

Report of: Environmental Health Business Manager

To: Licensing and Gambling Acts Committee

Date: 2 November 2006 Item No:

Title of Report : Statement of Gambling Licensing Policy

### Summary and Recommendations

**Purpose of report:**

To report on the outcome of consultation on a draft Statement of Gambling Licensing Policy and recommend the adoption of a Statement of Gambling Licensing Policy.

**Key decision:** No

**Portfolio Holder:** Not applicable

**Scrutiny Responsibility:** Not applicable

**Ward(s) affected:** All

**Report Approved by:**

Environmental Health Business Manager (Tony Payne)  
Legal and Democratic Services Business Manager (Jeremy Thomas)  
Finance and Asset Management Business Manager (Andy Collett)

**Policy Framework:**

**Recommendation(s):** The Committee is recommended to ...

- a) Note the postponed date for receipt of applications.
- b) Note arrangements for the future delegation of licensing functions.
- c) Recommend that Council adopt a 'no-casino' resolution for inclusion in the Statement of Gambling Licensing Policy.
- d) Approve the Statement of Gambling Licensing Policy for adoption by Council, subject to amendment to reflect any consideration by Council of a 'no-casino' resolution.
- e) Recommend that Executive Board approve the Statement of Gambling Licensing Policy for adoption by Council, subject to that same amendment.

## **Implementation programme**

1. The Council, as a licensing authority, will receive applications for premises licences during a transition period starting from 30 April 2007. This is three months later than previously expected. Other implementation dates remain unchanged.
2. The Gambling Act 2005 (the "2005 Act") will supersede current betting and gaming legislation on 1 September 2007.
3. Licensing authorities are required to determine and publish, by 3 January 2007, a Statement of Gambling Licensing Policy that will become effective on 31 January 2007.

## **Delegation of licensing functions**

4. Council has delegated the authority to determine fees under the 2005 Act to this Committee. Regulations are expected to set out fee bands in January. The Licensing Authority will then need to decide its fee structure.
5. There are two functions that Council cannot delegate: resolving not to permit casinos (s.166); and finally approving the Statement of Gambling Licensing Policy (s.349).
6. Section 154 of the 2005 Act will delegate most licensing authority functions to this Committee, which will then have power to delegate these to its sub-committees and to officers. However, until s.154 is brought into force by regulations, only Council has that power.
7. Appendix 2 to the Statement of Gambling Licensing Policy (within Appendix 3) states the lowest levels to which a licensing committee's functions can be delegated under the 2005 Act. These are mostly similar to delegations adopted under the Licensing Act 2003. However, adoption of the Statement of Gambling Licensing Policy will not put into effect this system of delegation.
8. Officers will use a future report to seek Committee approval to a system of delegation that takes account both of such constraints and of the need to replace delegations that will lapse on 1 September 2007, for functions such as issuing gaming machine permits and registering small society lotteries.

## **Casinos**

9. Consultation on the draft Statement of Gambling Licensing Policy included a note that Committee was minded to advise Council to pass a no-casino resolution. This attracted no consultation comments.
10. Committee may now wish to advise Council to adopt a 'no-casino' resolution at its meeting on 20 November 2006, shortly before determining its Statement of Gambling Licensing Policy.
11. In order to comply with the Gambling Commission's Guidance, the Statement of Gambling Licensing Policy must describe either the outcome of any 'no-casino'

resolution, or how such a resolution would be made under s.166 of the Gambling Act 2005.

12. Considering a 'no-casino' resolution may have no practical effect in the short- or medium-term, as it must lapse after three years. However, if such a 'no-casino' resolution were made it would become part of the Statement of Gambling Licensing Policy, which must be reviewed at least once every three years, so ensuring regular consideration of the matter.
13. There will be no application for a casino premises licence in Oxford for several years, because the Council was not among the 67 licensing authorities that expressed interest in being chosen as the location for one of the 17 new casinos permitted by the 2005 Act. And applications for any extra casinos permitted in future are likely to be made to those same authorities, rather than to Oxford.

