

# Agenda

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## Licensing and Gambling Acts Committee

Date: **Monday 2 July 2018**

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Time: **5.00 pm**

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Place: **Council Chamber - Oxford Town Hall**

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For any further information please contact:

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# Licensing and Gambling Acts Committee

## Membership

<b>Chair</b>	Councillor Colin Cook	Jericho and Osney;
<b>Vice-Chair</b>	Councillor Mark Lygo	Churchill;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor James Fry	North;
	Councillor Angie Goff	Wolvercote;
	Councillor Michael Gotch	Summertown;
	Councillor Richard Howlett	Carfax;
	Councillor Rae Humberstone	Blackbird Leys;
	Councillor Tom Landell Mills	St. Margaret's;
	Councillor Dr Joe McManners	Headington Hill and Northway;
	Councillor Chewe Munkonge	Quarry and Risinghurst;
	Councillor Christine Simm	Cowley;
	Councillor Craig Simmons	St. Mary's;
	Councillor John Tanner	Littlemore;
	Councillor Sian Taylor	Northfield Brook;

**The quorum for this Committee is five Members, substitutes are not permitted.**

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## AGENDA

### Pages

1 **APOLOGIES FOR ABSENCE**

2 **DECLARATIONS OF INTEREST**

3 **STATEMENT OF GAMBLING LICENSING POLICY**

5 - 52

The Head of Community Services will submit a report which seeks the Committee's agreement to a revised, draft, Statement of Gambling Licensing Policy. The draft will then be the subject of a public consultation before it returns to the Committee on 19 September for final agreement.

The report will be published as a supplement to this agenda.

**Recommendation:** that the Licensing and Gambling Acts Committee resolves to:

**Adopt** the revised Statement of Gambling Licensing Policy.

4 **MINUTES**

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**Recommendation:** That the minutes of the meeting held on 16 May 2018 be APPROVED as a true and accurate record.

5 **DATES OF FUTURE MEETINGS**

The next meetings of the Committee are scheduled to take place on:

- 19 September 2018
- 23 January 2019

Both of which will start at 6.00 pm

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council’s area; licences for land in the Council’s area; corporate tenancies; and securities. These declarations must be recorded in each councillor’s Register of Interests which is publicly available on the Council’s website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members’ Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members’ Code of Conduct says that a member “must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself” and that “you must not place yourself in situations where your honesty and integrity may be questioned”. What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

**To:** Licensing and Gambling Acts Committee

**Date:** 2<sup>nd</sup> July 2018

**Report of:** Head of Community Services

**Title of Report:** Statement of Gambling Licensing Policy

### Summary and recommendations

**Purpose of report:** To agree the draft Statement of Gambling Licensing Policy for consultation

**Corporate Priority** Strong and Active Communities

**Policy Framework** **Statement of Gambling Licensing Policy**

**Recommendations:** That the Licensing and Gambling Acts Committee is recommended to:

- a) Agree the draft Statement of Gambling Licensing Policy
- b) Agree that a 6 week consultation be held on the agreed draft Statement of Gambling Licensing Policy
- c) Agree that any relevant responses to the consultation be reported to the next meeting of the Committee.

### Appendices

**Appendix One:** Draft Statement of Gambling Licensing Policy

**Appendix Two:** Provisions 10.1.1 & 10.1.2: Assessing Local Risk

**Appendix Three:** Oxford City Council Local Area Profile (not available at this time).

## Introduction

1. The Committee is reminded that all Licensing Authorities have adopted a Statement of Gambling Licensing Policy. This Statement must promote the three licensing objectives of the Gambling Act 2005 (the 2005 Act), which are:
  - *Preventing gambling from being a source of crime and disorder*
  - *Ensuring that gambling is conducted in a fair and open way*
  - *Protecting children and vulnerable persons from being harmed or exploited by gambling*
2. The Council is obliged to determine and publish the "Statement of Gambling Licensing Policy" and to keep it under review, and to renew the Policy at least every three years. In preparing the Statement, Licensing Authorities must follow the procedure set out in the 2005 Act, including who should be consulted. The Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.
3. The first Policy was implemented on 31<sup>st</sup> January 2007, and with it being renewed every 3 years, the current policy is due to expire in 2019, and the 2005 Act requires the Council to implement a new Policy by 31<sup>st</sup> January 2019.
4. The Gambling Commission issuing new Guidance September 2016 to Licensing Authorities that includes revisions to statutory guidance that clarify the extent of discretion available to Licensing Authorities in exercising their powers and the benefits of partnership working.
5. The new Guidance also provides clarity on the importance of the Statement of Gambling Licensing Policy as a regulatory tool and includes guidance on the development of "Local Area Profiles".
6. A renewed policy has been drafted taking into account the new guidance. A copy of the draft revised Policy is attached at **Appendix One**.

## **Gambling Commission: Guidance issued to Licensing Authorities**

7. In carrying out its functions the Licensing Authority must also have regard to the "Guidance issued to Licensing Authorities" by the Gambling Commission (being the unified regulator for gambling in Great Britain). Revised guidance last came into force in September 2016 which is fully covered within our current Policy.
8. The Guidance prescribes what must be included in an Authority's Policy content in the interest of national consistency. The Council therefore has limited scope to make significant changes to the Statement of Gambling Licensing Policy. However where there are good reasons, the Policy can depart from the Guidance in order to reflect local circumstances.

9. From 6<sup>th</sup> April 2016 a mandatory requirement of the 2005 Act is placed on all applicants seeking a new licence or varying a current licence to “Assess Local Risk” in accordance with the requirements of the Gambling Commissions Social Responsibility Code Provision 10.1.1 and Ordinary Code Provision 10.1.2. A copy of the Provisions is attached at **Appendix Two**.
10. These Provisions, and in turn the information provided within the revised Guidance, provide greater clarity and a wider understanding of what is deemed relevant and appropriate for the Authority to consider when carrying out its own Local Area Profiling, and allow it to better reflect local circumstances to address concerns frequently raised by Members as to the perceived proliferation of gambling premises and the impact these venues may have locally.
11. As such, a review of the Policy has been carried out in, and includes reference to the Oxford City Council Local Area Profile, which has been compiled through partnership work with appropriate agencies that can provide relevant “profiling” data.

