has a history of noncompliance with the alcohol premises licence, or any authorisation issued under the Gambling Act 2005.**
  - 4. The number or category of gaming machines specified in the application are not appropriate for the size, layout, operation or capacity of the premises.**
- C. For the purposes of this policy the premises to which the application shall relate must meet the following criteria:**
- 1. the premises have a premises licence issued by the Licensing Authority under Part 3, Licensing Act 2003 that authorises the sale of alcohol,**
  - 2. the premises contain a bar at which alcohol is served for consumption on the premises and is not restricted by a requirement that alcohol is served only with food,**
  - 3. the entitlement shall only apply at the time when alcohol is authorised for sale for consumption on the premises under the alcohol premises licence, and**
  - 4. the alcohol premises licence does not relate to a vehicle.**

- D. Applications for Alcohol Licensed Gaming Machine Permits must provide the following upon application:**
- 1. A plan of the premises showing:**
    - a. The location of any bar, staff counter and staff service point.**
    - b. The location and the proposed category of gaming machines within the premises**
    - c. The location of any ATM's**
    - d. The entry and egress points for the premises**
    - e. The location of CCTV cameras and their field of view**
    - f. The location of any toilet facilities**
    - g. The location and description of any other facilities or activities that are located within the premises to which the permit relates that are not regulated under the Gambling Act 2005.**
  - 2. The operator's insurance certificates for the premises, including the public liability insurance for the venue.**
- E. For the purposes of this policy any reference to "children" or "young person" will include any person who meets the definition of a child and young person within Section 45, of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- K1.1 This policy applies to those licensed premises that propose to have three or more gaming machines. A licensed premises wishing to have three or more gaming machines of category C or D must apply to the council for a permit.
- K1.2 As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive

and excessive play. The Licensing Authority, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to:

- (a) the need to protect children and vulnerable people from harm or being exploited by gambling; and
- (b) measures taken by the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

- K1.3 The Licenisng Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:
- (a) the machines being in sight of the bar, especially those that are restricted to adult only use (category C machines);
  - (b) the category C machines being in the sight of staff who will monitor that the machines are not being used by those under 18;
  - (c) notices and signage on and in the vicinity of the gaming machines; and
  - (d) the provision of information leaflets or helpline numbers for organisations such as GamCare.

K1.4 If it is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, the council may refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.

K1.5 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.

K1.6 The Licensing Authority, when considering an application for an alcohol licensed premises gaming machine permit will consider the number and category of gaming machines requested. The applicant will be required to provide a plan of the premises, with their application identifying the proposed locations for the gaming machines. When considering the application, the Licensing Authority will consider whether the location, number and the category of the machines are appropriate for the premises after having regard to the layout, size and operation of the premises. The Licensing Authority may determine that the number of gaming machines requested is not appropriate, but a reduced number of machines may be acceptable.

K1.7 The Licensing Authority may also decide that the number of category C gaming machines may not be appropriate based on the operation of the premises, the accessibility of the machines to children who have access to the premises and the ability to adequately monitor the use of the machines to ensure the licensing objectives are not adversely affected.

K1.8 Due to the availability of alcohol on the premises and the effect that it has on the understanding the risks associated with gambling and the impact on the cognitive ability of the player, applicants will be expected to have sufficient training, policies, procedures, and control measures to reduce the risk to customers who may be vulnerable to gambling related harm due to cognitive impairment from alcohol. When considering the risk of harm from these lower stake machines applicants must consider the short-term risks or 'binge gambling' that could create short term harm for the customer.

K1.9 If the Licensing Authority determines that the number and type of machines requested are not appropriate it may refuse the application outright, reduce the number of machines to an appropriate number or amend the permitted category of gaming machines to reduce or remove the number of category C machines altogether.

K1.10 The Licensing Authority when determining an application for an alcohol-licensed premises gaming machine permit will consider each application on its own merits.

K1.11 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas (e.g. hotels). Any such application would have to be for an Adult Gaming Centre or Licensed or Unlicensed Family Entertainment Centre.

#### Alcohol Licensed Premises Notifications

K1.12 The Gambling Act 2005 (the Act) provides an automatic entitlement in respect of alcohol licensed premises so that they can provide a limited amount of exempt gaming and/or make available for use up to 2 gaming machines of category C and/or D.<sup>120</sup> However, this gaming entitlement is only applicable to premises that meet the following conditions:

- (a) the premises have a premises licence issued by the Licensing Authority under Part 3 of the Licensing Act 2003 (2003 Act) that authorises the sale of alcohol,
- (b) the premises contain a bar at which alcohol is served for consumption on the premises and is not restricted by a requirement that alcohol is served only with food,

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<sup>120</sup> Section 282, Gambling Act 2005

- (c) the entitlement shall only apply at the time when alcohol is authorised for sale for consumption on the premises under the alcohol premises licence, and
- (d) the alcohol premises licence does not relate to a vehicle.

K1.13 The exempt gaming permitted under the Act in respect of alcohol licensed premises is limited to the provision of facilities for equal chance gaming which takes place on the premises and meets the following conditions:

- (a) the arrangement for the gaming satisfies the prescribed requirements in relation to limiting amounts that may be staked, or limiting the amount of value of a prize, see Appendix 9 for these amounts and values.
- (b) no amount is deducted or levied from sums staked or won.
- (c) no participation fee is charged.
- (d) a game played on one set of premises is not linked with a game played on another set of premises.
- (e) children and young persons are excluded from participation.

K1.14 It should be noted that the gaming entitlement under the Act for alcohol licensed premises does not apply to premises that are utilising a Temporary Event Notice to provide alcohol for consumption on the premises under the 2003 Act. This is particularly relevant for alcohol licensed premises that intend effectively to extend the hours under which they can provide licensable activities under the 2003 Act through the use of Temporary Event Notices. In such circumstances the gaming entitlement, including the making available of up to two gaming machines would not be permitted under the use of a Temporary Event Notice as the alcohol premises licence is not in effect. Alcohol premises licence holders that are found to be providing

gaming or making gaming machines available for use when their alcohol premises licence is not in effect may risk losing their entitlement in respect of exempt gaming or gaming machines under the Act.

K1.15 If the alcohol licence lapses, is surrendered, or revoked the automatic entitlements under the Act will also cease.

K1.16 The licensee of the alcohol licensed premises wishing to make use of the premises entitlement for up to two gaming machines of category C and/or D must give notice to the Licensing Authority and pay the appropriate fee.<sup>121</sup> Gaming machines cannot be made available for use in the alcohol licensed premises until the Licensing Authority has been notified. The notification of the use of the entitlement is not a request for permission and therefore the licensee of the alcohol licensed premises can make the gaming machines available for use as soon as the notification and fee have been received by the Licensing Authority.

K1.17 This is not an authorisation procedure. The Licensing Authority has no discretion to consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.

K1.18 If the alcohol premises licence under the 2003 Act is transferred to another person the notification of the automatic entitlement

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<sup>121</sup> The Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007

for up to two gaming machines will lapse. The person(s) or organisation to whom the alcohol licensed premises has been transferred will need to give notice of their intention to use the automatic entitlement and pay the fee before those machines can be made available for use at the premises. If a Designated Premises Supervisor (DPS) on the alcohol licensed premises is varied this will not impact upon the notification of the use of the gaming machine automatic entitlement already submitted to the Licensing Authority, unless the DPS will also no longer be the licensee of the alcohol licensed premises.

## Part L. Temporary and Occasional Use Notices

*Part L Cover Page to be added by design*

## Part L - Temporary and Occasional Use Notices Policies

### Temporary Use Notice Policy L1

- A. The notice giver shall demonstrate to the Licensing Authority that they are applying on behalf of a person or business that holds a Casino Operators Licence issued by the Gambling Commission.**
- B. The Licensing Authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the Temporary Use Notice. In doing so, the Licensing Authority will consider:**
  - 1. The suitability of the premises;**
  - 2. The location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;**
  - 3. The CCTV coverage within the premises;**
  - 4. The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;**
  - 5. Whether the premises or the holder of the operating licence have given the Licensing Authority any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.**
- C. The Temporary Use Notice will not be permitted if the premises has already reached the 21 day limit to which a Temporary Use Notice can be permitted within a 12 month period.**

- L1.1 This policy applies to applications for Temporary Use Notices. Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
- L1.2 The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant casino operating licence that has been issued by the Gambling Commission.
- L1.3 Currently, 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 overall winner.

### Occasional Use Notices Policy L2

- A. The Licensing Authority will only accept an Occasional Use Notice if it is:**
  - 1. Made in writing**
  - 2. Made on behalf of a person or company who holds a Gambling Commission Operating Licence for betting.**
  - 3. Sent in advance of the date of when the track will be used for sporting events in which betting facilities are intended to be used under the provision of that notice**
  - 4. If a copy of that notice was served on the police**
  - 5. That the Occasional Use Notice is for a period not exceeding eight days in a calendar year for that premises.**
- B. The notice giver shall demonstrate to the Licensing Authority that:**

1. **The proposed premises to which the notice will relate is a track within the definition of the Gambling Act 2005, and**
2. **That they are responsible for the administration of the track or are the occupier of the track.**

**C. The Licensing Authority will assess the nature of the proposed track and the sporting event to which betting facilities are intended to be used to ensure the notice giver is applying for a true track and sporting event and not for the purposes of enabling prohibited betting on events other than those taking place at the track to which the notice relates.**

- L2.1 The Licensing Authority has very little discretion as regards Occasional Use Notices to accept bets at “tracks”, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded and that the track and proposed sporting event will only enable betting to take place on the events at that event.
- L2.2 The Licensing Authority will, however, consider the definition of a “track” and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the track or is an occupier, and therefore permitted to avail themselves of the notice.
- L2.3 The definition of a track within the Gambling Act 2005 is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Westminster. If notices are given for a single track which would permit betting to occur for more than 8 days per year, the council has an obligation to issue a counter notice preventing such a breach occurring.



## Part M. Small Society Lotteries

*Part M Cover Page to be added by design*

## Part M - Small Society Lotteries

M1.1 Any raffles where the tickets are sold on the same day and the same event where the draw is made would be considered to be incidental non-commercial lotteries and exempt from this process.

### Operating a Lottery

M1.2 The purpose of a small society lottery is to raise money for causes that are non-commercial. These causes must be related to the purpose of the charity.

M1.3 The Gambling Act 2005 (the Act) requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. The limits placed on small society lotteries are as follows:

- (a) 20% of the proceeds must go to the purposes of the society.
- (b) The maximum prize is £25,000.
- (c) The proceeds of each lottery are under £20,000
- (d) The aggregate of the proceeds each calendar year is under £250,000.
- (e) Rollovers are only permitted where every lottery affected is a small society lottery promoted by the same society and the maximum single prize is £25,000.

### Tickets

M1.4 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being nonphysical, such as an email

or a text). When a person purchases a ticket, he must also receive a document which:

- (a) identifies the promoting society;
- (b) states the price of the ticket;
- (c) states the name and address of the promoter, or external lottery manager; and
- (d) either states the date of the draw, or enable the date of the draw to be determined.

M1.5 This information could be printed on the ticket, or the rear of the ticket, or sent electronically in such a way as the person can save the information or print it out.

M1.6 The price payable for each ticket must be the same and must be paid to the promoter before the person is given the ticket. Membership into a small lottery must not be dependent on making any payment other than the price of the ticket. There is no limit on the price of the ticket.

### Other requirements

M1.7 All small society lottery operators registered with the Licensing Authority must maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority is permitted to inspect the records of the lottery for any purpose related to the lottery.

M1.8 Lottery tickets may only be sold by persons over the age of 16 to persons over the age of 16. A person commits an offence if they invite or allow a child to enter a lottery other than certain classes of exempt lottery (i.e. incidental non-commercial lotteries, private lotteries, work lotteries and resident's lotteries). Societies

running lotteries must have written policies and procedures in place to help prevent and deal with cases of underage play.

- M1.9 With regards to where small society lottery tickets may be sold, the council applies the following criteria to all small society lotteries it registers:
- (i) Tickets should not be sold in a street, where street includes any bridge, road, lane, footway, subway, square, court or passage, including passages through enclosed premises such as shopping malls.
  - (ii) Tickets may be sold from a kiosk, in a shop or door to door.
- M1.10 This approach is consistent with the operating licence condition imposed upon operators of large lotteries and local authority lotteries.

#### Prizes

- M1.11 Prizes awarded in small society lotteries can be either cash or non-monetary. The amount of money deducted from the proceeds of the lottery or cover prizes must not exceed the limits set out by the Act (i.e. combined with any expenses incurred with the running of the lottery, such as manager's fees, they must not comprise more than 80% of the total proceeds of the lottery). Donated prizes should not be counted as part of this 80% (as no money would be withdrawn from the proceeds to cover their purchase) but should still be declared on the return following the lottery draw. Although the giving of alcohol as lottery prizes is exempt from alcohol licensing, promoters should be aware that alcohol should not be supplied to children under the age of 18.

#### Making an application

- M1.12 The promoting Society must be registered with the council in which the principal premises of the society are situated throughout the period during which the lottery is promoted. The Small Society Lottery application form must be completed and submitted to the council with the required fee of £40.
- M1.13 To apply to register as a small society lottery within the City of Westminster please visit the Council's website at [www.westminster.gov.uk/licensing](http://www.westminster.gov.uk/licensing) and follow the links to applying for a small society lottery.