### **Statement of Gambling Licensing Policy**

14. The 2005 Act refers to this document as a "statement of principles". The title 'Statement of Gambling Licensing Policy' is used in order to distinguish it from the Statement of Licensing Policy under the Licensing Act 2003.
15. The Council is responsible for finally determining its Statement of Gambling Licensing Policy.
16. In determining its policy the Council is required to have regard to the licensing objectives of the Gambling Act 2005 (which are stated in the policy) and the Gambling Commission's 'Guidance to Licensing Authorities'. The Council may include any additional information that it considers necessary or helpful.
17. The draft Statement of Gambling Licensing Policy was open to consultation from 7 July to 29 September 2006.
18. Thames Valley Police confirmed that they had no comments to make. Comments from the Oxfordshire Safeguarding Children Board are covered within Appendix 2, and Area Committees noted the consultation report that included the draft Statement, but made no comments.
19. Appendix 1 includes the two written responses received.
20. Appendix 2 sets out officers' comments on the issues raised in the two letters of response and the amendments consequently proposed.
21. Appendix 3, the draft Statement of Gambling Licensing Policy, shows where those recommendations would affect the document and highlights other editing undertaken since Committee approved the draft for consultation.

### **Financial implications**

22. Officers expect no significant net financial implications to arise from work under the Gambling Act 2005, as fees are intended to meet costs.

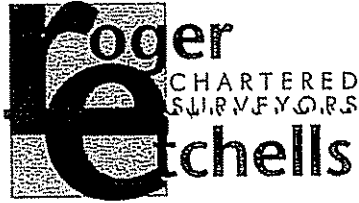
23. Existing budgets have been used to cover the cost of preparing to implement the 2005 Act. The numbers of Gaming Permits, and Gaming Machine Permits and small society lottery are likely to be similar to those already charged, with little change in numbers processed.
24. As fewer than 30 premises will require premises licences under the 2005 Act, this will affect only a small proportion of the licensing authority's fee income, most of which derives from the Licensing Act 2003.

### **Recommendations**

25. Committee is recommended to:
  - a) Note the postponed date for receipt of applications.
  - b) Note arrangements for the future delegation of licensing functions.
  - c) Recommend that Council adopt a 'no-casino' resolution for inclusion in the Statement of Gambling Licensing Policy.
  - d) Approve the Statement of Gambling Licensing Policy for adoption by Council, subject to amendment to reflect any consideration by Council of a 'no-casino' resolution.
  - e) Recommend that Executive Board approve the Statement of Gambling Licensing Policy for adoption by Council, subject to that same amendment.

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**Background papers:** None



& company

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The Licensing Authority  
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Oxford OX1 1PT

Environmental Health Dept  
Oxford City Council

30 AUG 2006

Received

Our Ref: RGE/lcs  
29th August 2006

Dear Sirs

RE: GAMBLING ACT 2005 - DRAFT STATEMENT OF PRINCIPLES

We act on behalf of Mirage Leisure Limited who operate adult gaming centre premises at Cowley & Gloucester Green. We wish to make comments on the policy as set out below.

We are concerned that the reference to matters which are set out as potentially being the subject of conditions will, in effect, establish a presumption that conditions should be imposed in respect of those matters.

Clearly an applicant has to address this kind of issue when making an application but it is not to say that in doing so the local authority should impose a series of standard conditions dealing with the conduct of the premises. After all, gambling premises of the kinds envisaged under the legislation have been operating in the authorities' area for 40 years or thereabouts and those premises have operated satisfactorily without the need for conditions of the nature envisaged.