### **Functions of the Licensing Authority**

12. The 2005 Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. Their main functions are to:
  - licence premises for gambling activities
  - consider notices given for the temporary use of premises for gambling
  - grant permits for gaming and gaming machines in clubs and miners’ welfare institutes
  - regulate gaming and gaming machines in alcohol-licensed premises
  - grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
  - grant permits for prize gaming
  - consider occasional use notices for betting at tracks
  - register small societies’ lotteries.
13. Licensing Authorities also have an obligation to provide information to the Gambling Commission, including details of licences, permits and registrations issued by way of the submission to the Gambling Commission of an “annual return”.
14. Licensing Authorities also carry out inspections of licensed premises in order to ensure they are run in accordance with the three licensing objectives and the conditions applied to the licences. During the period since the last Statement of Gambling Licensing Policy 30 licensed premises were visited and no issues of non-compliance were found, and no complaints about these premises were received.
15. These figures highlight that the previous and current Policy provided a transparent platform from which Operators of licensed premises could manage their businesses, and clear guidance as to how these Operators would meet with the licensing objectives, and how the work of the Officers contributes to the effective control of such establishments.

## Consultation on the Revised Draft Statement of Gambling Licensing Policy

16. Before determining the Statement of Gambling Licensing Policy, legislation requires the Licensing Authority to consult with persons as listed below:

- *the chief officer of police for the authority's area,*
- *one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and*
- *one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act*

Previous versions of the Policy have satisfied this requirement by consultation with:

- Thames Valley Police
- The Oxfordshire Safeguarding Children Board
- The management of all premises in Oxford with Gambling Premises Licences
- Gaming & Betting Organisations

17. The draft Statement of Gambling Licensing Policy is required to be approved by the Committee prior to consultation. The revised draft Policy contains changes on Page 8 to include guidance on the Licensing Process and the requirement for applicants to provide a Local Risk Assessment, and changes on page 11 to include guidance on location and the Local Area Profile; attached at **Appendix Three**.

18. The proposed consultation timetable is as follows:

- 2<sup>nd</sup> July 2018: consultation draft of the revised Statement of Gambling Licensing Policy approved by Committee,
- Draft Statement of Gambling Licensing Policy to go for consultation between 9<sup>th</sup> July 2018 and 24<sup>th</sup> August 2018.
- Agree the revised draft Statement of Gambling Licensing Policy to be posted on the Councils website and made available at libraries and public buildings.
- Any relevant consultation responses to be reported to the 19<sup>th</sup> September 2018 meeting of Licensing and Gambling Acts Committee to consider, and approve the final draft Statement of Gambling Licensing Policy for recommendation to Council.
- 1<sup>st</sup> October 2018: Council to consider for adoption the approved Statement of Gambling Licensing Policy.

## Financial Implications

19. Any financial implications regarding this matter are covered within existing budgets.



## Legal Implications

20. Section 349 of the Gambling Act 2005 requires the Licensing Authority to prepare and publish a Statement of Gambling Licensing Policy every 3 years. The next Statement must be published by 31<sup>st</sup> January 2019.
21. Section 25 of the Gambling Act 2005 requires the Authority to have regard to the Gambling Commission's Guidance when preparing its Policy.
22. The form and procedure for formulating the policy are provided by the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006/636
23. Any other legal implications relating to the Statement of Gambling Licensing Policy are detailed within the 2005 Act and its regulations.

## Recommendations

24. The Committee is recommended to:
  - a) Agree the draft Statement of Gambling Licensing Policy,
  - b) Agree that a 6 week consultation be held on the agreed draft Statement of Gambling Licensing Policy,
  - c) Agree that any relevant responses to the consultation be reported to the next meeting of the Committee.

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# Statement of Gambling Licensing Policy

Gambling Act 2005



This statement will apply from 31<sup>st</sup> January 2019  
until 30<sup>th</sup> January 2021

Contact details for licensing under the Gambling Act 2005 ...  
(in the Oxford City Council area)

Write to: The Licensing Authority  
Oxford City Council  
St. Aldates Chambers  
109 St. Aldates  
OXFORD  
OX1 1DS

Email: [licensing@oxford.gov.uk](mailto:licensing@oxford.gov.uk)

Telephone: 01865 252565

You can also find much information and links to other sources of information on Oxford City Council's website: <http://www.oxford.gov.uk>

This document remains valid for three years, during which the Council is likely to amend its website. So, rather than providing a direct link to "gambling", we suggest either looking for links for "licensing" then "gambling", or using the website's "A-Z" search function.

	<b>Date</b>	<b>Areas of revision</b>
First published:	02 Jan 2007	-----
Corrections:	26 Mar 2007	p.14 Textual amendments p. 27 Update to Gaming machine table p. 30 Update HMCE contact details
Revised:	17 Nov 2009	Update on legislation
Revised:	01 Feb 2013	Update on legislation Amendment of Licensing Authority and Responsible Authority addresses
Republished:	31 Jan 2016	p.29 Update on Gaming Machines: Maximum Stakes and Prizes
Revised:	31 Jan 2019	p.8 <b>The Licensing Process - Local risk assessments</b> p.11 <b>Location - Local Area profile</b>
Revised:		

### **IMPORTANT NOTE**

In producing this statement, the Licensing Authority is aware that the Government may amend the gambling Act 2005, subordinate legislation and statutory guidance. Any such amendments made in the future will only be incorporated into subsequent policy statements and not this document. Readers are advised to check on the Gambling Commission website to ensure they have the latest information.

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## **PART A: GENERAL MATTERS**

### **1. The licensing objectives**

The licensing objectives of the Gambling Act 2005 are:

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

The Licensing Authority must have regard to these licensing objectives in exercising most of its functions under the 2005 Act.

### **2. The Licensing Authority**

The Gambling Act 2005 has made Oxford City Council the Licensing Authority for its district. From 31 January 2007 the Council has been responsible for granting premises licences for:

- Betting premises, including tracks;
- Adult Gaming Centres;
- Family Entertainment Centres;
- Bingo premises; and
- Casino premises.

### **3. The Oxford City Council area**

Oxford City Council is one of the five district councils of Oxfordshire. The City of Oxford has a population of 155,300 (2016 mid-year estimate) in an area of 4,566 ha (17.6 square miles). A significant proportion of the land area within the city boundary is rural, with the population concentrated in the urban parts. The district is shown on the map in Appendix 1.

Oxford is one of the principal entertainment centres for Oxfordshire, however local road, bus and rail links foster a wider catchment area than this and also enable Oxford residents to use centres outside the county boundary, such as Aylesbury, Reading, Swindon and Newbury. Oxford residents also have reasonable access to the facilities offered by Bristol, London, Birmingham or Southampton.