#### Returns

- M1.14 The following information must be sent by the registered society as returns to the Licensing Authority following each lottery held:
- (a) The arrangement for the lottery including:
    - (i) dates on which the tickets were available for sale or supply
    - (ii) the dates of the draw
    - (iii) the arrangement for prizes
  - (b) The proceeds of the lottery
  - (c) The amounts deducted by the promoters to provide the prizes
  - (d) The amounts deducted for other expenses
  - (e) The amount applied to a purpose for which the promoting society is conducted
  - (f) Details of defrayed expenses and the sources from which they were defrayed.
- This information will allow the council to assess whether financial limits are being adhered to and to ensure that any money raised

is being applied for the proper purpose.

- M1.15 The council has produced a Lottery Return Form for registered lotteries to complete in order to meet the requirements of the Gambling Act 2005. The Lottery Return Form must be sent to the council within 3 months of the draw. The Lottery Return Form must be signed by two members of the society who were appointed for the purpose in writing by the society or governing body and accompanied by a copy of the appointment. These members must be adults.
- M1.16 The Licensing Authority is required to retain returns for a minimum period of three years from the date of the lottery draw. They will be available for inspection by the general public for a minimum period of 18 months following the date of the lottery draw.
- M1.17 Where societies run more than one small lottery in a calendar year, the council will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket values.
- M1.18 The Gambling Commission must be notified by licensing authorities if returns reveal that a society's lotteries have exceeded the limits and this notification will be copied to the small society in question. The Gambling Commission will contact the society to determine if they are going to apply for a lottery operator's licence, thereby enabling them to run large lotteries legally and will inform the licensing authority of the outcome.

## Fees

- M.19 The initial registration fee is £40. An annual fee of £20 is payable each year. This should be paid in the two months before the anniversary of the registration. If the Society fails to pay within the specified time, the Local Authority can cancel the Registration.

## External Lottery Managers

- M1.20 External Lottery Managers (ELMs) are required to hold a lottery operator's licence issued by the Gambling Commission to promote a lottery on behalf of a licensed society.
- M1.21 However, individuals or firms can and do provide services to a society without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors. Key indicators will include:
- (a) who decides how the lottery scheme will operate;
  - (b) who appoints and manages any sub-contractors;
  - (c) the banking arrangements for handling the proceeds of the lottery;
  - (d) who sells the tickets and pays the prizes; and
  - (e) who controls promotional aspects of the lottery.
- M1.22 Societies employing an unlicensed ELM may be committing an offence and will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences on its website.

Part N. Post Serious Incident Assessment,  
Review of Gambling Premises Licences,  
Cancelations of Permits and Removal of Automatic  
Entitlements.

*Part N Cover Page to be added by design*

## Part N – Post Serious Incident Assessment, Review of Gambling Premises Licences and Cancellations of Permits

### Post Serious Incident Assessment (PSIA) Policy N1

- A. The Licensing Authority, when notified of a serious incident may choose to undertake a Post Serious Incident Assessment (PSIA) with the police.**
- B. Licensees will be expected to co-operate with the Licensing Authority and the police in carryout the PSIA.**
- C. For premises licences the Licensing Authority and/or the police, following the completion of the PSIA, may propose that one or more of the conditions of the licence are amended or that new conditions should be attached to the licence to ensure that future similar incidents are mitigated, and the licensing objectives are not adversely impacted.**
- D. If the Licensing Authority and/or police determine, following the completion of the PSIA that the licensee or permit holder has breached any terms or conditions of the licence or permit, committed an offence, or breached any part of the Gambling Act 2005 or in respect of premises licences operated in a way that negatively impacts the Licensing objectives it may decide to proceed with a review of the premises licence or seek to cancel the permit.**
- E. For the purposes of this policy a serious incident is defined as:**

- 1. Any physical altercation where a customer or member of staff were assaulted and police assistance had been required.**
  - 2. Any theft or robbery at the premises (actual or threatened) where staff, the cashier's desk, the premises offices, an ATM or gaming machines had been targeted.**
  - 3. Any illegal activity such as drug-dealing or the sale of stolen goods at the premises.**
  - 4. Any ongoing drug misuse at the premises.**
  - 5. Any sexual assault.**
  - 6. Any significant or frequent incidents of criminal damage.**
  - 7. Any incidents where a child has been able to participate in gambling or play a gaming machine on the premises.**
  - 8. Any incidents of illegal gambling activity taking place on the premises.**
  - 9. Any breach of the terms or conditions of the licence or permit.**
  - 10. Any other incident similar to those defined above.**
- F. For the purposes of this policy any reference to permits will relate to Club Gaming Permits, Club Machine Permits and Alcohol Licensed Premises Gaming Machine Permits.**
  - G. For the purposes of this policy any reference to "child" will include any person who meets the definition of a child and young person within Section 45, Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- N1.1** In the event that a serious incident occurs in a licensed premises or premises that is operating under a permit, the Licensing

Authority and the police may implement an assessment of the incident which will involve the licensee or permit holder providing information and attending a meeting with officers acting on behalf of the Licensing Authority and/or the police. During that assessment the Licensing Authority and the police will assess what happened, how the operators' policies, procedures and/or control measures functioned, whether there are any requirements for the operator to amend their procedures, policies or control measures and whether staff need retraining on the existing policies, procedures and control measures or any post incident changes to those policies, procedures and control measures.

- N1.2 The Licensing Authority and the police may propose additional or amended conditions for a premises licences if they are necessary to ensure the premises operation does not adversely impact upon the licensing objectives. The Licensing Authority and the police will expect applicants to proceed with a variation application to include any additional conditions on the licence or amend any existing ones following the assessment.
- N1.3 The Licensing Authority expects the full co-operation of operators and staff during such an assessment with the absolute minimum of delay. Operators are expected to contact the Licensing Authority and the police following such an incident to provide details of the incident. Operators should also update the premises risk assessment following any such incident.
- N1.4 The Licensing Authority and the police may decide that a review of the premises licence is necessary if:
- (a) the incident was so serious as to warrant immediate action through the review process;

- (b) the operator does not undertake to vary their licence and implement any conditions proposed; or
- (c) if there have been significant failings where greater consideration is needed on the impact of that premises operation.

N1.5 For premises that are subject to a permit the Licensing Authority, in consultation with the police, may decide that the permit should be cancelled and in such cases the Permit Cancellation Policy PCP1 will be followed.

## Review of Gambling Premises Licence Policy N2

- A. In deciding what steps, if any, are necessary to promote the licensing objectives in the determination of a review of a premises licence the Licensing Authority will take into account whether:**
- 1. The premises are located within a Gambling Vulnerability Zone and if so whether the review is specifically focused on the risk of, or actual harm from gambling on children or other vulnerable people.**
  - 2. The submissions from the licensee setting out their response to the review and any other documentation that is provided to support the general submission.**
  - 3. Any relevant representations associated with the review and any evidence provided in support of those submissions from responsible authorities or interested parties.**
- B. For the purposes of this policy any reference to “children” will include any person who meets the definition of a child and young person within Section 45, Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- N2.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- (a) any relevant code of practice issued by the Gambling Commission.
  - (b) any relevant guidance issued by the Gambling Commission.
  - (c) the licensing objectives.
  - (d) the authority's statement of principles.
- N2.2 The Licensing Authority may reject an application for review if it thinks that the grounds on which the review is sought:
- (a) are not relevant to a relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the Licensing Authority's statement of principles;
  - (b) are frivolous;
  - (c) are vexatious;
  - (d) 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence;
  - (e) are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application); or
  - (f) are substantially the same as representations made at the time the application for the premises licence was

considered (whilst the Licensing Authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence).

- N2.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include issues regarding the demand for gambling premises, and issues relating to planning, public safety and traffic congestion.
- N2.4 The Licensing Authority itself, as a responsible authority, can initiate a review of a particular premises licence or any particular class of premises licence for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.
- N2.5 The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
- N2.6 A responsible authority or interested party may apply to the council to review a premises licence. Such reviews can be made in relation to amongst other things:
- (a) repeated incidents of crime and disorder,



- (b) where incidents that have adversely affected one or more licensing objectives have occurred, or
- (c) if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.

N2.7 As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. However, the council accepts that on occasion an application for review may be appropriate without informal measures being taken.

### Club Gaming Permit and Club Machine Permit Cancellation Policy N3

- A. The Licensing Authority may cancel a Club Gaming Permit or Club Machine Permit issued under the Gambling Act 2005 if:**
  - 1. The premises are used wholly by children and/or young persons, or**
  - 2. An offence or breach of the permits conditions has been committed in the course of the gaming activities by the permit holder.**
- B. The Licensing Authority, when considering whether to cancel a permit, will inform the permit holder of its intentions to cancel the permit and enable the permit holder to make a representation to the Licensing Authority.**
- C. If a representation from the Permit Holder is received within the prescribed period, the Licensing Authority will hold a**

**hearing to consider the representation and whether to cancel the permit.**

- D. For the purposes of this policy any reference to “children” or “young person” will include any person who meets the definition of a child and young person within Section 45, Gambling Act 2005, therefore such references will apply to anyone under the age of 18.**

- N3.1 The Licensing Authority will proactively act if a premises to which a permit is in effect and the premises are used wholly by children and/or young persons and/or an offence or breach of condition has been committed in the course of gaming activities by the permit holder.
- N3.2 The conditions that may be breached in relation to this policy are those that are referred to within the Act or in the regulations that the permit must be operated under.
- N3.3 The Licensing Authority will contact the permit holder and advise them that it intends to cancel the relevant permit and the reasons for the intended cancellation. The Licensing Authority will provide at least 21 days’ notice of the intention to cancel and allow the permit holder to make a representation in respect of the intended cancellation. If the permit holder submits a representation within the specified period, the Licensing Authority will hold a hearing to consider that representation. The Licensing Authority, at the hearing will determine whether to cancel the permit. If the decision is to cancel the permit, the permit holder can lodge an appeal against that decision.

However, if no appeal is lodged within 21 after the decision the permit will be cancelled.

#### Alcohol Licensed Premises Removal of Automatic entitlement Policy N4

- A. The Licensing Authority will remove the entitlement for exempt gaming and/or the automatic entitlement for up to two gaming machines within alcohol licensed premises if:**
  - 1. The provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;**
  - 2. Gaming has taken place on the premises that breaches a provision of Section 282, Gambling Act 2005;**
  - 3. The premises are mainly used for gaming; or**
  - 4. An offence under the Gambling Act 2005 has been committed on the premises.**
- B. The Licensing Authority will notify the licensee of the alcohol licensed premises of its intention to make an order to remove the automatic entitlement under the Gambling Act 2005 and provide them with the opportunity to make a representation to the Licensing Authority.**
- C. If a representation from the licensee of the alcohol licensed premises is received within the prescribed period, the Licensing Authority will hold a hearing to consider the representation and whether to make the order to remove the automatic entitlements for the alcohol licensed premises.**

N4.1 The Licensing Authority can remove the entitlement for exempt gaming and/or the automatic entitlement for up to two gaming

machines for any alcohol licensed premises by making an order under the Act<sup>122</sup>.

- N4.2 Before the Licensing Authority makes an order to remove the gaming entitlements and/or the automatic entitlements for up to two gaming machines it will give the alcohol licensed premises licensee at least 21 days' notice of the intention to make the order.
- N4.3 The Licensing Authority will consider any representations from the licensee they wish to make at a hearing. If an order to remove the automatic entitlement for up to two gaming machines for that premises is given by the Licensing Authority the licensee may appeal that decision to the Magistrates Court. If no appeal is lodged the automatic entitlement will be removed 21 days from the day after the intention to give the order to remove the automatic entitlement was given, or in the case of a hearing having taken place within 21 days from the decision following the hearing.

#### Alcohol Licensed Gaming Machine Permit Cancellation Policy N5

- A. The Licensing Authority may cancel an Alcohol Licensed Gaming Machine Permit issued under the Gambling Act 2005 if:**
  - 1. It would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect;**

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<sup>122</sup> s284 of the Gambling Act 2005

2. **Gaming has taken place on the premises otherwise than in accordance with the permit or conditions of the permit;**
3. **The premises are mainly used or to be used for making gaming machines available, or**
4. **An offence under the Gambling Act 2005 has been committed on the premises**

**B. The Licensing Authority, when considering whether to cancel a permit will inform the permit holder of its intentions to cancel the permit and enable the permit holder to make a representation to the Licensing Authority.**

**C. If a representation from the Permit Holder is received within the prescribed period, the Licensing Authority will hold a hearing to consider the representation and whether to cancel the permit.**

N5.3 Before the Licensing Authority cancels a permit it will give the permit holder 21 days' notice of its intention and allow him the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will hold a hearing to consider the permit holder's representation and any other evidence available before making its determination.

N5.4 If the Licensing Authority does cancel the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.

N5.1 The Licensing Authority will seek to cancel an alcohol licensed premises gaming machine permit if the premises are used wholly or mainly by children or young persons, the operation of the machines are not consistent with the licensing objectives, the premises are mainly used for gaming machines, if the permit terms and conditions have been breached or an offence under the Gambling Act 2005 has been committed.