Further, we believe the council's approach is in conflict with the gambling commission's guidance to local authorities (April 2006). In particular paragraph 9.22 states:-

*"Licensing authorities should note that mandatory conditions are set by the Secretary of State with the intention that no further regulation in relation to that matter is required. Therefore, it is considered extremely unlikely that licensing authorities will need to impose individual conditions imposing a more restrictive regime in relation to matters that have already been dealt with by mandatory conditions. Licensing authorities should only consider doing so where there are regulatory concerns of an exceptional nature and any additional licence conditions must relate to the licensing objectives"*

and also it conflicts with guidance in paragraph 9.27 which states:-

*"Licensing authorities should note that it is the Commission's view that the conditions necessary for the general good conduct of gambling premises will be those set as default and mandatory conditions by the Secretary of State. Therefore a pool of additional conditions published by the Commission will not be necessary. Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, a local authority will be able to attach individual conditions to address this."*

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2/ cont...

*That will be a matter for them in the light of local circumstances."*

These aspects of the council's policy statement appear to establish a "pool of conditions" contrary to the guidance.

My suggested alternative is as follows:-

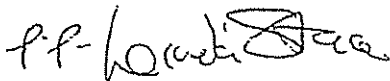
**The authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the authority may consider attaching individual conditions related to the licensing objectives.**

We appreciate that the template you have used is that prepared by LACORS but it is apparent that the reference in the template to conditions are inconsistent with the Gambling Commission's guidelines.

In particular in your paragraphs 22.1 & 22.2 there are lists of potential conditions which could apply across the board and which appear to be virtually a presumption in favour of imposing conditions relating to those matters. Such a presumption is clearly against the guidance which advocates their use only in exceptional circumstances.

We should be grateful if you would take into account these comments in finalising the document.

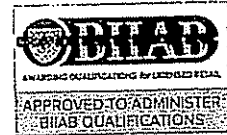
Yours faithfully



Roger Etchells  
Email: [Roger@rogeretchells.co.uk](mailto:Roger@rogeretchells.co.uk)



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SOLICITORS



BY E-MAIL AND POST  
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The Licensing Authority  
Oxford City Council

19 SEP 2006

Our ref: JRH/MJM/103722-1-0

Your ref:

Date: 18<sup>th</sup> September 2006

E-Mail: jrh@gosschalks.co.uk

Dear Sirs,

re: Draft Gambling Policy

On behalf of the Association of British Bookmakers we are pleased to have an opportunity to respond to your draft Gambling Act licensing policy.

### The Association of British Bookmakers

Off-course bookmakers were first recognised in legislation by the Betting and Gaming Act 1960. The industry now consists of approximately 8,500 betting offices in Great Britain, which makes them by far the most numerous type of dedicated gambling facility; the average authority having about 20 betting offices within its area. The Association of British Bookmakers is the representative association for businesses holding nearly 7,000 betting office licences, and will be responding to consultations on all the licensing policies in Great Britain.

Before the advent of the Gambling Act 2005, there was no national regulator for bookmakers. However, the industry has been extremely successful at policing itself. Bookmakers have given rise to no or few regulatory concerns. For example, there are few if any prosecutions of bookmakers or revocations of betting office licences, no suggestion of underage betting in betting offices and no suggestion that betting offices cause nuisance to surrounding users. Crime and disorder is extremely rare in betting offices, and there is no evidence that bookmakers have operated their business in such a way as to exploit the vulnerable. Of course, alcohol is not sold in betting offices. Betting offices have been good neighbours to both residential and commercial occupiers. A primary objective of the ABB has been to help create betting environments in which the public enjoys fair and responsible gambling. It has to a large extent been assisted by the demographics of the industry, in which there are some very large participants, eg Ladbrokes, William Hill, Coral, the Tote and Dones (Betfred). These operators set a high standard, in terms of offices and customer service, which new entrants have naturally striven to match.

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Associates - Ashlea Prescott, Andrew March, Steve Dillon, Chris Groves, Paul Plaxton, Victoria Quinn, Jonathan Hyldon

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The ABB welcomes the new legislation, and the opportunity to work with licensing authorities, so as to consolidate and continue the enormous advances made by the industry, in a way which benefits customers while avoiding regulatory concerns. The ABB hopes and expects that a light touch approach will be taken to the imposition of conditions and regulatory burdens on the industry, save insofar as this is necessary and proportionate in individual cases.