Although Oxford is generally affluent, some of its wards are ranked amongst those of highest multiple-deprivation in the country. 10 out of its 83 neighbourhoods are amongst the 20% most deprived in England.

### **4. Glossary of terms**

Within this Statement of Gambling Licensing Policy, the following words and terms are defined as stated:

<b>Council</b>	Oxford City Council
<b>GC Guidance</b>	The Gambling Commission's "Guidance to Licensing Authorities" under section 252(2)

<b>Licensing Authority</b>	Oxford City Council
<b>The 2005 Act</b>	The Gambling Act 2005
<b>The 2003 Act</b>	The Licensing Act 2003
<b>LACORS</b>	Local Authorities Co-ordinators of Regulatory Services

## 5. This Statement of Gambling Licensing Policy

The 2005 Act requires the Council to prepare and publish a statement of the principles that the Licensing Authority proposes to apply in exercising their functions under the 2005 Act before each successive period of three years.

In preparing this Statement of Gambling Licensing Policy, the Council has had regard to the licensing objectives and the Guidance issued by the Gambling Commission.

In determining the Statement of Gambling Licensing Policy, the Council had regard to the licensing objectives and the Guidance issued by the Gambling Commission, and had due regard to comments received as a result of the consultation process.

This statement must be reviewed from “time to time” and any revisions must be published before they take effect. The 2005 Act requires each Licensing Authority to consult the following parties when preparing a new statement or revision...

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

Before finalising and publishing this policy statement, the Council consulted the following ...

- Thames Valley Police
- The Oxfordshire Safeguarding Children Board
- The management of all premises in Oxford with Gambling Premises Licences
- Gaming & Betting Organisations

The list of comments made and the consideration by the Council of those comments is available from the Licensing Authority or from the Council’s website (see inside front cover for contact details).

Consultation took place from 9<sup>th</sup> July 2018 for 6 weeks.

The Licensing Authority followed the best practice for consultation set out by the Department for Business Innovation and Skills. Revised Code of Practice(which came into effect in April 2015) and the Cabinet Office Guidance on consultations by the public sector.



If you have any comments about this Statement of Gambling Licensing Policy, please write to the Licensing Authority (details inside front cover).

## **6. Effective period**

This Statement of Gambling Licensing Policy becomes effective on 31<sup>st</sup> January 2019.

It will remain effective for three years (or any longer period in accordance with the 2005 Act) although the Council may adopt revisions within that period.

At the date of publication, this licensing policy is expected to last until 30<sup>th</sup> January 2021.

## **7. Functions of the Licensing Authority**

### **7.1 Functions**

The 2005 Act gives Licensing Authorities the following functions...

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities, by issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications of the use of two or fewer gaming machines, from premises licensed (under the 2003 Act) to sell/supply of alcohol (for consumption on the premises other than with a meal).
- Issuing Licensed Premises Gaming Machine Permits where more than two machines are required for premises licensed (under the 2003 Act) to sell/supply alcohol (for consumption on the premises other than with a meal).
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission on details of licences issued (see section above on 'information exchange')
- Maintaining registers of permits and licences issued under these functions.

### **7.2 Delegation of functions**

The 2005 Act (s154) delegates most licensing functions to the licensing committee, which can then further delegate to its sub-committees or to officers. Appendix 2 lists the lowest level to which decisions can be delegated.

From time-to-time the Licensing Authority may change the levels to which its decisions are actually delegated.

## 8. Functions of others

Under the 2005 Act, the role of the Gambling Commission includes the following matters, which are therefore not the responsibility of the Licensing Authority...

- Issuing and enforcing Operating Licences.  
Operating Licences are required by organisations providing casinos, remote gambling, bingo, lotteries, facilities for betting and providing gaming machines etc. (There are exceptions within some of these categories.)
- Issuing and enforcing Personal Licences.  
For each Operating Licence there must be at least one person who both occupies a specified management office in connection with that licence and holds a Personal Licence. Conditions may require more than one such person to hold a Personal Licence.  
  
Conditions may also require persons performing specified operational functions to each hold a Personal Licence.
- Ensuring compliance by manufacturers, suppliers and repairers of gaming machines.

The Financial Services Authority regulates spread betting and the National Lottery Commission regulates the National Lottery under separate legislation.

## 9. General principles

This Statement of Gambling Licensing Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each matter will be considered on its own merits and according to the statutory requirements of the 2005 Act.

## 10. Responsible Authorities

Appendix 5 provides details for all the Responsible Authorities under the 2005 Act that have a role in the Licensing Authority's area.

The latest version of those details can be found on the Council's website, and the Licensing Authority will also provide this information in printed form on request (see details inside front cover).

The Licensing Authority designates the Oxfordshire Safeguarding Children Board as the body that is competent to advise the authority about the protection of children from harm.

The principles on which it based this decision are the need for the body to:

- have broad experience of children's issues;
- be responsible for an area covering the whole of the Licensing Authority's area; and
- be answerable to democratically elected persons, rather than to any particular vested interest group. (The Licensing Authority notes that that body reserves the right to hold those persons to account on children's issues.)

## 11. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. However, the Licensing Authority has powers under the 2005 Act to determine whether a person is an interested party.

In doing so, the Licensing Authority will decide each case on its merits, based upon the following principles:

*“a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-*

*(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,*

*(b) has business interests that might be affected by the authorised activities, or*

*(c) represents persons who satisfy paragraph (a) or (b)” (2005 Act s.158)*

### 11.1 Proximity to premises

In accordance with GC Guidance, when determining what “sufficiently close to the premises” means the Licensing Authority may include consideration of:

- *“the size of the premises;*
- *the nature of the premises;*
- *the distance of the premises from the location of the person making the representation;*
- *the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and*
- *the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.” {GCG 8.14}*

The Licensing Authority will not generally view trade associations and trade unions, and residents’ and tenants’ associations as interested parties unless they have a member who lives sufficiently close to the premises to be classed as one.

### 11.2 ‘Business interests’

The Licensing Authority will also consider the GC Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

However, the Licensing Authority considers that “has business interests” should not entitle an operator to make representations on an application for premises anywhere. The *“factors that are likely to be relevant include:*

- *the size of the premises;*
- *the ‘catchment’ area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area, that might be affected.”*

### **11.3 Representatives of interested parties**

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected. Likewise, any parish councils that are likely to be affected will also be considered to be interested parties. Other than these however, the Licensing Authority will generally require written evidence that the representative has been appointed by the person likely to be affected. A letter from one of these persons, requesting the representation is sufficient.