N5.2 The licensing authority can also cancel a permit if the holder fails to pay the annual fee, unless failure is the result of an administrative error. The court may order forfeiture of the permit if the holder is convicted of a relevant offence.

## Glossary

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## **Adult Gaming Centres**

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence that was issued prior to the 13<sup>th</sup> July 2011 is entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever, is the greater. An AGC premises licence granted after the 13<sup>th</sup> July 2011 may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

## **Amusement arcades**

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed Family Entertainment Centres.

## **ATM**

Auto teller machine or cash machine.

## **Betting**

‘Betting’ means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition)

## **Bingo**

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners’ welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Bingo premises licensed under the Act can provide gaming machines for use. A Bingo premises licence granted before the 13<sup>th</sup> July 2011 are entitled to make eight category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. For Bingo premises licences granted after the 13<sup>th</sup> July 2011 are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. There are no restrictions on category C or D machines that can be made available in any Bingo licence no matter when it was granted.

### Casino

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

### Casino Games

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

### Categories of Casinos

|                             | Minimum number of gaming tables | Minimum table gaming area sq.ms<br>Section 7 (5) Regulations | Additional gambling area sq.ms<br>Section 7 (5) Regulations | Minimum non gambling areas<br>Mandatory conditions | Highest Categories of gaming machines permitted | Maximum stake/prize for gaming machines | Max number gaming machines   |
|-----------------------------|---------------------------------|--|---|--|---|---|--|
| Existing (Converted Casino) | One                             | None   | None  | 10%of total gaming area                            | B1  | £5/ £10,000                             | 20 B to D (except B3A machines) or any number of C or D machines instead |
| Small                       | One                             | 500  | 999 max   | 250 sq.ms  | B1  | £5/ £10,000                             | 80 any combination of B  |

|       |     |      |                      |           |    |             |   |
|-------|-----|------|----------------------|-----------|----|-------------|---|
|       |     |      |                      |           |    |             | to D (except B3A machines) within the total limit (Subject to machine/table ratio)                          |
| Large | One | 1000 | 500 min 2499 maximum | 500 sq.ms | B1 | £5/ £10,000 | 150 any combination of B to D (except B3A machines) within the total limit (subject to machine/table ratio) |

#### **Coin pusher or penny falls machine**

A machine of the kind which is neither a money prize machine nor a non-money prize machine

#### **Crane grab machine**

A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.

#### **Default conditions**

These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Authority.

#### **Equal chance gaming**

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

### **Exempt activities**

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

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

### **Fixed Odds Betting Terminal (FOBT)**

FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular. An FOBT is the term often used to refer to Category B2 gaming machines that are provided in licensed betting premises.

### **Gambling**

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

### **Games of chance**

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

### **Gaming**

Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.

### **Gaming Machine**

Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites. Under the Gambling Act 2005 gaming machines are categorised A to D and certain permissions under the Act provide an entitlement to place a defined number of categorised gaming machines.



This Table sets out the current proposals for the different categories with the maximum stakes and prizes that apply.

| CATEGORY  | MAXIMUM STAKE<br>(from April 2019)   | MAXIMUM PRIZE<br>(from Jan 2014)                     |
|---|--|--|
| A   | Unlimited – (Note: no category A gaming machines are currently permitted.) |  |
| B1  | £5   | £10,000*   |
| B2  | £2   | £500   |
| B3A   | £2   | £500   |
| B3  | £2   | £500   |
| B4  | £2   | £400   |
| C   | £1   | £100   |
| D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine) | 30p  | £8   |
| D – non-money prize (crane grab machine)  | £1   | £50  |
| D - money prize (other than a coin pusher or penny falls machine)                             | 10p  | £5   |
| D – combined money and non-money prize (other than a coin pusher or penny falls machine)      | 10p  | £8 (of which no more than £5 may be a money prize)   |
| D – combined money and non-money prize (coin pusher or penny falls machine)                   | 20p  | £20 (of which no more than £10 may be a money prize) |

*\*With the option of a maximum £20,000 linked progressive jackpot on a premises basis only.*

| Type   | Gaming Machines  |
|--|--|
| Large Casino<br>(machine/table ratio of 5-1 up to maximum)<br><i>This premises licence type is not permitted in Westminster.</i> | Maximum of 150 machines.<br>Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio) |
| Small Casino<br>(machine/table ratio of 2-1 up to maximum)   | Maximum of 80 machines.  |

|  |   |
|--|---|
| <i>This premises licence type is not permitted in Westminster.</i> | Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio).                            |
| Pre – 2005 Act casino premises (no machine/table ratio)            | Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead.   |
| Bingo premises   | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines. |
| Betting premises and tracks occupied by pool betting.              | Maximum of 4 machines categories B2 to D (except B3A machines)  |
| Adult Gaming Centre  | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines. |
| Family Entertainment Centre with premises licence                  | No limit on category C or D machines.   |
| Family Entertainment Centre with permit                            | No limit on category D machines.  |
| Clubs or miners' welfare institute (with permits)                  | Maximum of 3 machines in categories B3A or B4 to D*   |
| Qualifying alcohol-licensed premises                               | 1 or 2 machines of category C or D automatic upon notification.   |
| Qualifying alcohol-licensed premises (with gaming machine permit). | Number of category C – D machines as specified on permit.   |
| Travelling fairs   | No limit on category D machines.  |

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

*\*\* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises are entitled to 20% of the total number of gaming machines only, but not B3A machines.*

## **Guidance**

The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act. The Commission's Guidance was published on the 1<sup>st</sup> April 2021.

## **Interested Parties**

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

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities
- c) represents persons in either of these groups.

Interested parties can also be a councillor or an MP.

## **Licensing Objectives**

The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives. The licensing objectives are:

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

## **Licensed Family Entertainment Centres**

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

## **Lottery**

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of

those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).

### **Money prize machine**

A machine in respect of which every prize which can be won as a result of using the machine is a money prize.

### **Non-Commercial Gambling**

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

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

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

### **Non-money prize machine**

A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:

- (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or
- (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.

## **Odds**

The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.

## **Off-course betting operator**

Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.

## **On-course betting operator**

The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).

## **Operating Licence**

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

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

- A lottery operating licence.

### **Premises Licence**

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

### **Pool Betting**

For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.

### **Regulations and Statutory Instruments**

Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.

### **Representations**

In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.

### **Responsible authority (authorities)**

Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.

### **Skill machine / Skill with prizes machine**

The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.

### **Stake**

The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.

Statement of principles (statement)

A document prepared by the Authority which outlines the areas that applicants need to consider before applying for gaming permits.

### **Track**

Tracks are sites (including horse tracks and dog tracks and stadia) where races or other sporting events take place

### **Unlicensed Family Entertainment Centres**

Premises that hold an Unlicensed Family Entertainment Centre gaming machine permit may only offer category D gaming machines.

## Appendices

*Appendices Cover Page to be added by design*



## Appendix 1 – Persons consulted in preparing this statement

Persons consulted in preparing the statement

To be added following consultation.

## Appendix 2 - Summary of the Licensing Authority delegations permitted under the Gambling Act

| Matter to be dealt with                                       | Full Council | Sub-committee of licensing committee                                   | Officers  |
|---|--------------|--|---|
| Final approval of the Licensing Authority statement of policy | <b>X</b>     |  |   |
| Policy not to permit casinos                                  | <b>X</b>     |  |   |
| Fee setting (when appropriate)                                |              | <b>X</b><br>(if delegated by full council)                             |   |
| Application for premises licences                             |              | <b>X</b><br>Where representations have been received and not withdrawn | <b>X</b><br>Where no representations received/representations have been withdrawn |

| Matter to be dealt with                  | Full Council | Sub-committee of licensing committee   | Officers  |
|--|--------------|--|---|
| Application for a variation to a licence |              | <p style="text-align: center;"><b>X</b></p> <p style="text-align: center;">Where representations have been received and not withdrawn</p>                            | <p style="text-align: center;"><b>X</b></p> <p style="text-align: center;">Where no representations received/representations have been withdrawn</p>                    |
| Application for a transfer of a licence  |              | <p style="text-align: center;"><b>X</b></p> <p style="text-align: center;">Where representations have been received from the Commission or responsible authority</p> | <p style="text-align: center;"><b>X</b></p> <p style="text-align: center;">Where no representations have been received from the Commission or responsible authority</p> |
| Application for a provisional statement  |              | <p style="text-align: center;"><b>X</b></p>  | <p style="text-align: center;"><b>X</b></p>   |
| Review of a premises licence             |              | <p style="text-align: center;"><b>X</b></p>  |   |

| Matter to be dealt with                                  | Full Council | Sub-committee of licensing committee   | Officers  |
|--|--------------|--|---|
| Application for club gaming/club machine permits         |              | <p style="text-align: center;"><b>X</b></p> <p style="text-align: center;">Where objections have been made and not withdrawn</p> | <p style="text-align: center;"><b>X</b></p> <p style="text-align: center;">Where no objections have been made and not withdrawn</p> |
| Cancellation of club gaming/club machine permits         |              | <p style="text-align: center;"><b>X</b></p>  |   |
| Applications for other permits                           |              |  | <p style="text-align: center;"><b>X</b></p>   |
| Cancellation of licensed premises gaming machine permits |              |  | <p style="text-align: center;"><b>X</b></p>   |
| Consideration of temporary use notice                    |              |  | <p style="text-align: center;"><b>X</b></p>   |

| Matter to be dealt with                                     | Full Council | Sub-committee of licensing committee | Officers |
|---|--------------|--------------------------------------|----------|
| Decision to give a counter notice to a temporary use notice |              | X                                    |          |

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X indicates the lowest level to which decisions can be delegated

## Appendix 3 - Mandatory and Default Conditions

### 1. *Mandatory Conditions*

- 1.1 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. The specific regulation, schedule, part and paragraph where those conditions are located within the 2007 Regs is available to the right of each of the mandatory conditions.
- 1.2 These mandatory conditions are applied to the relevant category of premises licence and cannot be removed or varied in anyway.
- 1.3 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 so it is clear which condition is being referred to.

### 1.4 *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—<br><br>a) the sale of tickets in a private lottery or customer lottery, or<br>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,<br>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,<br>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,<br>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,<br>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,<br>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> <ul 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> </ul> | Reg 4, Sch 1,<br>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,<br>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,<br>Part 5, Para 1     |

|       |     |  |                                |
|-------|-----|--|--------------------------------|
| CCM12 | (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> .  | Reg 8, Sch1,<br>Part 5, Para 2 |
|       | (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.   |                                |
|       | (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.  |                                |
|       | (4) | The non-gambling area may consist of one or more areas within the premises.  |                                |
|       | (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.  |                                |
|       | (6) | Facilities for gambling shall not be provided in the non-gambling area.  |                                |
|       | (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 subparagraph (5), shall contain recreational facilities that are available for use by customers on the premises. |                                |

1.5 *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—<br><br>a) the sale of tickets in a private lottery or customer lottery, or  | Reg 3(4) |



|       |  |                              |
|-------|--|------------------------------|
|       | b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.   |                              |
| 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—<br><br>a) a casino premises licence;<br>b) an adult gaming centre premises licence;<br>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.<br><br>(2) Any area of the premises to which category B and C gaming machines are located—<br><br>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;<br>b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and<br>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).<br><br>(3) The reference to supervision in this paragraph means supervision by—<br><br>a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or<br>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. | Reg 10, Sch2, Part 1, Para 3 |

|       |   |                              |
|-------|---|------------------------------|
|       | (4) 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.   |                              |
| 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>(2) In the case of any other charges in respect of gaming, a 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>(3) The notice in sub-paragraph (2) shall include the following information—</p> <ul style="list-style-type: none"> <li>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;</li> <li>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</li> <li>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.</li> </ul> <p>(4) The notice may be displayed in electronic form.</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>(2) The condition in sub-paragraph (1) may be satisfied by—</p>   | Reg 10, Sch2, Part 1, Para 5 |

|       |  |                              |
|-------|--|------------------------------|
|       | <ul style="list-style-type: none"> <li>a) displaying a sign setting out the rules,</li> <li>b) making available leaflets or other written material containing the rules, or</li> <li>c) running an audio-visual guide to the rules prior to any bingo game being commenced.</li> </ul> |                              |
| BIM09 | 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 10, Sch2, Part 1, Para 6 |

### 1.6 *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 | <p>The premises shall not be used for—</p> <ul style="list-style-type: none"> <li>a) the sale of tickets in a private lottery or customer lottery, or</li> <li>b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.</li> </ul> | Reg 3(4)                      |
| BTM04 | <p>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—</p> <ul style="list-style-type: none"> <li>a) a casino premises licence;</li> <li>b) an adult gaming centre premises licence.</li> </ul>   | 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 | <p>The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets—</p> <ul style="list-style-type: none"> <li>a) will be operating under a valid operating licence; and</li> <li>b) are enabled to accept such bets in accordance with— <ul style="list-style-type: none"> <li>(i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or</li> <li>(ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act.</li> </ul> </li> </ul> | 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 |

*Mandatory conditions attached to track premises in respect of premises that are horse-race courses*

|       |   |                               |
|-------|---|-------------------------------|
| BTM10 | <ul style="list-style-type: none"> <li>(1) This paragraph shall apply to converted track premises licences in respect of premises that are horse-race courses.</li> <li>(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</li> </ul> | Reg 16, Sch 6, Part 2, Para 1 |
|-------|---|-------------------------------|

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.

- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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—
  - 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
  - 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.
- (7) 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.
- (8) 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—
  - a) the charge for admission in accordance with sub-paragraphs (6) and (7), and

|  |  |  |
|--|--|--|
|  | <p>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>(9) This paragraph shall not apply after 31st August 2012.</p> |  |
|--|--|--|

|       |   |                               |
|-------|---|-------------------------------|
| BTM11 | <p>(1) This paragraph shall apply to all track premises licences in respect of premises that are horse-race courses.</p> <p>(2) 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>(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>(4) This paragraph shall not apply to converted track premises licences before 1st September 2012.</p> | Reg 16, Sch 6, Part 2, Para 6 |
|-------|---|-------------------------------|

*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>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>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> <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> | Reg 16, Sch 6, Part 3, Para 2 |
|-------|---|-------------------------------|

|  |  |  |
|--|--|--|
|  | <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>(2)<br/>This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.</p> |  |
|--|--|--|

|       |   |                               |
|-------|---|-------------------------------|
| 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 |
|-------|---|-------------------------------|

1.7 *Betting (Shops)*

|       |   |          |
|-------|---|----------|
| 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 | (1) Access to the premises shall be from a street or from other premises with a betting premises licence. | Reg 14, Sch 5, Part 1, Para 2 |
|-------|---|-------------------------------|

|       |   |                               |
|-------|---|-------------------------------|
|       | (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.   |                               |
| 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—<br><br>a) communicating information about, or coverage of, sporting events, including—<br><br>(i) information relating to betting on such an event; and<br>(ii) any other matter or information, including an advertisement, which is incidental to such an event;<br><br>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.   | Reg 14, Sch 5, Part 1, Para 8 |



|  |  |  |
|--|--|--|
|  | (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises. |  |
|--|--|--|

|       |   |                               |
|-------|---|-------------------------------|
| 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 |
|-------|---|-------------------------------|

1.8 *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—<br><br>a) the sale of tickets in a private lottery or customer lottery, or<br>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 | <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 12, Sch 3, Para 4 |

### 1.9 *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 | <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)              |
| FEM04 | <p>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—</p> <p>a) a casino premises licence;</p> <p>b) an adult gaming centre premises licence;</p> <p>c) a betting premises licence other than a track premises licence.</p> | Reg 13, Sch 4, Para 1 |

|       |   |                          |
|-------|---|--------------------------|
| 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,<br>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,<br>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,<br>Para 4 |

## 2. *Default Conditions*

2.1 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. The specific regulation, schedule, part and paragraph where those conditions are located within the 2007 Regs is also included to the right of each condition.

2.2 These default conditions are applied to the relevant category of premises licence unless the applicant or licensee specifies that the default conditions are to be removed via a new application or a variation of an existing licence.

2.3 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 so it is clear which condition is being referred to.

### 2.4 *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 |
|-------|--|----------------------|

### 2.5 *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 |
|-------|---|-------------------------------|

### 2.6 *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 |
|-------|--|-------------------------------|

2.7 *Betting (Shops)*

|       |  |                       |
|-------|--|-----------------------|
| 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 |
|-------|--|-----------------------|

## Appendix 4 – Westminster Strategies

The council has prepared several strategies that contain visions, aims and objectives to promote, improve, and protect Westminster’s status as a world class city. The council has had regard to the local strategies, which have been developed for the city’s businesses, residents, workers and visitors. These are outlined below. The council intends to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies by ensuring the Statement of Principles for Gambling is consistent with the aims and objectives of these strategies and will continue to participate in partnerships and committees as appropriate.

### *City for All (2020/21)*

City for All is the council’s corporate strategy, and it invites each one of us to play a part in creating a city that is Greener and Cleaner; has Vibrant Communities and use Smart technologies to improve services. City for All aims to focus the council’s efforts to tackle the one of biggest challenges facing Westminster today - the Climate Emergency - we want to create a better place now and to safeguard our city for future generations. We will enable all our communities to share in the economic prosperity of our city and create opportunities for everyone to make responsible choices for themselves, their families, and their neighbourhoods. We also want to create a smart City by using cutting edge technology to transform council services and improve people’s lives.

### *Licensing Policy – Licensing Act 2003*

The Councils Licensing Policy sets out its approach to carrying out its duty under the Licensing Act 2003 to promote the licensing objectives. This policy establishes its considerations and expectations when considering and determining applications for licensable activities, such as sale of alcohol, provision of regulated entertainment and/or late-night refreshment that are made under the 2003 Act. The policy specifically focuses on promoting the licensing objectives and puts in place policies that provide a balance between the protection of our residents and enabling businesses to offer licensable activities as part of our vibrant licensed economy.

### *Westminster City Plan 2019 – 2040 and Unitary Development Plan*

The Westminster City Plan (2019) and Unitary Development Plan contain planning policies which control the location, size and activities of entertainment uses to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city. These policies will be supported by Supplementary Planning Guidance.

### *Economic Development Strategy Framework (2015)*

The framework sets out the approach the council is taking to economic development in the city. It sets out the principles for prioritising projects and identifies strategic themes through which the council vision will be delivered. The framework recognises that the first step in tackling problems of deprivation is getting individuals into sustained and good quality employment – and then helping them make the best of the chances that work can bring. This in turn depends on ensuring Westminster is a place that welcomes and nurtures enterprise, with a council that is open for business.

### *Safer Westminster Partnership Strategy (2017-2020)*

The Safer Westminster Partnership is the statutory Community Safety Partnership (CSP) established to meet the requirements of Crime and Disorder Act 1998. The Partnership, currently led by the Metropolitan Police, has a duty to conduct an audit of crime, disorder, anti-social behaviour and drug misuse in Westminster, to consult widely on the findings and set strategies to tackle the issues identified.

There is currently a three-year strategy in place (The Crime and Disorder Reduction Strategy) under which the partnership sets more detailed annual plans. Since the last three-year Crime and Disorder Reduction Strategy was agreed there have been significant reductions in street crime, burglary and motor vehicle crime.

### *Health and Wellbeing Strategy (2017 - 2022)*

The Joint Health and Wellbeing Strategy sets out the priorities and actions which the Health and Wellbeing Board are planning to carry out in the period 2017 to 2022 to improve the health and wellbeing of people living in, working in and visiting Westminster.

### *Alcohol Strategy*

Reducing alcohol related harm by encouraging responsible drinking, protecting individuals and communities from alcohol related criminal behaviour, and improving treatment and support for those affected by problems of alcohol abuse.

### *Greener City Action Plan*

Our Greener City Action Plan (GCAP) plays an important part in how the City of Westminster is leading the way to becoming a more sustainable city, supporting the council's Greener and Cleaner commitment in City for All. Regular performance reporting is undertaken on GCAP deliverables via service

area business plans. Since the City Council declared a Climate Emergency in September 2019, the council has been moving at pace to develop a comprehensive programme to support the delivery of the council's carbon neutral ambitions. Many of the GCAP programmes now align and overlap with the Climate Emergency programme of activities. Moving forward, the intention is for GCAP priorities to be subsumed within the Climate Emergency programme to maximise opportunities to deliver environmental co-benefits. This will be reflected in the council's emerging Climate Emergency Action Plan, due early 2021.

#### *Air Quality Action Plan 2019 – 2023*

Westminster City Council is required to produce an Air Quality Action Plan as part of its duty to London Local Air Quality Management. The 2019 – 2023 Action Plan follows on from the previous plan (2013 – 2018) under which our key achievements included:

- Providing London's largest number of electric vehicle charging points
- Launching the nationally award winning Don't Be Idle campaign and
- Partnering on cutting edge research and global best practise with research institutes including King's College London

The plan in two parts – Part 1 sets out the context incorporating the council's statutory requirements as an Air Quality Management Area. It establishes the links between air pollution and a range of the council activities, policies and strategies, including,

- Sustainable transport
- Public Health, and
- Climate Emergency.

The second part of the plan is the Action Plan. It consists of 88 individual actions that the council will undertake to support air quality improvement in the city.

- Monitoring Air Quality – to continue to monitor air quality across the city to continually assess our compliance with Air Quality Limit Values and against World Health Organisation targets
- Reducing emissions from transport – to implement a range of measures to reduce emissions from transport sources throughout the city, to continue to be the leading local authority for Electric Vehicle Charging infrastructure and to continue to support major policy interventions to reduce emissions from transport sources
- Reducing emissions from buildings and new development – to mitigate and minimise emissions from both existing buildings and from new development using a combination of policy, partnership working and specific projects and interventions that will support creating a net zero emission city by 2040



- Awareness raising to continue to research and implement wide ranging behaviour change and awareness raising projects around air quality to inform and educate our stakeholders, and
- Lobbying and partnership working – to call for more action from where necessary from regional and national government

Each theme and the actions that sit beneath it have been incorporated into the latest iteration of City for All and embedded across relevant directorate activities.

#### *Other Strategies*

- Equality and Diversity Strategy and Action Plan (including the Primary Care Trust Race, Diversity and Gender Equality Schemes)
- Local Implementation Plan (2011)
- Programme for a Healthier Westminster (2006)
- Draft Municipal Waste Management Strategy for the City of Westminster (2016 to 2031)



## Appendix 5 – Responsible Authorities for the City of Westminster under the Gambling Act 2005

**Licensing Authority:**

15<sup>th</sup> Floor  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Tel: 020 7641 6500

Email: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

**The Chief Officer of Police:**

Westminster Police Licensing Team  
15<sup>th</sup> Floor  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Tel: 020 7641 3179

Email: [PoliceLicensingTeam@westminster.gov.uk](mailto:PoliceLicensingTeam@westminster.gov.uk)

**The Planning Authority:**

12<sup>th</sup> Floor  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Tel: 0207 641 2513

Email: [planningreception@westminster.gov.uk](mailto:planningreception@westminster.gov.uk)

**Gambling Commission:**

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

**The Fire Authority:**

London Fire Brigade  
169 Union Street  
London  
SE1 0LL

Tel: 0208 555 1200

Email: [fsr-adminsupport@london-fire.gov.uk](mailto:fsr-adminsupport@london-fire.gov.uk)

**For minimising or preventing the risk of pollution of the environment or of harm to human health:**

The Environmental Health Consultation Team  
15<sup>th</sup> Floor  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Tel: 020 7641 3161

Email: [EHConsultationTeam@westminster.gov.uk](mailto:EHConsultationTeam@westminster.gov.uk)

**Her Majesty's Commissioners of Customs and Excise**

HM Revenue and Customs  
Excise Processing Teams

BX9 1GL  
United Kingdom

Tel: 0300 322 7072, Option 7.

Email: [NRUBetting&Gaming@hmrc.gsi.gov.uk](mailto:NRUBetting&Gaming@hmrc.gsi.gov.uk)

## Appendix 6 - Westminster Gambling Risk Assessment Template

This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

For further guidance on completing this assessment or when this assessment must be reviewed, please refer to Westminster City Council's Undertaking Gambling Local Risk Assessments guide or view the Council's policy on Local Risks Assessments within the Council's Statement of Principles for Gambling. Both documents are available via the Council's website using the links below.

### Who should complete this assessment?

The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design, and where it is located.

### Risks:

Area of consideration that may impact on one or more of the licensing objectives

### Local Risks:

These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises or in the local area. The Council has produced its Local Area Profile for gambling within Westminster that will assist applicants and licensees assess the local risks in the area that they either wish to or already do operate in. To view the Council's Local Area Profile visit [westminster.gov.uk/gambling-local-area-profile](http://westminster.gov.uk/gambling-local-area-profile).

### Licensing Objectives:

These are the three licensing objectives under the Gambling Act 2005 to which the risk factors have been identified as potentially impacting.

### Control Measures:

These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors. These control measures are split into three categories, systems, design and physical.

### Frequency of Review:

Operators will need to specify the time period in which a review of this risk assessment should be carried out. The frequency will be up to the gambling operator, but it shouldn't be longer than 36 months

Gambling operators should also refer to the Council's Statement of Principles for Gambling. The Council has established specific policies associated with the completion of the gambling risk assessment, the spatial and premises use considerations and risk mitigation. To view the Council's Gambling Policy visit [westminster.gov.uk/licensing/licensing-policy-and-strategy](https://westminster.gov.uk/licensing/licensing-policy-and-strategy).