We would take the opportunity to comment on some specific aspects of your policy. You will see that in certain areas we have been sufficiently bold as to suggest wording for the policy. The reason for this is that the ABB's members are keen, so far as possible, to achieve consistency between licensing policies, for the benefit of all involved in the system.

### Door Supervision

Because of the success of the betting industry in managing its offices, and because of the general nature of betting clientele, door supervisors are not employed by betting offices. Premises are supervised from the counter. Door supervision has not been operationally required, and neither the licensing justices nor the police have suggested that door supervision is necessary.

We would refer to the Gambling Commission's Guidance at paragraph 9.26. This requires that conditions should only be imposed when they:

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

We would specifically ask that the policy reflect this by stating:

"...there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The 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."

### Betting Machines

Reference to betting machines is made in section 181 of the Gambling Act 2005. These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter. They should not be confused with fixed odds betting terminals (which will be Category B2 gaming machines under the legislation) or amusement with prize machines ('fruit machines').<sup>1</sup> While up to four FOBTs/AWPs will be found in the great majority of betting offices in the country, the number of betting machines is vanishingly small. And there is no evidence at all that, where they do exist, they are causing any harm. They are machines on which one may place a bet in an adult only environment, not machines upon which rapid gambling may

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<sup>1</sup> While FOBTs/AWPs clearly accept bets for the purpose of playing directly on these machines, for instance inserting £20 note into a FOBT to play roulette, the customer cannot use these machines to bet on other events available in the betting shop eg horse/dog races and football matches.





occur. For these reasons, while the section 181 discretion is acknowledged, it is respectfully suggested that the policy state that:

“While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.”

### Re-site Applications

Over the last two decades in particular, betting offices have been subject to an evolutionary process of enlargement and improvement to accommodate the more extensive facilities and technology now demanded by their customers, for example more and larger screens, full toilet facilities for male, female and disabled customers, level entrances, comfortable seating, no smoking areas, machines, information terminals and so on. Frequently, this has involved re-siting within the same locality. Under the former regime, such re-sites were positively welcomed by licensing authorities concerned to improve the general level of facilities in their area, and were rarely objected to by competitors. This was recognised in the leading case of *R (Hestview) V Snaresbrook Crown Court* in which Hooper J. stated (para 65):

Likewise, if an application is, in effect, an application for the transfer of a licence from one premises to another close by, with some increase in the size of the customer area, then an authority might well conclude that the grant would not be inexpedient...”

It is hoped that licensing authorities will wish to endorse and support this natural progress and improvement in the industry. It is requested that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.

### Enforcement

It is requested that the policy includes wording along the following lines:

“The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.”

### Responsible Authorities

We note that under this heading, the policy does not advise potential applicants of the contact details for the responsible authority by referring them to the Council website suggested by the LACORS template. The Licensing Authority is also required by regulations to state the principles it will apply in exercising its powers under Section 157 (H) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The LACORS statement designates two principles which have been amended and added to by you. We would recommend that your policy adopt the principles in the template which are as follows:-



- i The need for body to be responsible for an area covering the whole of the Licensing Authority's area; and
- ii The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

### **Interested Parties**

We note that at the final paragraph of paragraph 11.3 which deals with representatives of interested parties your policy states "if individuals wish to approach Councillors to ask them to represent their views then they should ensure that those Councillors are not part of the Licensing Committee dealing with the licence application, by contacting the Licensing Authority."

We again refer you to the LACORS template which states that 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 Committee dealing with the licence application.

As your policy currently stands it is placing the onus on an interested party to ensure that the Councillors are not part of the Licensing Committee. How would a member of the public for example know if Councillor X is part of the Licensing Committee? The approach being adopted in your policy appears unfair to interested parties and we would strongly recommend that this be amended as per the LACORS template.

### **Door Supervisors**

As you correctly point out at paragraph 21 of your policy the Security Industry Authority cannot license door supervisors for casinos or bingo premises. The policy then goes on to state that the Licensing Authority will make specific conditions if it considers that door supervisors are required at such premises. We note that you have again diverted from the LACORS template which has asked Licensing Authorities to state specific requirements for door supervisors working at casinos or bingo premises and to insert an appropriate list/text in the policy.