The Licensing Authority does not permit councillors who either are, or represent, an interested party in a case to participate as a member of the Licensing Committee (or sub-committee) that considers that case.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the Councillors are not part of the licensing sub-committee dealing with that application. Licensing authority staff will help with this (contact details inside front cover).

## **12. Exchange of Information**

The principle that the licensing authority will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the General Data Protection Regulations will not be contravened.

The licensing authority will also have regard to any guidance issued by the Gambling commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005

## **13. Enforcement**

The Licensing Authority will apply the following principles in accordance with GC Guidance in exercising its functions about the inspection of premises (2005 Act, Part 15) and powers to institute criminal proceedings in respect of the offences specified (2005 Act, s.346).

The Licensing Authority will endeavour to be...

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

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The main enforcement and compliance role for the Licensing Authority under the 2005 Act will be to ensure compliance with the premises licences and other permissions that it authorises. The Gambling Commission is the enforcement body for other matters under the 2005 Act, as noted above.

The Licensing Authority will also keep aware of advice from the Better Regulation Executive on the regulatory functions of local authorities.

### **13.1 Risk methodology**

The Licensing Authority will adopt a risk-based inspection programme and in order to comply with the principle of transparency, the Licensing Authority will make available, on request, details of its risk methodology, and its protocols or written agreements for enforcement and compliance. (For contact details, see inside front cover).

The general approach of risk-based inspection is to avoid routine inspections of all premises. Instead, high-risk premises are inspected more frequently than low risk ones.

Amongst other things, this approach considers risks related to the size of the premises, the range of activities that take place there, and the time that those activities take place. Larger, more active premises are likely to be classed as higher risk and are therefore likely to be inspected more frequently.

At the time of writing LACORS is working with the Gambling Commission to produce a risk model for premises licences. The Licensing Authority will consider that model once it is made available.

## **PART B: PREMISES LICENCES**

### **14. General Principles**

Premises Licences will be subject to the requirements set-out in the 2005 Act and regulations, and specific mandatory and default conditions detailed in regulations.

Where the Licensing Authority considers it appropriate, it may exclude default conditions; attach other conditions, or both.

In making decisions about premises licences, the 2005 Act (s.153) requires the Licensing Authority to aim to permit the use of premises for gambling in so far as it thinks it:

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

The Licensing Authority is also aware that that unmet demand (for gambling facilities) is not a criterion for a licensing authority and that GC Guidance states "moral objections to gambling are not a valid reason to reject applications for premises licences". However, such reasons may be taken into account in considering any 'no casino resolution' (see the section on casinos below).

### **15. The Licensing Process**

The powers of the Council as a licensing authority under the Act may be carried out by the Licensing and Gambling Act Committee and then put before Full Council. Applications under the Act will be dealt with in accordance with the Council's scheme of delegation. The attached table sets out how the Council will determine applications and other matters under the Act. (the table can be found as Appendix 2).

Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. Applicants must also carry out a local risk assessment before they apply for a licence in accordance with the Social Responsibility provisions of the Gambling Commission's Licence Conditions and Codes of Practice (code 10.1.1)

The Council will expect the local risk assessment to consider as a minimum:

- any Local Area Profile published by the licensing authority.
- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups. Information in this regard is available on the Council's website <https://www.oxford.gov.uk/info/20131/populations>;

- whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should be shared with the licensing authority and demonstrate how any vulnerable people, including people with gambling dependencies, at risk from the proposed premises, will be protected.

Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms will be available on our website [www.oxford.gov.uk](http://www.oxford.gov.uk) this includes contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

## 16. Definition of “premises”

**Definition of “premises”** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

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

The licensing authority will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

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

- Customers should be able to participate in the activity named on the premises licence.

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

**Adult Gaming Centre**

- Customers must not be able to access the premises directly from any other licensed gambling premises

**Betting Shops**

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

**Tracks**

- Customers must not be able to access the premises directly from:
  - a casino
  - an adult gaming centre

**Bingo Premises**

- Customers must not be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

**Family Entertainment Centre**

- Customers must not be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

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

**(iii) Premises "ready for gambling"**

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

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

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

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



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

## 17. Location

The Licensing Authority cannot consider the issue of demand for gambling facilities in any location, but will address considerations in terms of the licensing objectives that relate to the location of premises. The Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as to issues of crime and disorder that may relate to location.

Any existing Local Area Profile published by the licensing authority will be available from the authority directly or on its website. A Local Area Profile will assist applicants and operators by providing information on the local area and risks, including any sensitive locations within close proximity of proposed gambling premises.

Applicants will have to show that they have considered any potential impact of their proposed operation on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them

The licensing authority will pay particular attention, having regard to the gambling licensing objectives, to any proposals for new gambling premises that are in close proximity to accommodation or centres catering for vulnerable people, including those with mental health or learning difficulties, and those with gambling problems or with alcohol or drug abuse problems

Such policies do not prevent submission of any application and each application will be decided on its merits. However, the Licensing Authority expects applicants to show how potential concerns would be overcome where location is an issue.

## 18. Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible.

In considering a premises licence application the Licensing Authority will take no account of whether the premises is likely to be awarded planning consent or building regulations approval. However, the Licensing Authority will consider carefully any concerns about conditions that licensees would be unable to meet due to planning restrictions.

## 19. Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. The Licensing Authority has considered the GC Guidance on these objectives, and comments as follows...

### **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:**

The Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The GC

Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, if an area has known high levels of organised crime this authority will consider carefully whether gambling premises should be located there and whether conditions, such as the provision of door supervisors, may be necessary.

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required at incidents and how threatening the behaviour was to those who could see it, so as to make that distinction.

### **Ensuring that gambling is conducted in a fair and open way:**

The Licensing Authority notes that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

However, tracks are different from other premises, as track operators will not necessarily have an operating licence, and the Premises Licence may then need to contain conditions to ensure that the environment in which betting takes place is suitable.”

### **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

The Licensing Authority notes the GC Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to them.