**Gambling Premises Local Gambling Risk Assessment Template**

|   |  |
|---|--|
| <b>Premises number or licence number:</b> |  |
| <b>Region (if applicable):</b>            |  |
| <b>Area (if applicable):</b>              |  |
| <b>Premises Address:</b>                  |  |
| <b>Name of Assessor:</b>                  |  |
| <b>Colleagues Present:</b>                |  |
| <b>Date of assessment:</b>                |  |
| <b>Review date:</b>                       |  |

| <b>Local Area</b>          |  |              |                                  |                                     |  |
|----------------------------|--|--------------|----------------------------------|-------------------------------------|--|
| <b>Licensing Objective</b> |  | <b>Risks</b> | <b>Existing Control Measures</b> | <b>Further Controls Recommended</b> |  |
| <b>1.1</b>                 | <b>Protecting children and other vulnerable persons from being harmed or exploited by gambling</b> |              |                                  |                                     |  |



|     |   |  |  |  |
|-----|---|--|--|--|
| 1.2 | <b>Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</b> |  |  |  |
|-----|---|--|--|--|

|            |   |  |  |  |
|------------|---|--|--|--|
| <b>1.3</b> | <b>Ensuring that gambling is conducted in a fair and open way</b> |  |  |  |
|------------|---|--|--|--|

**Gambling Operation & Physical Design (Internal and External)**

| <b>Licensing Objective</b>   | <b>Risks</b> | <b>Existing Control Measures</b> | <b>Further Controls Recommended</b> |
|--|--------------|----------------------------------|-------------------------------------|
| <b>2.1</b><br>Protecting children and other vulnerable persons from being harmed or exploited by gambling. |              |                                  |                                     |

|            |   |  |  |  |
|------------|---|--|--|--|
| <b>2.2</b> | <b>Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</b> |  |  |  |
|------------|---|--|--|--|

|            |   |  |  |  |
|------------|---|--|--|--|
| <b>2.3</b> | <b>Ensuring that gambling is conducted in a fair and open way</b> |  |  |  |
|------------|---|--|--|--|

| <b>Action Plan</b>                        |   |                 |                        |                           |                           |                           |
|---|---|-----------------|------------------------|---------------------------|---------------------------|---------------------------|
| <b>Local Area<br/>(insert<br/>number)</b> | <b>Gambling<br/>Operation and<br/>Physical Design<br/>(insert number)</b> | <b>Question</b> | <b>Action Required</b> | <b>By Whom<br/>(name)</b> | <b>By When<br/>(date)</b> | <b>Date<br/>Completed</b> |
|   |   |                 |                        |                           |                           |                           |
|   |   |                 |                        |                           |                           |                           |
|   |   |                 |                        |                           |                           |                           |
|   |   |                 |                        |                           |                           |                           |
|   |   |                 |                        |                           |                           |                           |
|   |   |                 |                        |                           |                           |                           |

**Assessment Review**

|  |  |                        |  |
|--|--|------------------------|--|
| <b>Frequency of Review</b><br>(enter time period e.g. 12 months) |  | <b>Date Review Due</b> |  |
|--|--|------------------------|--|

**Completed Risk Assessment brought to the attention of:**

| <b>Name</b><br>(person responsible for premises and/or implementing control measures) | <b>Position</b> | <b>Signature</b> | <b>Date the this assessment was brought to this persons attention</b> |
|---|-----------------|------------------|---|
|   |                 |                  |   |
|   |                 |                  |   |
|   |                 |                  |   |
|   |                 |                  |   |

## Appendix 7 – Summary of Gaming Entitlements for Clubs and Alcohol-Licensed Premises

|                            | <b>Members' club or MW institute with club gaming permit</b> | <b>Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)</b> | <b>Members' club or commercial club with club machine permit</b>  | <b>Members' club, commercial club or MW institute without a club gaming permit or club machine permit</b> | <b>Pubs and other alcohol-licensed premises</b>  |
|----------------------------|--|--|---|---|--|
| <b>Equal chance gaming</b> | Yes  | Bridge and/or Whist only   | Yes   | Yes   | Yes  |
| <b>Limits on stakes</b>    | No limit   | No limit   | <b>Poker</b><br>£1000 / week<br>£250 / day<br>£10 /person per game<br><br><b>Other gaming</b><br>No limit | <b>Poker</b><br>£1000 / week<br>£250 / day<br>£10 /person per game<br><br><b>Other gaming</b><br>No limit | <b>Poker</b><br>£100 / premises per day<br><br><b>Other gaming</b><br>£5 / person per game |



|  | <b>Members' club or MW institute with club gaming permit</b> | <b>Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)</b> | <b>Members' club or commercial club with club machine permit</b>                          | <b>Members' club, commercial club or MW institute without a club gaming permit or club machine permit</b> | <b>Pubs and other alcohol-licensed premises</b>                    |
|--|--|--|---|---|--|
|  |  |  |   |   | <b>Cribbage &amp; dominoes</b><br>No limit                         |
| <b>Limits on prizes</b>                            | No limit   | No limit   | <b>Poker</b><br>£250 / game<br><br><b>Other gaming</b><br>No limit                        | <b>Poker</b><br>£250 / game<br><br><b>Other gaming</b><br>No limit  | <b>Poker</b><br>£100 / game<br><br><b>Other gaming</b><br>No limit |
| <b>Max participation fees – per person per day</b> | <b>Bridge/whist<sup>†</sup></b><br>£20                       | £18 (without club gaming permit)   | <b>Bridge/whist<sup>†</sup></b><br>£18<br><br><b>Other gaming</b><br>£3 (for a commercial | <b>Bridge/whist<sup>†</sup></b><br>£18  | None permitted   |

|                                      | <b>Members' club or MW institute with club gaming permit</b> | <b>Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)</b> | <b>Members' club or commercial club with club machine permit</b> | <b>Members' club, commercial club or MW institute without a club gaming permit or club machine permit</b> | <b>Pubs and other alcohol-licensed premises</b> |
|--------------------------------------|--|--|--|---|---|
|                                      | <b>Other gaming</b><br>£3                                    | £20 (with club gaming permit)  | club)<br>£1 (members' club)                                      | <b>Other gaming</b><br>£1   |   |
| <b>Bankers/unequal chance gaming</b> | Pontoon<br>Chemin de fer                                     | None permitted   | None permitted   | None permitted  | None permitted                                  |
| <b>Limits on bingo<sup>††</sup></b>  | Maximum of £2,000 / week in stakes or prizes.                | No bingo permitted   | Maximum of £2,000 / week in stakes or prizes.                    | Maximum of £2,000 / week in stakes or prizes.   | Maximum of £2,000 / week in stakes or prizes.   |

References

<sup>†</sup> On a day when no other facilities for gaming are provided. <sup>††</sup> If more than the maximum, then an operating licence will be required.

## Appendix 8 – Pleasure Fairs (Amusement Premises) Byelaws

### **Westminster City Council Pleasure Fairs (Amusement Premises) Byelaws**

Byelaws for the regulation of hours during which amusement premises may be open to the public; for the securing of safe and adequate means of ingress to and egress from amusement premises; for the prevention and suppression of nuisances and for the preservation of sanitary conditions, cleanliness, order and public safety at amusement premises; for the prevention of outbreaks of fire which might endanger structures used or intended for use in connection with amusement premises, and for reducing the risk of, and the spread of fire from, such outbreaks; made by the Westminster City Council in pursuance of Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976.

1. (a) These byelaws shall apply only to pleasure fairs within the meaning of Section 75(2) of the Public Health Act 1961 which are amusement premises:
  - (b) These byelaws shall not apply to premises licensed or registered under Part II of the Gaming Act 1968 or to members clubs and miners welfare institutes registered under Part III of that Act.
2. In these byelaws, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say:
  - (a) "Amusement premises" means any place used wholly or mainly to provide entertainments within the meaning of Section 75(3)(f) of the Public Health Act 1961, and shall include any stationary vehicle, vessel, stall, caravan, trailer or tent where the above applies.
  - (b) "The Council" means the Westminster City Council.
  - (c) "Manager" means the person having control of the entertainments provided within the meaning of Section 75(3)(f) at the amusement premises.

#### Regulation of opening hours

3. (1) The manager shall not keep the amusement premises open between the hours of 12 midnight and 9am.
  - (2) The Council, may by resolution, fix a later hour in substitution for the hour of 12 midnight in this byelaw for the closing of amusement premises or specified classes of amusement premises on specified dates or during specified periods or generally.

4. (1) The manager shall give to the proper officer of the Council at least 5 days prior notice in writing of the intention to use any amusement premises specifying therein the dates and place at which such amusement premises are to be used.
- (2) The notice to be given under this byelaw shall be in addition to and not in substitution for any notice required to be given under any other enactment.
- (3) In this byelaw "proper officer" means an officer appointed for the purpose of the Council.

#### Provision for safe ingress and egress

5. (1) The manager shall take such steps as are reasonably practicable to ensure that there are provided such entrances and exits to the amusement premises as will enable persons using the amusement premises (including disabled persons) to be safe and free from risks to health and while such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.
  - (2) The manager shall cause to be exhibited over each exit from the amusement premises a notice bearing the word 'EXIT' in letters of sufficient size to ensure it is legible at the maximum viewing distance.
6. No person shall place or cause to be placed any obstruction in any exit or gangway provided in accordance with these byelaws while any persons are using the amusement premises.

#### Nuisances, sanitary conditions, cleanliness, order and public safety

7. The manager shall ensure that at all times when the amusement premises are open for business, there is in operation such lighting as is adequate to enable persons using the premises to be safe.
8. The manager shall ensure that the internal parts of the amusement premises are maintained in good repair and condition in order that persons using the premises shall be safe at all times when the premises are open for business.
9. The manager shall take such steps as are reasonably practicable to ensure that:-
  - (a) sufficient number of unobstructed gangways are provided and maintained in the amusement premises;

- (b) amusement machines, seats and other furnishings and structures are distributed in order that the amusement premises shall, at all times when they are open for business, be safe for persons using the premises (including disabled persons).
- 10. The manager shall ensure that all parts of the premises (including sanitary accommodation) are kept as clean as is reasonably practicable.
- 11. The manager shall take such steps as are reasonably practicable to ensure that every machine provided at the amusement premises is properly and safely installed.
- 12. The manager shall not knowingly permit:-
  - (a) the amusement premises to be used for soliciting for the purpose of prostitution nor as a habitual resort or place of meeting of reputed prostitutes but this does not prohibit the manager from permitting such persons to remain on the premises for the purpose of using the amusement machines for such time as is necessary for that purpose.
  - (b) any person who is drunk or disorderly to enter or remain on the amusement premises.
- 13. The manager shall take such steps as are reasonably practicable to ensure that the external doors to the amusement premises suppress noise emanating from those premises where by means of the doors being fitted with a device for automatic closure or by any other similar means.
- 14. The manager shall ensure that the amusement premises are under the supervision of at least one responsible person at all times when those premises are open for business.

#### Fire protection

- 15. (1) The manager shall:
  - (a) Consult the fire authority regarding a means of fighting fire for use in the amusement premises; and
  - b) Provide and maintain reasonable means of fighting fire having regard to all the circumstances including the size, nature and age of the amusement premises; and
  - (c) Keep the means for fighting fire in a place where it is readily available for use.

(2) In this byelaw 'maintain' means to maintain in an efficient state in efficient working order and in good repair.