### **Betting Machines**

At paragraph 22.5 of the draft policy there is a statement which indicates amongst other things that "this Licensing Authority will, as per the Gambling Commissions Guidance, take into account the ability of staff to monitor the use of the machines by children and young persons".

The above paragraph is a reflection of Section 181 of the Act. We respectfully submit that these paragraphs should be qualified with a statement that children are not able to enter betting premises with the benefit of a Betting Premise Licence. In those circumstances it is hard to see what relevance the ability of staff to monitor the use of machines by children could possibly be.

Finally, we would respectfully ask that your authority notify the ABB of any further consultations to be conducted by you, and that you favour the ABB with a hard and electronic copy of your final policy. This will enable the ABB to establish a bank of policies for the benefit of its members, alert its members to any developments and enable greater liaison and consistency to occur. The relevant contact details are:



Appendix 1 – Letters in response to consultation (cont'd)

Hollie Blakeman  
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LONDON W1B 5LT  
  
hollieblakeman@abb.uk.com

Please do not hesitate to contact us should you wish to discuss any of the contents of this letter.

Yours faithfully



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	Issue	Comment	Proposed amendment
1	<p><b>Roger Eichel's &amp; Co.</b></p> <p>References to matters which are set out as potentially being the subject of conditions will, in effect, establish a presumption that conditions should be imposed in respect of those matters. (With reference to the Gambling Commission's Guidance paras 9.22 and 9.27)</p> <p>Those aspects of the council's policy statement appear to establish a "pool of conditions" contrary to the guidance.</p> <p>My suggested alternative is as follows:-                      The Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the authority may consider attaching individual conditions related to the licensing objectives.</p>	<p>Text similar to that proposed would form a useful introduction to paragraph 10 "Conditions" in the Statement of Gambling Licensing Policy, in order to clarify the extent of the Licensing Authority's discretion in attaching conditions to premises licences.</p>	<p>Insert at start of para 20:                      "There are three classes of conditions that attach to premises licences:</p> <ul style="list-style-type: none"> <li>◦ Mandatory conditions under s167 of the Act, which must be attached to premises licences.</li> <li>◦ 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.</li> <li>◦ The Licensing Authority is aware that the Gambling Commission considers that these mandatory and default conditions will normally be sufficient to regulate gambling premises.</li> <li>◦ Individual conditions attached by the Licensing Authority under s169 of the Act: To deal with specific risks or problems associated with a particular locality, specific premises or class of premises in exceptional cases, the authority may consider attaching individual conditions related to the licensing objectives.</li> </ul>

3.13

Appendix 2 – Officer comments on issues raised (cont'd)

Issue	Comment	Proposed amendment
<p>10</p> <p><b>Interested parties</b>                      As your policy currently stands it is placing the onus on an interested party to ensure that the Councillors (who they seek to represent them) are not part of the Licensing Committee dealing with the licence application.                      We would strongly recommend that this be amended as per the LACORS template.</p>	<p>The text requires correction, whilst retaining the information that interested parties can contact the licensing authority to ascertain that a Councillor that might represent them would not be a member of the licensing sub-committee that hears the case.</p>	<p>Amend the last sub-paragraph of para 11.3 to read:                      "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)."</p>