The Licensing Authority will consider, as suggested in the GC Guidance and in any Gambling Commission Code of Practice, whether specific measures are required at particular premises to further to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

The Licensing Authority notes that the Gambling Commission is not seeking to offer a definition for the term “vulnerable persons” but states that ...  
*“it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”*

The Licensing Authority will consider this licensing objective as it applies to each case on its merits. If a “vulnerable person” is adequately defined in future then the Licensing Authority will revise this Statement of Gambling Licensing Policy accordingly.

## **20. Representations**

The Licensing Authority may determine an application for a Premises Licence without a hearing, if the parties agree or if it considers that the representations made are:

- vexatious
- frivolous, or
- will certainly not influence the authority's determination of the application.

If the Licensing Authority proposes to determine an application in this way, it will notify anyone who made a representation. (2005 Act s.162)

The Licensing Authority notes that the GC Guidance states that...

*“Local authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority’s decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met.”*

The Licensing Authority also notes that the GC Guidance states that...

*“unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance. It would be helpful if licensing authorities could explain that objections to new premises or requests for a review should be based on the licensing objectives of the Gambling Act.”*

## 21. Conditions

There are three classes of conditions that attach to premises licences:

- **Mandatory conditions under s167 of the Act**, which must be attached to premises licences.
- **Default conditions under s168 of the Act**, which will apply unless the Licensing Authority decides to exclude them or substitute conditions with others that are more or less restrictive.
 

The Licensing Authority is aware that the Gambling Commission considers that these mandatory and default conditions will normally be sufficient to regulate gambling premises.
- **Individual conditions under s169 of the Act**: In exceptional cases, the Licensing Authority may consider attaching individual conditions related to the licensing objectives in order to deal with specific risks or problems associated with a particular locality, specific premises or class of premises.

Any conditions attached to licences will be proportionate and will be...

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

The Licensing Authority will decide each application on its merits. Where appropriate it will consider using a number of control measures, such as the use of door supervisors or appropriate signage for ‘adult only’ areas etc.

The Licensing Authority expects the premises licence applicant to offer his/her own proposals to effectively meet the licensing objectives.

This policy includes specific comments on such issues under some of the licence types covered further below.

The Licensing Authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with GC Guidance.

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

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

This licensing authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In such cases, the licensing authority will consider the impact upon the third licensing objective in accordance with GC Guidance and the need to ensure that entrances to each type of premises are distinct and that children are excluded from those gambling areas that they are not permitted to enter.

The Licensing Authority cannot attach certain conditions to premises licences. Those conditions are...

- Any condition on the premises licence that makes it impossible to comply with a condition on an operating licence;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions that require membership of a particular club or body (the 2005 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions about stakes, fees, winning or prizes.

## **22. Door Supervisors**

The GC Guidance advises that licensing authorities may consider whether door supervisors are needed in order to further the licensing objectives of *“protection of children and vulnerable persons from being harmed or exploited by gambling”* and *“preventing premises becoming a source of crime”*.

Where supervision of entrances / machines is required for premises, the Licensing Authority will decide with operators whether door supervisors need to be licensed by the Security Industry Authority.

At premises such as betting offices, the Licensing Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised

from the counter, and that door supervision is both necessary and proportionate.

## **23. Specific types of premises**

### **23.1 Adult Gaming Centres**

For these premises, the Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the Licensing Authority of the adequacy of measures to ensure, for example, that no-one under 18 years old has access to the premises.

The Licensing Authority may consider measures to meet the licensing objectives, such as ...

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

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

### **23.2 Licensed Family Entertainment Centres**

For these premises, the Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and expects the applicant to satisfy the Licensing Authority of the adequacy of measures to ensure, for example, that no-one under 18 years old has access to adult-only gaming machine areas.

The Licensing Authority may consider measures to meet the licensing objectives, such as ...

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

In accordance with GC Guidance, the Licensing Authority will check the Gambling Commission's website for any potential conditions on operating licences that cover delineation of areas containing category C machines.

### 23.3 Casinos

#### a) **Casino proposals**

The Licensing Authority did not submit any proposal for a casino to the Independent Casinos Advisory Panel in early 2006, so Oxford will not be chosen as a location for one of the first 17 new casinos permitted under the 2005 Act.

#### b) **'No casino' resolution**

The Council passed a 'no casino' resolution (2005 Act, s.166) at its meeting on 20 November 2006 on the basis of a recommendation of the Licensing and Gambling Acts Committee, and this resolution has been maintained each time that this Policy has been renewed.

Potential licence applicants should note that, because the Council has passed a 'no-casino' resolution, the Licensing Authority will not consider any application for a casino premises licence. Any application received will be returned with a notification that a 'no-casino' resolution is in place.

The following paragraphs c), d) and e) appear in this Statement of Gambling Licensing Policy for consistency with other licensing authorities. They have no role while a 'no casino' resolution remains in effect.

#### c) **Casinos and competitive bidding**

If circumstances arise where a number of operators want to run a casino in the area, the Council will run a 'competition' as required under the 2005 Act, Schedule 9 in line with any regulations issued under the 2005 Act.

#### d) **Betting machines in casinos**

The Licensing Authority notes that the section 181 of the 2005 Act contains an express power for licensing authorities to restrict the number of betting machines in casinos. {GCG 16.33} If the Licensing Authority receives an application for a casino premises licence it will take account of GC Guidance on this matter.

#### e) **Credit**

The Licensing Authority notes that section 177 of the 2005 Act does not prevent a casino licensee from permitting the installation of cash dispensers (ATMs) on the premises. If the Licensing Authority receives an application for a casino premises licence it will take account of GC Guidance on this matter.

### 23.4 Bingo premises

The Licensing Authority notes that the GC Guidance states that...

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

- *all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;*
- *only adults are admitted to the area where the machines are located;*

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

The Licensing Authority will similarly note any further GC Guidance on the issues of suitability and layout of bingo premises.

### **23.5 Betting premises**

#### **a) Betting machines**

When considering the number/nature/circumstances of betting machines an operator wants to offer, the Licensing Authority will follow the GC Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by vulnerable people or by children or young persons.

This authority will consider limiting the number of machines only where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives.

### **23.6 Tracks**

The Licensing Authority notes that tracks are different from other premises in that:

- there may be more than one premises licence in effect provided each licence relates to a specified area of the track, and
- track operator may not be required to hold an operating licence as there may be several premises licence holders at the track which will need to hold their own operating licences.

The Licensing Authority will especially consider measures to ensure that children do not have access to 'adult only' gaming facilities.