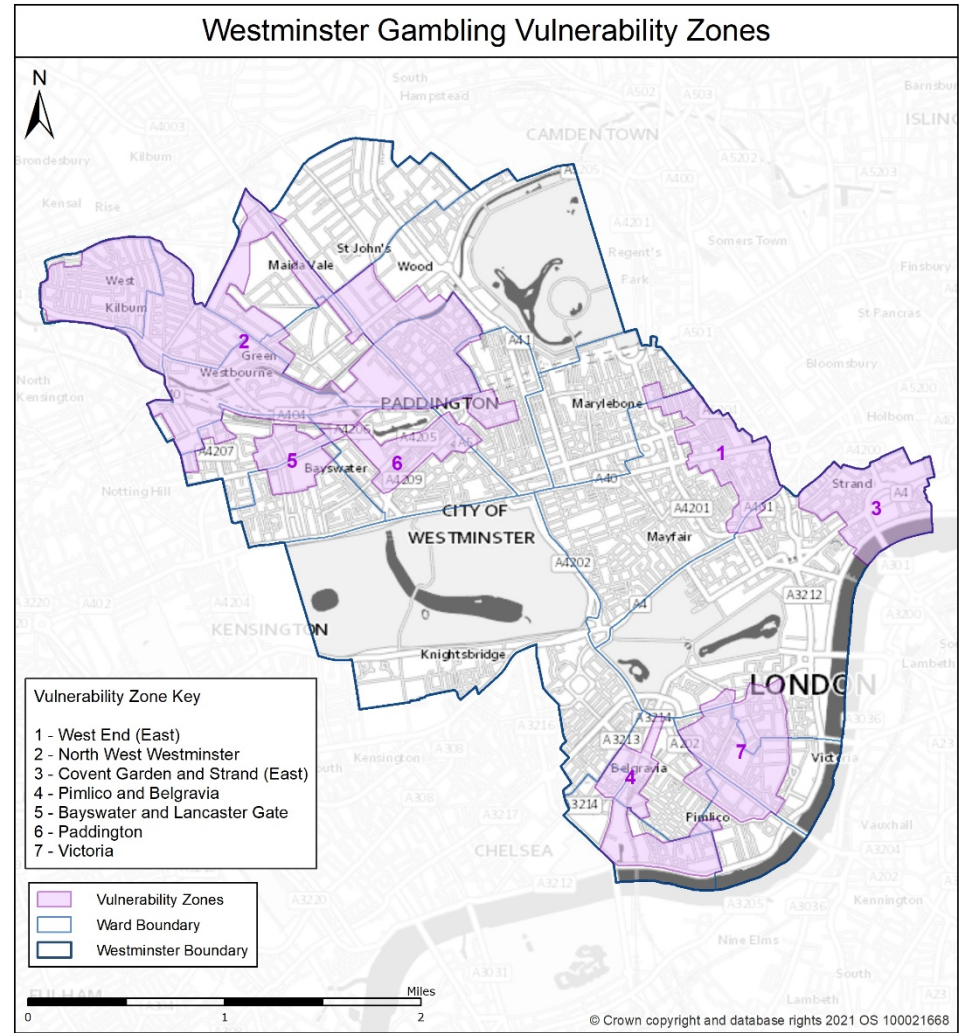
#### Penalty

16. Any person offending against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding £400.

#### Defence

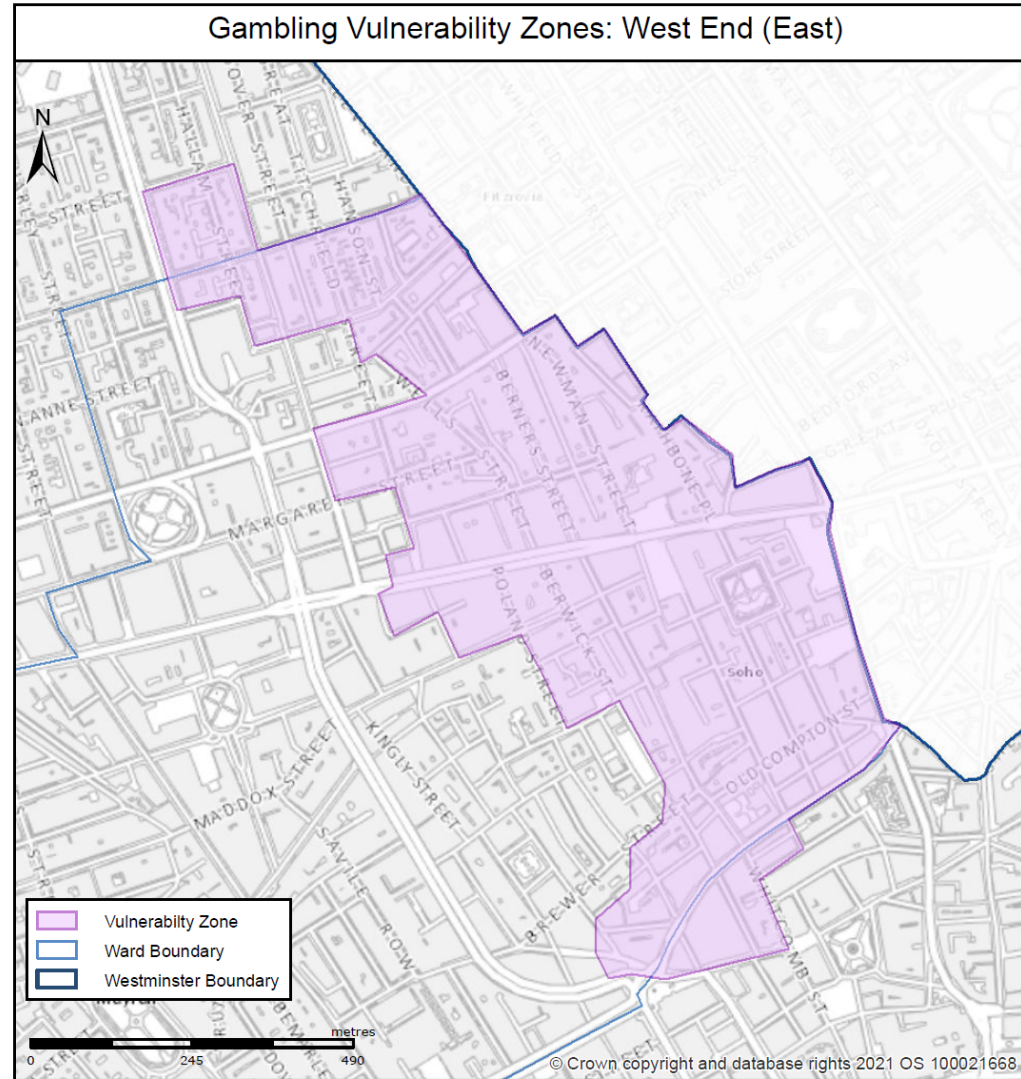
17. It shall be a defence for a person to prove that he had taken all reasonable precautions and exercised all due diligence to prevent the commission of an offence under these byelaws.

# Appendix 9 – Maps of Designated Gambling Vulnerability Zones and Gambling Vulnerability Hotspot



Map 1: Westminster’s 7 Designated Gambling Vulnerability Zones (see Policy F2)

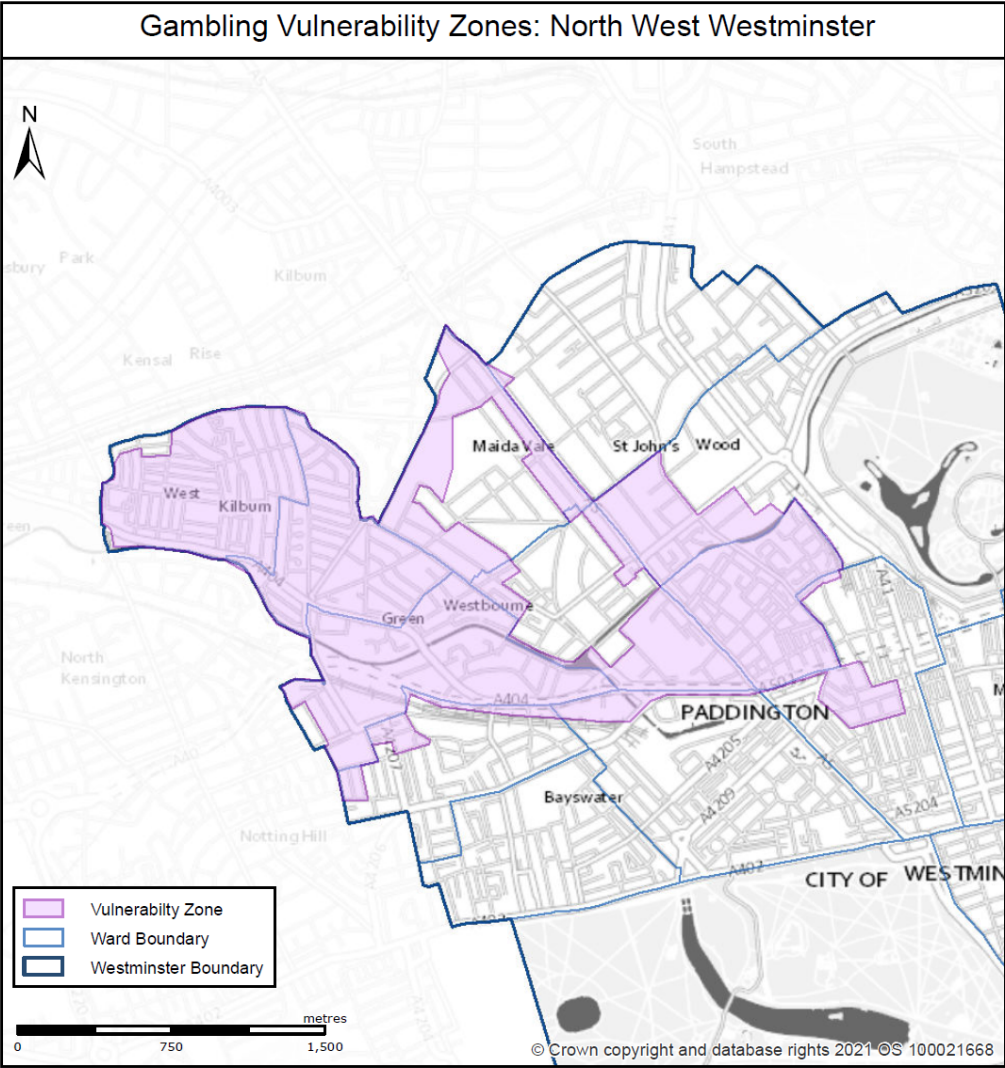
### Gambling Vulnerability Zones: West End (East)



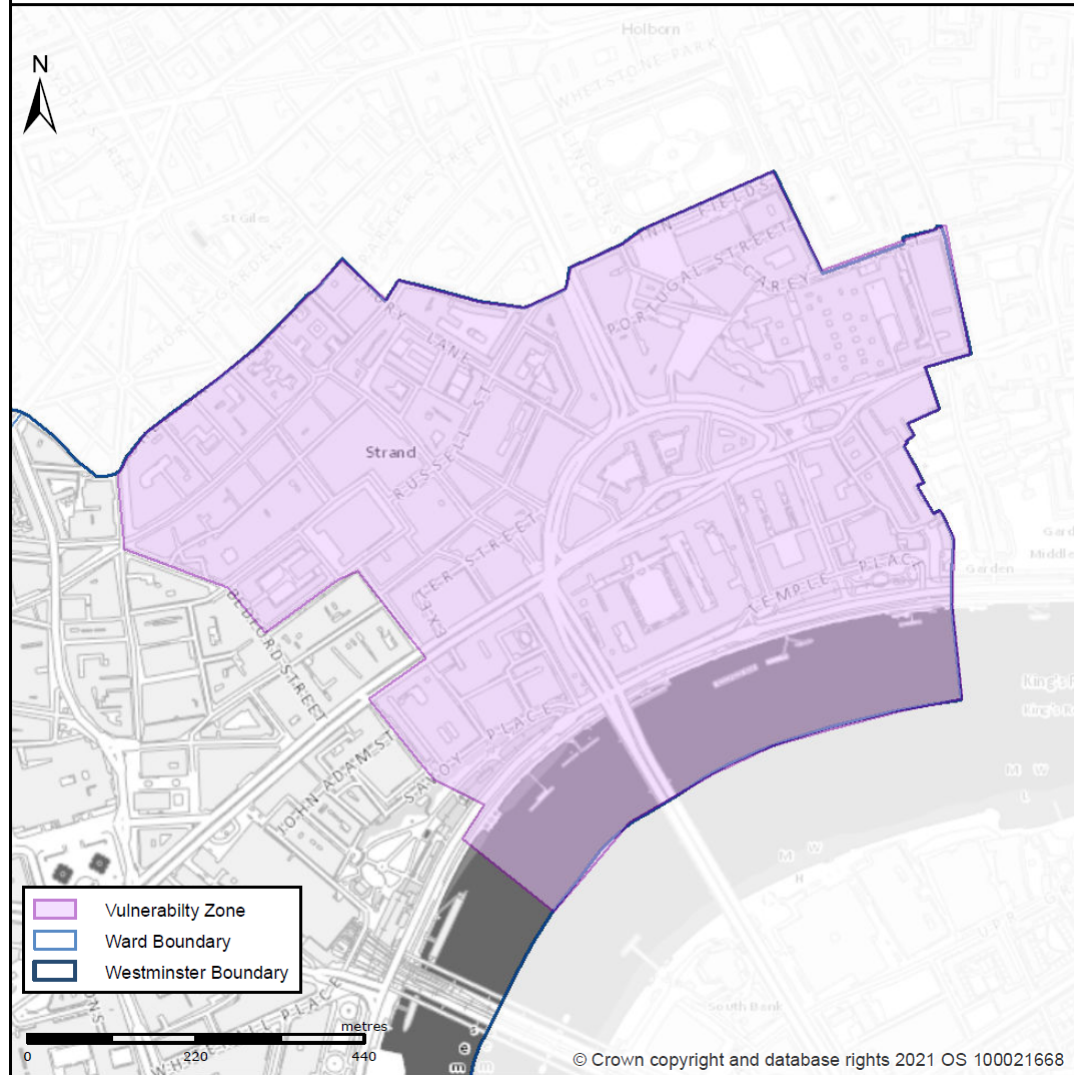
Map 2: West End (East) Designated Gambling Vulnerability Zones (see Policy F2)