3.14

Issue	Comment	Proposed amendment
<p>9 <b>Responsible authorities</b></p> <p>a. We note that the policy does not advise potential applicants of the contact details for the responsible authority by referring them to the Council website suggested by the LACORS template.</p> <p>b. The Licensing Authority is also required by regulations to state the principles it will apply in exercising its powers to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The LACORS statement designates two principles which have been amended and added to by you. We would recommend that your policy adopt the principles in the template which are as follows:-</p> <p>“i The need for the body to be responsible for an area covering the whole of the Licensing Authority’s area; and</p> <p>ii The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.”</p>	<p>a. Already stated in paragraph 10 of the Statement of Licensing Policy under the heading “Responsible Authorities”.</p> <p>b. The Gambling Commissions Guidance (para 6.21) states “Such a body may, but will not necessarily, be the Local Safeguarding Children Board in England... The licensing authority must consider which body best fulfils this function and the licensing policy statement should set out this consideration or the criteria the authority intends to use, in order to designate that body in writing.</p> <p>Officers consider that it is necessary for the advisory body to have experience of children’s issues, and have been advised by the Chair of the Oxfordshire Safeguarding Children Board that, although appointed by the County Council, that body reserves the right to call the County Council to account on children’s issues.</p>	<p>a. No change</p> <p>b. Within paragraph 10, after the sub-paragraph:                      “The Licensing Authority designates the Oxfordshire Safeguarding Children Board as the body competent to advise the authority about the protection of children from harm.”                      Amend the text to read:                      “The principles on which it based this decision are the need for the body to:</p> <p>i have broad experience of children’s issues;</p> <p>ii be responsible for an area covering the whole of the Licensing Authority’s area; and</p> <p>iii 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 call those persons to account on children’s issues.”</p>

3.15

Appendix 2 – Officer comments on issues raised (cont'd)

Issue	Comment	Proposed amendment
<p>7</p> <p><b>Re-site applications</b>                      (paraphrase) Re-siting in the same locality can enable betting offices to provide facilities for customers with disabilities and improved facilities for all customers. It is requested that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.</p>	<p>This approach is unnecessary, as " Section 153 of the Act provides that <u>licensing authorities should aim to permit the use of premises for gambling in so far as they think it:</u></p> <ul style="list-style-type: none"> <li>(a) in accordance with any relevant code of practice under section 24;</li> <li>(b) in accordance with any relevant guidance issued by the Commission under section 25;</li> <li>(c) reasonably consistent with the licensing objectives; and</li> <li>(d) in accordance with the authority's statement of licensing policy. " (Guidance para. 1.23)</li> </ul>	<p>No change</p>
<p>8</p> <p><b>Enforcement</b>                      It is requested that the policy includes wording along the following lines:                      "The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise."</p>	<p>This is an administrative issue, not a matter for the Statement of Gambling Licensing Policy.</p> <p>A bookmakers with several premises would be named as the holder on each of the premises licences, so would naturally be the first point of contact. It is the responsibility of such a business to ensure that its specifies its correct contact details on the application forms.</p>	<p>No change</p>

3.16

	Issue	Comment	Proposed amendment
	<p>such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter."</p>	<p>machines from the counter only in the circumstances of a review.</p>	
6	<p><b>Betting machines</b> para 22.5 of the draft policy...indicates...that "this Licensing Authority will, as per the Gambling Commissions Guidance, take into account the ability of staff to monitor the use of the machines by children and young persons". We respectfully submit that these paragraphs should be qualified with a statement that children are not able to enter betting premises with the benefit of a Betting Premises Licence. In those circumstances it is hard to see what relevance the ability of staff to monitor the use of machines by children could possibly be.</p>	<p>The ability of staff to monitor the use of betting machines by vulnerable people remains relevant. Including monitoring of children and young people reinforces the point that children and young people are not permitted on betting premises.</p>	<p>No change</p>