The Licensing Authority notes that children and young persons 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 not permitted to enter areas where gaming machines (other than category D machines) are provided. It will especially consider the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter, in furtherance of the licensing objective to ensure the protection of children and vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority will consider measures to meet the licensing objectives, such as ...

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

**a) Gaming machines at tracks**

The Licensing Authority notes the GC Guidance that licensing authorities need to consider the location of gaming machines at tracks. An applicant for a track premises licence who plans to use any entitlement to four gaming machines (due to holding a pool betting operating licence) will need to demonstrate that machines (other than category D gaming machines) are located in areas from which children are excluded.

The Licensing Authority will similarly note any further GC Guidance on the location and supervision of gaming machines at tracks.

**b) Betting machines at tracks**

Licensing authorities have a power under the 2005 Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. The Licensing Authority notes that the GC Guidance states that...

*“In relation to betting premises away from tracks, the Commission is proposing that licensing authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing authorities will want to consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.”*

**c) Condition on rules being displayed**

The Licensing Authority notes GC Guidance, which states that...

*“...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”*

**d) Applications and plans –**

The Licensing Authority notes the Gambling Commission's suggestion "... that licensing authorities gain a proper understanding of what they are being asked to license..."

Subject to regulations, which will set-out any specific requirements for applications for premises licences the Licensing Authority



requires an application for a track betting premises licence to include detailed plans of:

- the racetrack itself;
- the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”);
- any area that will be used for fixed and mobile pool betting facilities operated by the Tote or track operator in the case of dog tracks and horse racecourses);
- areas proposed for any other gambling facilities.

Those plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

The Licensing Authority notes that,

*“In the Commission’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises”*

### **23.7 Travelling Fairs**

The 2005 Act allows travelling fairs to make available category D gaming machines and / or equal chance prize gaming without a permit, provided that they comply with the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair. The Licensing Authority has the power to decide whether travelling fairs comply.

The Licensing Authority may also consider whether the applicant falls within the statutory definition of a travelling fair.

Regardless of which travelling fairs occupy a site, if a site is used by fairs for more than the 27-day statutory maximum in a calendar year a permit is required for use of gaming machines and / or equal chance prize gaming. The Licensing Authority will liaise with adjoining authorities to ensure that statutory limits are not exceeded for land that straddles its area boundaries.

## **24. Provisional Statements**

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

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

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

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

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

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

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

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

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

where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## 25. Reviews

Interested parties or responsible authorities can request a review of a Premises Licence. However, it is for the Licensing Authority to decide whether to review the licence. The Licensing Authority will consider whether the request is...

- Frivolous;
- Vexatious;
- Certain not to cause the Licensing Authority to wish to alter, revoke or suspend the licence; or
- Substantially the same as previous representations or requests for review.

The Licensing Authority will also consider whether the request is relevant to the following matters...

- In accordance with any relevant Code of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Gambling Licensing Policy.

The Licensing Authority can also initiate a review of a licence on the basis of any reason that it considers appropriate that is relevant to the same four matters.

## PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

### 26. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits (2005 Act, Schedule 10, para.7))

Where a premises has no Premises Licence but the user wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (2005 Act, s238).

The 2005 Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit; and that it shall have regard to the GC Guidance and may (but need not) have regard to the licensing objectives in preparing this statement or considering applications, or both.

The Licensing Authority notes that the GC Guidance states that...  
*“In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits ... licensing authorities will want to give weight to child protection issues.”*

The GC Guidance also states:

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

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

The Licensing Authority cannot attach conditions to this type of permit.

#### **Statement of Principles**

The Licensing Authority expects each applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The Licensing Authority will consider on their individual merits the efficiency of such policies and procedures, which may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with any unsupervised very young children on the premises, or children causing perceived problems on or around the premises.

In accordance with GC Guidance, the Licensing Authority will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (as set out in Schedule 7

of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

## **27. Alcohol-licensed premises gaming machine permits (2005 Act, Schedule 13 para 4(1))**

### **27.1 Notification for up to two gaming machines**

The 2005 Act provides for premises licensed to sell alcohol for consumption on the premises (other than as part of a meal), to have up to 2 gaming machines of either category C or D or one of each. Authorisation is automatic if the person responsible for the premises notifies the Licensing Authority.

The Licensing Authority can remove the automatic authorisation for any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of s. 282 of the 2005 Act. (This requires a fee and written notice to be provided to the Licensing Authority, and compliance with any relevant code of practice issued by the Gambling Commission about the location and operation of the machine);
- the premises are mainly used for gaming; or
- an offence under the 2005 Act has been committed on the premises.

### **27.2 Permit for more than two gaming machines**

A premises manager wanting more than 2 machines on the premises must apply for a permit and the Licensing Authority must base its consideration of that application based upon the licensing objectives, any GC Guidance, and “such matters as they think relevant.”

The Licensing Authority considers that “such matters” will be decided on the merits of each case. However, it will have general regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect the applicant to demonstrate use of adequate measures to ensure that persons under 18 years old do not have access to ‘adult only’ gaming machines.

For this purpose, the Licensing Authority may be satisfied of the adequacy of measures that may include...

- Siting all ‘adult’ machines in sight of bar staff, or of other staff who will prevent use of those machines by those under 18.
- Appropriate notices and signage

The Licensing Authority expects applicants to consider providing information leaflets or helpline numbers for organisations such as GamCare for the benefit of vulnerable persons.

A Licensing Authority can decide to grant a permit with fewer machines or a different category of machines than stated in the application. It can attach no conditions other than these.

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

The Licensing Authority will distinguish between those parts of premises that are licensed for the consumption of alcohol on the premises (other than as part of a meal) and other parts. Gaming machines may not be provided in those other parts of the premises without a premises licence for an Adult Gaming Centre.

## **28. Prize Gaming Permits**

### **(Statement of Principles on Permits - Schedule 14 para 8 (3))**

The 2005 Act states that a licensing authority may:

*“prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”. {2005 Act Schedule 14 8 (1)}*

The Licensing Authority has prepared a Statement of Principles, which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any GC Guidance.

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

The conditions in the Act are:

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

## **29. Club Gaming and Club Machines Permits**

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for either...

- a Club Gaming Permit, which will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations; or
- a Club Gaming Machine Permit, which will enable the premises to provide gaming machines (3 machines of categories B, C or D) without other gaming.

The Licensing Authority notes GC Guidance that ...

*“Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.”*

And that ...