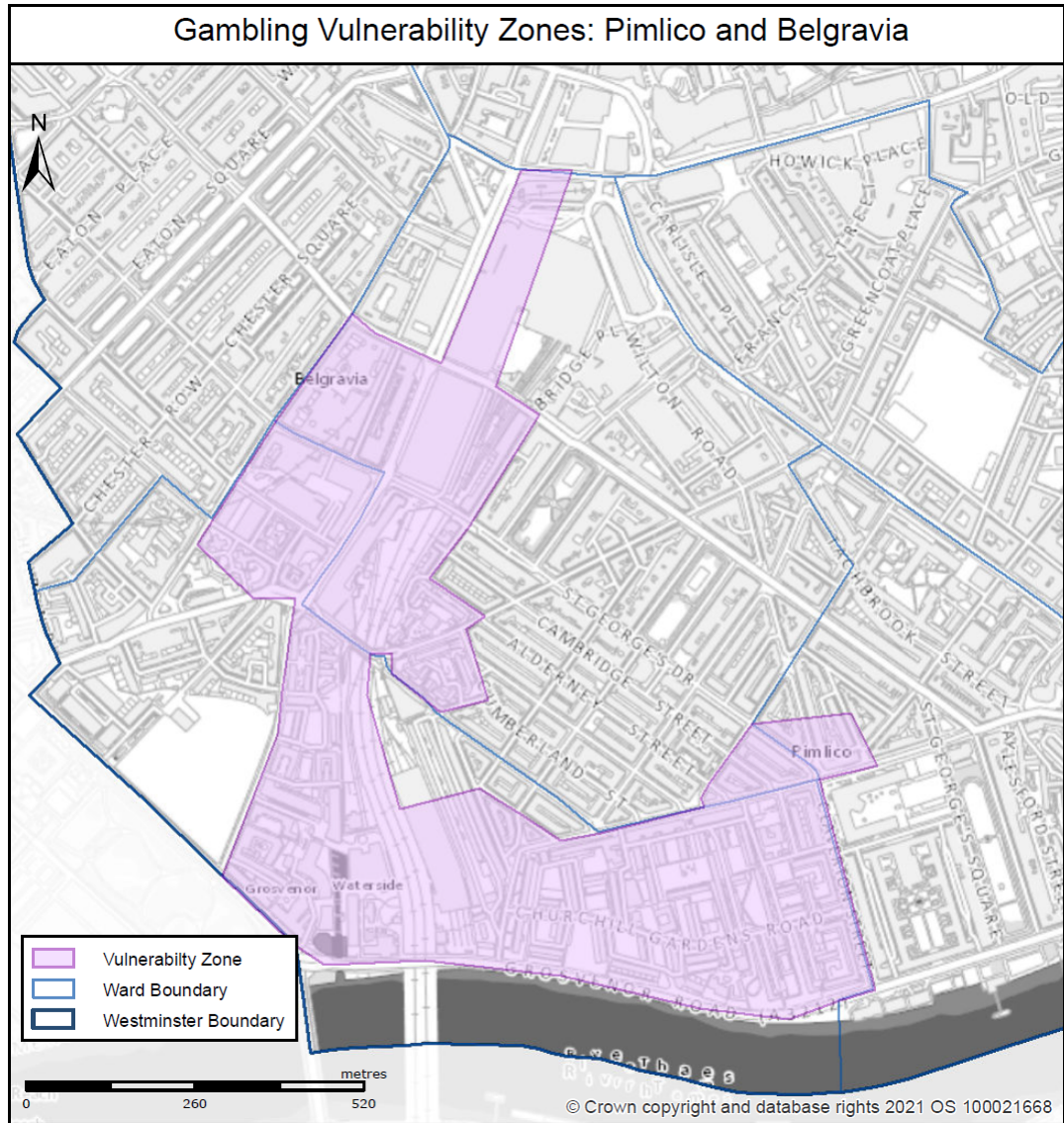
Map 3: Northwest Westminster Designated Gambling Vulnerability Zones (see Policy F2)



### Gambling Vulnerability Zones: Covent Garden and Strand (East)

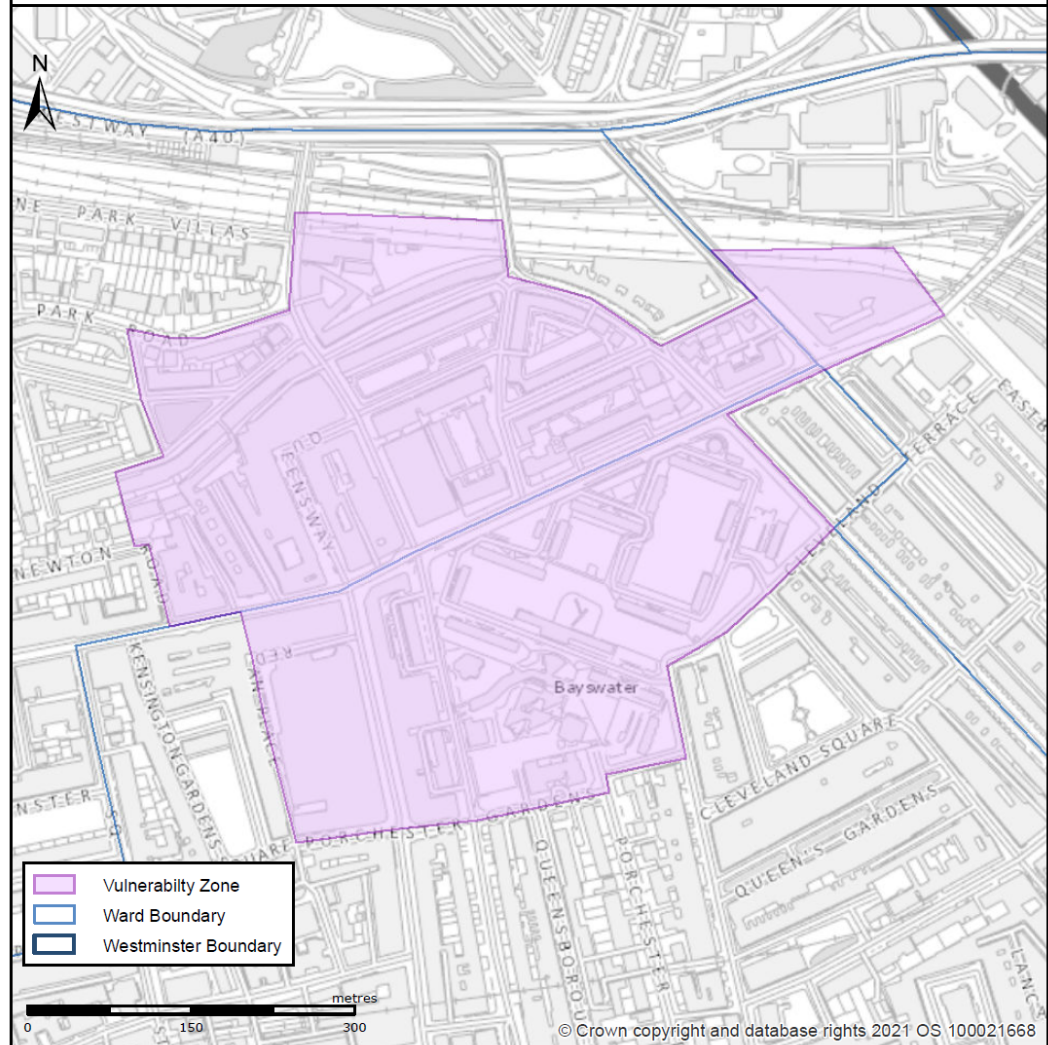


Map 4: Covent Garden and Strand (East) Designated Gambling Vulnerability Zones (see Policy F2)



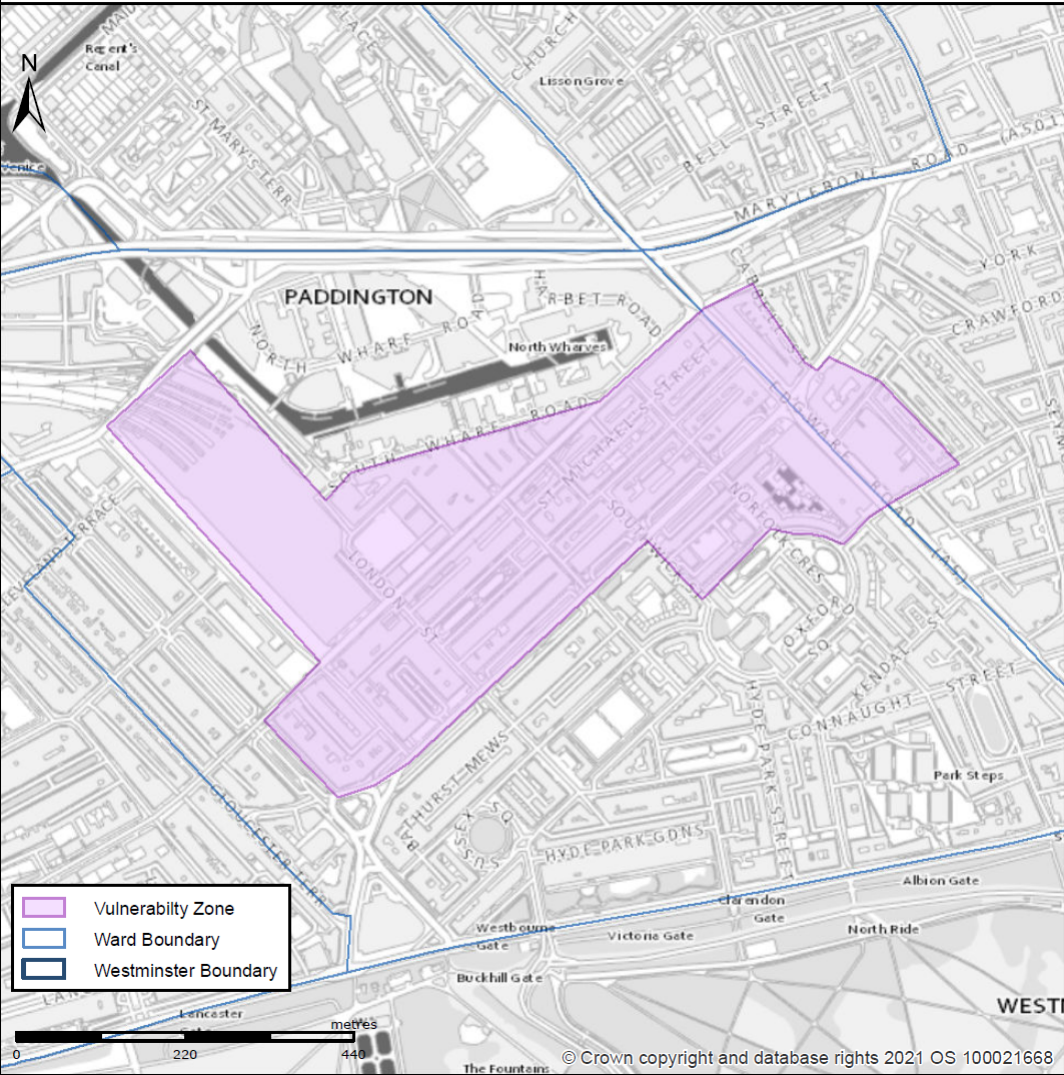
Map 5: Pimlico and Belgravia Designated Gambling Vulnerability Zones (see Policy F2)

### Gambling Vulnerability Zones: Bayswater and Lancaster Gate



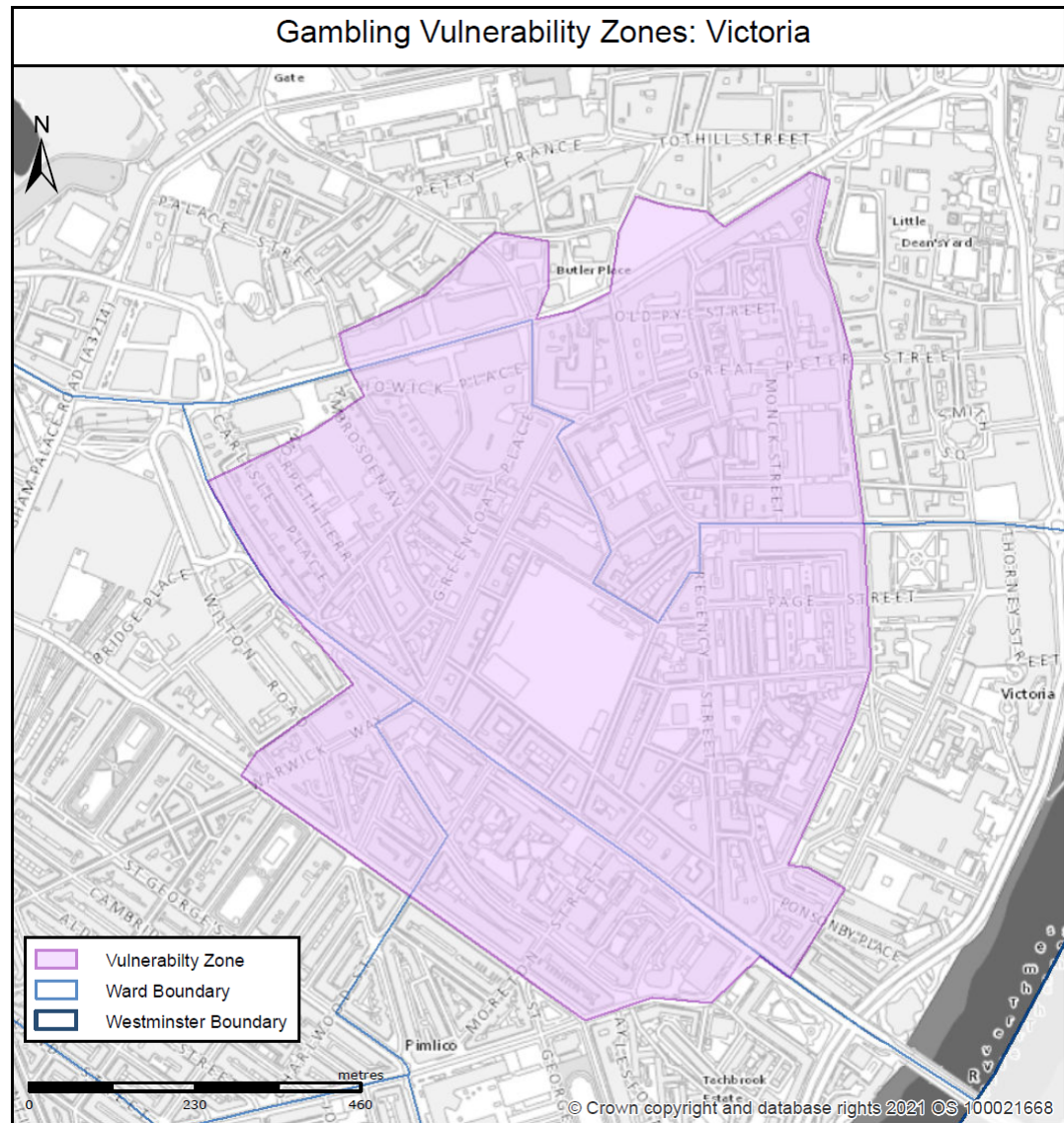
Map 6: Bayswater and Lancaster Gate Designated Gambling Vulnerability Zones (see Policy F2)