3.17



Issue	Comment	Proposed amendment
<p>4</p> <p><b>Door supervisors</b>                      ... you have diverted from the LACORS template which has asked Licensing Authorities to state specific requirements for door supervisors working at casinos or bingo premises and to insert appropriate list/text in the policy.</p>	<p>The issue seems unlikely to arise in Oxford, as there is no casino, no prospect of a casino application in the short-term and only one premises used for bingo.                      There is no need to consider this issue unless the individual circumstances at such premises cause the licensing authority to consider door supervisors to be necessary.                      Rather than develop speculative conditions that may never be used, it will be more appropriate to obtain model conditions from other licensing authorities if the issue arises.</p>	<p>No change</p>
<p>5</p> <p><b>Betting machines</b>                      Reference to betting machines is made in s.181 of the 2005 Act. These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter. They are machines on which one may place a bet in an adult environment, not machines on which rapid gambling may occur.                      For these reasons ...it is respectfully suggested that the policy state that:                      "While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that</p>	<p>1<sup>st</sup> sentence: Whilst this may be true, the Council has no grounds on which to state that "...there is no evidence..."                      2<sup>nd</sup> sentence: "This authority ... licensing objectives." Makes clear the circumstances in which the licensing authority would consider limiting the number of betting machines.                      3<sup>rd</sup> sentence: It seems unduly restrictive to limit the licensing authority's discretion only to considering the ability of staff to monitor</p>	<p>Add to para 22.5 a) the sentence                      ...                      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.</p>

3.18

Issue	Comment	Proposed amendment
<p>2</p> <p>In particular, paragraphs 22.1 and 22.2 (of the draft Statement of Gambling Licensing Policy) list potential conditions which could apply across the board and which appear to be virtually a presumption in favour of imposing conditions in relation to those matters. Such a presumption is clearly against the guidance which advocates their use only in exceptional circumstances.</p>	<p>The statement makes clear that applicants are expected to address issues, such as those listed, in order to meet the licensing objectives.</p> <p>Inclusion of the amendment proposed in "1" above makes clear that there is no presumption in favour of imposing conditions other than in exceptional cases.</p>	<p>See above</p>
<p><b>Gosschalks, Solicitors</b></p>		
<p>3</p> <p><b>Door supervision</b> (With reference to the Gambling Commission's Guidance para 9.26) ... Betting office premises are supervised from the counter, and neither the licensing justices nor the police have suggested that door supervision is necessary... We would specifically ask that the policy reflect this by stating: "...there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The 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."</p>	<p>1<sup>st</sup> sentence: Whilst this may be true, the Council has no grounds on which to state that "...there is no evidence..."</p> <p>2<sup>nd</sup> sentence: "This authority ... proportionate." The comment is largely addressed by the proposed amendment under "1" above. However, policy may be made clearer by including similar wording in the Statement.</p>	<p>Append to paragraph 21.(Door Supervisors) the text: "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."</p>

3.19

The Licensing Authority

www.oxford.gov.uk



# Statement of Gambling Licensing Policy

Gambling Act 2005

This statement will apply from 31 Jan 2007 until 26 Jan 2010  
unless revised sooner

3.20

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

Write to: The Licensing Authority  
Oxford City Council  
10, St Ebbe's Street  
OXFORD  
OX1 1PT

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

phone: 01865 252565

fax: 01865 252344

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.

	Date	Areas of revision
First published:	{## Dec 2006}	-
Revised:		
Revised:		
Revised:		
Revised:		
Revised:		
Revised:		

**Acknowledgements...**

... to LACORS and colleagues in other licensing authorities for template documents.

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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 is 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 142,400 (2003 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.

### 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" published April 2006 (as amended)

Licensing Authority	Oxford City Council
The 2005 Act	The Gambling Act 2005
The 2003 Act	The Licensing Act 2003
LACORS	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 up to 1 Oct 2006 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 made the draft statement available on its website, placed an advertisement in a local newspaper and consulted the following ...

- Thames Valley Police
- The Oxfordshire Safeguarding Children Board
- The management of all premises in Oxford that the Council expects to convert a current licence to a licence under the 2005 Act.
- The Council's Area Committees as representatives of other interests

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 7 Jul 2006 to 29 Sept 2006.

The Licensing Authority followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>  
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

The policy was approved at the meeting of Oxford City Council on {20 Nov 2006} and was published on the Council's website on {## Dec 2006}. From that date copies of the statement have been available from the Licensing Authority office (details inside front cover) and reference copies have been available in all public libraries in Oxford.

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 Jan 2007.

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 Jan 2010.

## 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 3 lists 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, although GC Guidance recommends that licensing authorities should do so. {GCG 8.17}

### 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."*  
{GCG 8.15}

### 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 represents 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

In fulfilling its functions under the 2005 Act, the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.