*“Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members’ club and may grant the permit if the majority of members are over 18.”*

The Licensing Authority notes that:

*“Licensing authorities may only refuse an application on the grounds that:*

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

There is a ‘fast-track’ procedure available, under the 2005 Act, for premises that hold a Club Premises Certificate under the 2003 Act. The GC Guidance states...

*“Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced”*

and

*“The grounds on which an application under the process may be refused are:*

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

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

### **30. Temporary Use Notices**

Temporary Use Notices are subject to a number of statutory limits.

The Licensing Authority is responsible for deciding what constitutes the extent of a 'set of premises' to which a Temporary Use Notice applies, where separate notices are received for different parts of the same building or site.

The Licensing Authority notes GC Guidance that...

*"... the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, the licensing authority will need to consider whether different units are in fact different "sets of premises", given that they may be occupied and controlled by different people. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."*

### **31. Occasional Use Notices:**

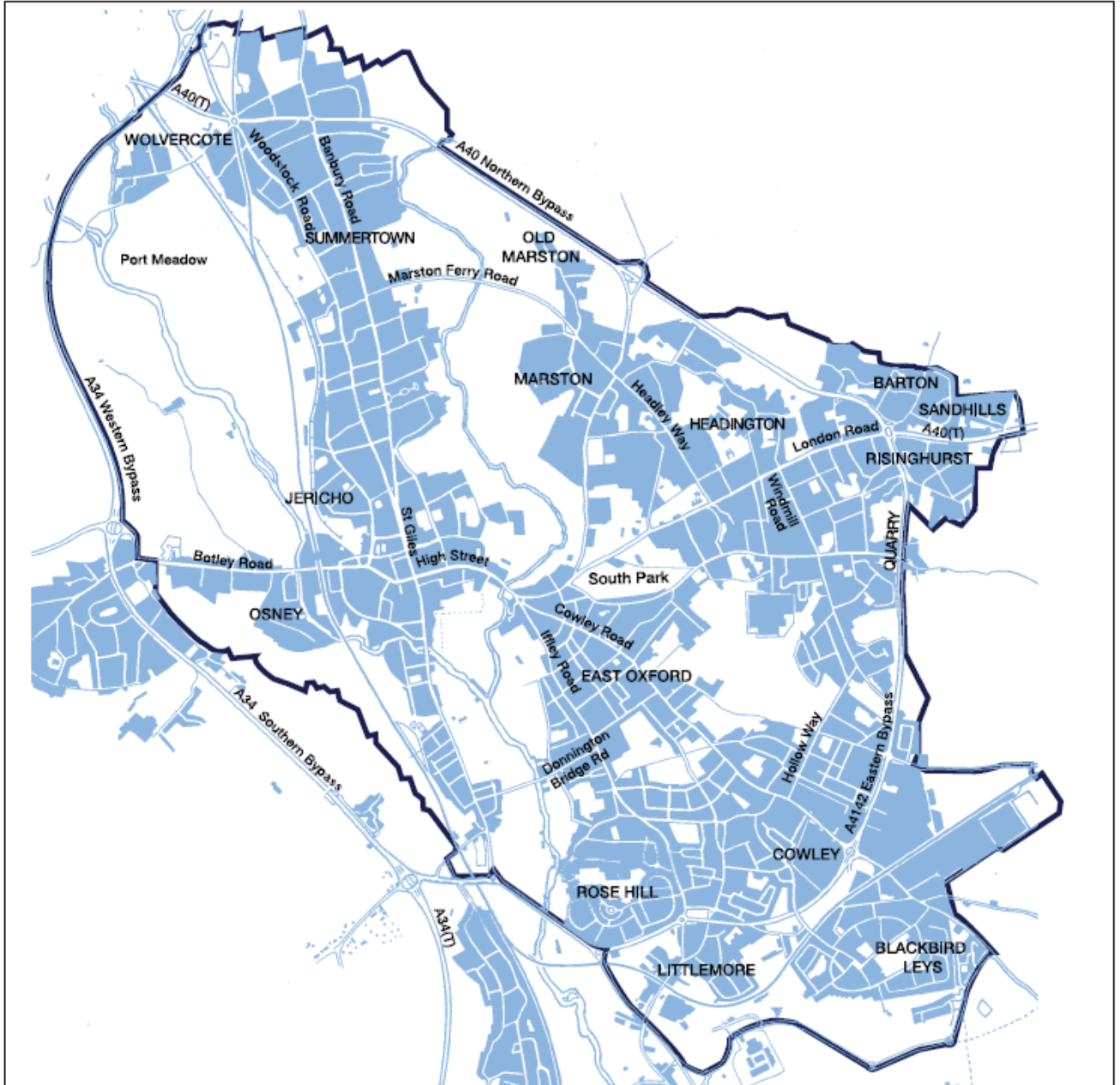
The Licensing Authority has very little discretion in determining Occasional Use Notices, other than ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

However, the Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to use such a notice.



## Appendix 1 – Map of Oxford

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## Appendix 2 – Licensing Authority delegations

The 2005 Act (s154) delegates most licensing functions to the licensing committee, which can then further delegate to its sub-committees or to officers. The table lists the lowest level to which decisions can be delegated.

The Licensing Authority will determine the levels to which its decisions are delegated and may change that delegation from time to time.

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

## Appendix 3 – Gaming machines

### 3.1 Gaming machine categories

This table is included for general guidance. However, the details may become outdated as a result of Government Regulations; the stakes are subject to change.

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited – no Category A gaming machines are currently permitted	
B1	£5	£10,000
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D- non money prize (other than a crane grab machine)	30p	£8
D- non money prize (crane grab machine)	£1	£50
D (money prize)	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)

The next page lists the numbers of machines in each category permitted in particular types of premises

### 3.2 Gaming machines – permitted numbers

The information in this table is subject to confirmation, and may become outdated as a result of Government Regulations.

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D 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**		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 fair							No limit on category D machines

\* On a day when no other facilities for gaming are provided

## Appendix 4 – Summary of Gaming Entitlements for Clubs and Alcohol-Licensed Premises

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This table is included for general guidance. However, the details may become outdated as a result of Government Regulations.

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game	Poker £1000 per week £250 per day £10 per person per game	Poker £100 per premises per day Other gaming £5 per person
			Other gaming No limit	Other gaming No limit	per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participation fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon <i>Chemin de Fer</i>	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided

## Appendix 5 – Responsible Authorities

The Responsible Authorities for the Oxford City Council area under the 2005 Act, and their contact details are as follows.