Gambling Vulnerability Zones: Paddington



Map 7: Paddington Designated Gambling Vulnerability Zones (see Policy F2)

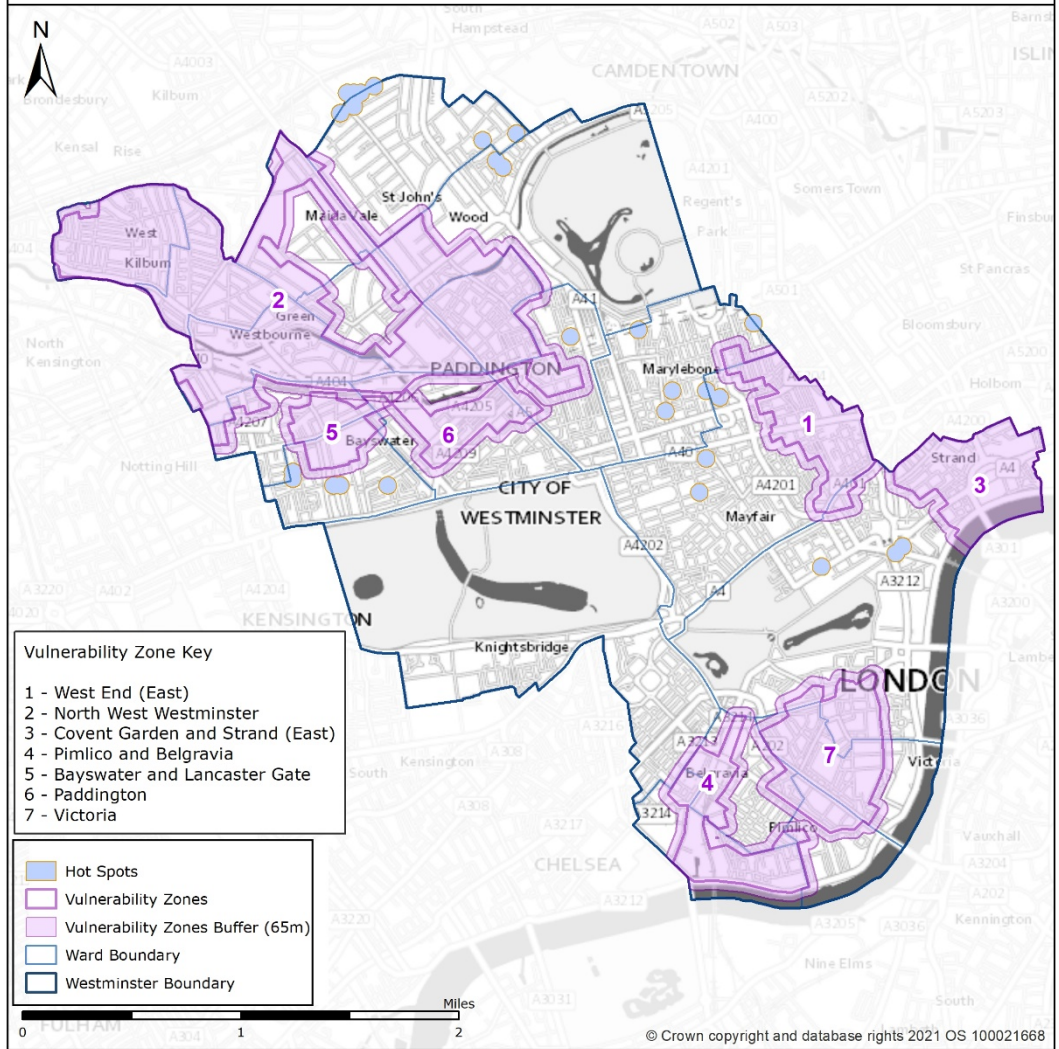
### Gambling Vulnerability Zones: Victoria



Map 8: Victoria Designated Gambling Vulnerability Zones (see Policy F2)

Map 9: Designated Gambling Vulnerability Zones and  
Gambling Vulnerability Hotspots with 6m buffer zone (see  
Policy F1)

## Westminster Gambling Vulnerability Zones and Hot Spots - Combined with 65m Buffer





## Appendix 10 – Metropolitan Police crime prevention and effective management checklist

### *A. Links to health and safety policy and legislation*

1. Is there a written Health and Safety Policy for the premises?
2. Is there a written Risk Assessment?
3. When was it carried out and how often is it reviewed and reassessed?

### *B. Mapping scheme, mark location incidents within premises*

1. Is there an incident log in operation?
2. Is the incident log available for inspection?
3. Within your premises, where are your crime hotspots and are they covered by CCTV?

Incident logs: Crime & Disorder incidents to be recorded in detail and checked/supervised by a manager.

### *C. Staff training: training to resolve identified risks*

1. Are all staff trained to recognise aggressive or suspicious behaviour and recognise intoxication?
2. Do staff receive any conflict management training?
3. Are all staff requested to approach customers about unattended property/clips?
4. On busy nights, are staff employed to warn customers about leaving property unattended?
5. Do door Supervisors attend staff training days?
6. Is there a record of staff training?

7. Do staff sign a training attendance record?
8. Who is responsible for company policy on staff training?

### *D. Staffing levels*

1. What are your minimum and maximum staffing levels?
2. How are they decided?

### *E. Design of premises: Implement recommendations of CPO*

1. How many points of entry are there?
2. Are the entry points monitored and covered by CCTV?
3. Is there a Police response alarm?
4. Do staff carry panic buttons?
5. Do Staff wear BWV?
6. Is there a panic button in cash office?
7. How is capacity monitored and recorded?
8. Are the tills positioned, so staff face customers?
9. Is cash stored at the premises?
10. Is there a cloakroom?
11. Does the cloakroom offer free hand luggage storage?
12. Is the cloakroom facility advertised?
13. Can the toilets be monitored easily and are they checked frequently?
14. Are cupboards & drawers within the toilet kept locked?
15. Are the cisterns boxed in and secure?
16. Are there any flat surfaces?
17. Do toilet cubicle doors have a gap at top and bottom (recommend gap at bottom of 200mm)

### *F. Managing the effects on the local environment*

1. If you serve food and drink, ensure glass is not taken outside the premises. Glass related assaults can be minimised by having in place appropriate measures to mitigate its Risk such as SIA Registered Door staff to monitor those persons leaving or re-entering, visible sign displayed stating that no glass is allowed outside, but offer an alternative such as polycarbonate.
2. Are noise levels within legal limits? (To be set by EHO). Consider if it would be appropriate to ask for pre-application advice from Westminster City Council environmental health team. (Depending on your type of venue, and any form of regulated entertainment). [westminster.gov.uk/licensing-and-planning](http://westminster.gov.uk/licensing-and-planning)
3. Ensure that pedestrians and vehicles are not affected. Considerations should be given to identifying your venue boundary, and putting in place mitigation to ensure it is not expanded, therefore causing highway obstruction of the public roads and footpaths.
4. No rubbish on the street. Westminster City Council website, will be able to offer advice on collection days. The City Inspectors regularly conduct patrols to engage with local Business. [westminster.gov.uk/recycling-and-rubbish](http://westminster.gov.uk/recycling-and-rubbish)
5. Correct use of CCTV. It would be imperative that the CCTV system complies with up to date regulations, and that the Model Conditions within Westminster City Council List of Model conditions is adhered to. [gov.uk/data-protection-your-business/using-cctv](http://gov.uk/data-protection-your-business/using-cctv)
6. What links do you have with local residents? Consider engaging and building rapport with your community, consider joining a local scheme where issues can be discussed and build confidence in responsible management.
7. What steps are taken to minimise disruption when people are leaving? Signs can be placed on exit points asking that patrons leave as quietly as possible, consider the use of a dispersal policy staff or SIA stay behind another 30 minutes to ensure safe departure of patrons, away from the venue.

#### *G. Commercial policies: i.e. Victim Care Policy*

1. Welfare and Vulnerability Engagement Training. [nbcc.police.uk/guidance/wave-presentation](http://nbcc.police.uk/guidance/wave-presentation)
2. Ask For Angela Campaign. [met.police.uk/AskforAngela](http://met.police.uk/AskforAngela)
3. The use of Welfare Officers.
4. Conflict Management training
5. Crime Scene Preservation Training.

#### *H. CCTV*

See CCTV requirements in the relevant policies within each of the Gambling Premises Use Policies in Part G.

#### *I. Security*

1. Are all security personnel SIA (Security Industry Authority) trained and do they possess a current, valid Licence? This Licence must be seen at all times when engaging in designated licensable activity.
2. How often is the resourcing of security assessed and is this documented in an ongoing risk assessment?
3. Who is responsible for supervising security staff?
4. Is there a written security policy? Access, queues, ejections, positioning of security.
5. Is the queue supervised outside the venue?
6. Is the queue supervised at the cloakroom
7. Is a record kept of door staff working on each day?
8. Are personal details of security staff kept?
9. How is the capacity managed and monitored?
10. Do your security undergo regular Conflict Management training?
11. Is there a need for Body Worn Video to be utilised by security on duty?

### *J. Crime prevention*

1. Is crime prevention advice literature clearly displayed in a prominent position within the venue?
2. Is there a company policy regarding the display of crime prevention material?
3. Who is in charge of the policy?
4. What crime prevention initiatives are in place?
5. Are new staff members made aware of what issues the venue may have with regards to crime? This will ensure staff know what to look out for and how to advise customers, i.e high levels of bag thefts, phone thefts from tables.

### *K. Eating and drinking*

1. Does your venue offer food and drink?
2. Does the venue allow outside drinking?
3. Has the venue got a Westminster City Council 'tables and chairs' licence?
4. How are customers supervised outside? i.e. smoking area
5. How are numbers of persons outside controlled? (Capacity).
6. Is crime prevention literature displayed outside?
7. Have any crime prevention measures been implemented outside?
8. Is the outside area risks assessed with regards to passing pedestrians and traffic?
9. Are tables and chairs taken in when not in use, to prevent them offering opportunities for being used in crimes and disorder?
10. Does CCTV adequately cover the exterior, including any seating or smoking area?

### *L. Drugs and Weapons*

1. Does the premises have a search policy?
  2. Are notices prominently displayed explaining the policy?
  3. Do staff receive regular search training?
  4. Do security staff patrol inside the premises?
  5. Are staff trained in identifying problems within the venue?
  6. Are efforts made for close supervision of toilets and poorly lit areas?
  7. Are their toilet attendants equipped with radios?
  8. Are police periodically informed of seizures? If more than for personal supply is found, Police should be called. Otherwise seize suspected substances and refuse entry.
  9. Are seizures correctly documented? With date, time, place member of staff?
  10. Has the premises been supplied with self-sealed property bags and plastic weapon containers?
  11. Are door staff trained in how to deal with weapons/firearms?
  12. Is there a policy for the safe retention of items such as drugs/weapons and firearms? And when Police should be called
  13. Do management/staff keep written notebooks for 'original notes' such as incident logs?
  14. Does the venue provide search arches and or search wands?
  15. Will the venue be using drug swipes?
  16. Are door staff licensed? (SIA licence is now obligatory)
  17. Does the venue consider providing local police with details of events involving outside one month notice? And complete risk assessments?
- Does the premises enter into contractual agreements with outside promoters? Are police contacted before such agreements are signed? (This is now up to operators themselves to risk assess).

### *M. Admission of children*

1. Ensure door supervisors/staff are trained and empowered to deal with young people.
2. Is there a policy in place to protecting children from harm?

3. Put in place robust systems to monitor and control the access of young people.
4. Ensure a Challenge 21 or Challenge 25 scheme is in place where the only forms of identification that are acceptable are recognised photo identification such as Driving licence, passport, or those with the PASS hologram.
5. Display of Policy on checking of age.
6. Does the venue have ID scanner installed? How long will this information be kept? Does it have a camera fitted to capture an image of the person entering?

## Appendix 11 – Gambling Venues Action Counters Terrorism (ACT) Products

The threat from terrorism to the U.K. is real and enduring. Crowded Places provide a target rich environment for those engaging in acts of terrorism. Licensed Premises by the nature are crowded publicly accessible places and will be at risk.

There are a number of ACT products available to achieve the following:

- Vulnerability reduction.
- Increased preparedness for and resilience to terrorist attack.
- A strong and positive security culture (limiting the opportunity for criminals).

Any security planning requirement needs to be proportionate.

Further information and directions regarding **ACT E-Learning** and the **ACT APP** can be found by visiting [NaACTSO.GOV.uk](https://naactso.gov.uk)

For further information regarding the delivery of **ACT Strategic**, **ACT Operational**, and **ACT AWARENESS** products across the City of Westminster, please contact Metropolitan Police Service, Counter Terrorism Protect Officers by emailing: [PSOArea2@met.pnn.police.uk](mailto:PSOArea2@met.pnn.police.uk).

If applicants are unsure or need further advice, please use the contact details provided where help is readily available.

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City of Westminster