Contact details may change, and other responsible authorities may be designated by regulations by the Secretary of State. For latest information, please check with the Licensing Authority (contact details below).

<b>Responsible Authority</b>	<b>Address</b>	<b>Contact details for preliminary discussions or follow-up enquiries Phone, email and website</b>
The Licensing Authority	The Licensing Authority Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 252565 licensing@oxford.gov.uk <a href="http://www.oxford.gov.uk/licensing">http://www.oxford.gov.uk/licensing</a>
The Planning Authority	The Planning Authority Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 249811 planning@oxford.gov.uk <a href="http://www.oxford.gov.uk">www.oxford.gov.uk</a>
Environmental Health	Environmental Protection Oxford City Council 109 St Aldate's Chambers St Aldate's OXFORD OX1 1DS	Tel: 01865 252296 <a href="http://www.oxford.gov.uk">www.oxford.gov.uk</a>
Gambling Commission	Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP	Tel: 0121 230 6500 Fax: 0121 237 2236 <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a> <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>
Thames Valley Police	Thames Valley Police Licensing Office Headquarters (South), Kidlington, OX5 2NX	Tel: 01865 266109 <a href="mailto:licensing@thamesvalley.pnn.police.uk">licensing@thamesvalley.pnn.police.uk</a>
Fire and Rescue Service	Fire and Rescue Service Oxfordshire County Council Rewley Road Fire Station OXFORD OX1 2EH	Tel: 01865 242223
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor, County Hall New Road OXFORD OX1 1ND	

<b>Responsible Authority</b>	<b>Address</b>	<b>Phone, email and website</b>
Her Majesty's Commissioners of Customs and Excise	HM Revenues and Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4 PZ	Contact details for preliminary discussions or follow-up enquiries Tel: 0141 555 3633 <a href="mailto:nru.betting&amp;gaming@hmrc.gsi.gov.uk">nru.betting&amp;gaming@hmrc.gsi.gov.uk</a> <a href="http://www.hmrc.gov.uk">www.hmrc.gov.uk</a>
Navigation Authority  (Only applicable to vessels on the canal or a river)	Check with the Licensing Authority	
Any other person prescribed for the purpose by regulations made by the Secretary of State.	Check with the Licensing Authority	

#### Adjacent licensing authorities

Where premises straddle an area boundary, a licensing authority for the area in which the premises are partly situated is also a Responsible Authority.		
<b>Responsible Authority</b>	<b>Address</b>	<b>Phone, email and website</b>
(The licensing authority)	The Licensing Authority Cherwell District Council Bodicote House Bodicote BANBURY OX15 4AA	Contact details for preliminary discussions or follow-up enquiries Tel: 01295 252535 <a href="http://www.cherwell-dc.gov.uk">www.cherwell-dc.gov.uk</a>
(The licensing authority)	The Licensing Authority South Oxfordshire DC Benson Lane Crowmarsh Gifford WALLINGFORD OX10 8HQ	Tel: 01491 823000 <a href="http://www.southoxon.gov.uk">www.southoxon.gov.uk</a>
(The licensing authority)	The Licensing Authority Vale of White Horse DC Abbey House ABINGDON OX14 3JE	Tel: 01235 520202 <a href="http://www.whitehorsedc.gov.uk">www.whitehorsedc.gov.uk</a>







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**Licensing Authority**

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# Statement of Gambling Licensing Policy

Gambling Act 2005

The Licensing Authority,  
Oxford City Council,  
109 St Aldate's Chambers,  
St Aldate's,  
Oxford,  
OX1 1DS  
Email: [licensing@oxford.gov.uk](mailto:licensing@oxford.gov.uk)  
Telephone: 01865 252565  
Fax: 01865 252344



## 10 Assessing local risk

### 10.1 Assessing local risk

#### **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.

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## Minutes of a meeting of the LICENSING AND GAMBLING ACTS COMMITTEE on Wednesday 16 May 2018

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### Committee members:

Councillor Cook (Chair)

Councillor Gotch

Councillor Humberstone

Councillor Lygo

Councillor Simm

Councillor Taylor

Councillor Fry

Councillor Howlett

Councillor Landell Mills

Councillor McManners

Councillor Simmons

### Officers:

Daniel Smith, Lawyer

Richard Masters, Licensing Compliance Officer

Joshua Curnow, Licensing Compliance Officer

John Mitchell, Committee and Member Services Officer

### Apologies:

Councillors Chapman, Goff, Munkonge and Tanner sent apologies.

### 1. Election of Chair for the Council Year 2018-19

The Committee Services Officer opened the meeting.

The Committee elected Councillor Cook to be the Chair for the Council Year 2018/19.

Cllr Cook took the Chair.

### 2. Election of Vice- Chair for the Council Year 2018-19

The Committee elected Councillor Lygo to be the Vice Chair for the Council Year 2018/19.

### 3. Declarations of interest

None

### 4. Appointment of Sub-Committees 2018/19

The Head of Law and Governance had submitted a report to establish licensing casework sub-committees for the 2018-19 Council Year to deal with casework flowing from the Council's responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

The lawyer explained that the report's recommendation replicated the previous practice, one which provided maximum flexibility when it came to identifying groups of three members for future sub-committee members.

The Committee resolved to:

1. **Appoint** as many licensing casework sub-committees of three members as there are combinations of three members in the total number of members of the Committee;
2. **Note** that the Sub-Committees' powers and duties are as set out in the Annex to this report; and
3. **Agree** the dates on which the Sub-Committees will meet if required.

## **5. Update on Licensing Authority Activity: Council Year 2017 - 2018**

The Head of Community Services had submitted a report to inform the Committee of the progress made by the Licensing Authority under the Licensing Act 2003 and Gambling Act 2005 during the full Council Year.

The Licensing Compliance Officer spoke briefly to the report. There had been a slight increase in licensing activity compared with the previous year. The increase was partly attributable to the opening of the Westgate Centre.

The Committee resolved to:

**Note** the contents of the report.

## **6. Minutes**

The Committee resolved to:

**Approve** the minutes of the meeting held on 24 January as a true and accurate record.

## **7. Dates of future meetings**

The next meetings of the Committee are scheduled to take place on:

- 19 September 2018
- 23 January 2019

All meetings start at 6.00pm

**The meeting started at 6.00 pm and ended at 6.15 pm**

Chair .....

**Date: Monday 02 July 2018**