## 13. Enforcement

The Licensing Authority will apply the following principles in accordance with GC Guidance {GCG 5.25} 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. Definition of "premises"

'Premises' is defined in the 2005 Act as 'any place'. A single building cannot be subject to more than one premises licence unless those licences are for different parts of the building that can be reasonably regarded as being different premises. The Gambling Commission advises that areas of a building that are artificially or temporarily separate cannot be properly regarded as different premises, but that this ...

*"will always be a question of fact in the circumstances."*

Different premises licences cannot apply at different times to the same premises.

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

*"Licensing authorities should 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 that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area." {GCG 7.17}*

And that...

*"Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example whether children can gain access; compatibility of the two*

*establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act." {GCG 7.13}*

The Gambling Commission has advised that reference to "the premises" is to the premises in which gambling may now take place and emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

So the Licensing Authority will not grant a premises licence until the premises in which the applicant proposes to offer the gambling are constructed and ready to be used for gambling. It will be a question of fact whether the premises are finished to a degree that it can be considered for a premises licence.

The 2005 Act provides for applications for provisional statements where premises are not complete.

#### **16. 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.

This Statement of Gambling Licensing Policy will be amended if the Council requires any specific policy about areas where gambling premises should not be located.

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.

#### **17. 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.

#### **18. 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.

Issues of nuisance cannot be addressed under the 2005 Act. However, 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. {GCG 5.16}

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." {GCG 5.17}

**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. {GCG 5.18}

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." {GCG 5.21}*

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.

## 19. Representations

The Licensing Authority may determine an application for a Premises Licence without a hearing, 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." {GCG 5.27}*

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." {GCG 6.45}*

## 20. 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**: Attached by the Licensing Authority to deal with specific risks or problems associated with a particular locality, specific premises or class of premises in exceptional cases, the authority may consider attaching individual conditions related to the licensing objectives.

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.

## 21. 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*" {GCG 5.19} and "*preventing premises becoming a source of crime*". {GCG 5.8}

The Licensing Authority notes that the Security Industry Authority cannot license door supervisors for casinos or bingo premises, so the Licensing Authority will make specific conditions if it considers that door supervisors are required at such premises.

Where supervision of entrances / machines is required for other premises, the Licensing Authority will decide with operators whether door supervisors should 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.

## 22. Specific types of premises

### 22.1 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 expects applicants to offer their own measures to meet the licensing objectives, such as the following, and may attach conditions to cover issues 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-barring 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.

### 22.2 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 expects applicants to offer their own measures to meet the licensing objectives, such as the following, and may attach conditions to cover issues such as ...

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry

- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- 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.

### 22.3 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

#### Note for report version of this Statement ...

[If Council adopts a 'no-casino' resolution, paragraphs (A) and (B) below will be included in the Statement of Gambling Licensing Policy.]

[If Council does not adopt a 'no-casino' resolution, paragraph (C) below will be included in the Statement of Gambling Licensing Policy.]

(A) [The Council has passed a 'no-casino' resolution (2005 Act, s.166) at its meeting on {## ### 200#} on the basis that ... (details to be included of how the decision was arrived at and on what basis)]

(B) [Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.]

(C) [The Council is aware that it has the power to pass a 'no-casino' resolution (2005 Act, s.166) but has not done so. Should the Council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by full Council.]

The remainder of this sub-section on casinos appears in this Statement of Gambling Licensing Policy for consistency with other licensing authorities. It has no role if 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. {GCG 9.11} If the Licensing Authority receives an application for a casino premises licence it will take account of GC Guidance on this matter.

**22.4 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.

**22.5 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. {GCG 19.10}

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.

## 22.6 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 expects applicants for premises licences for tracks to demonstrate suitable 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 expects applicants to offer their own measures to meet the licensing objectives, such as the following, and may attach conditions to cover issues 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-barring 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."* {GCG 20.15}

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."* {GCG 20.29}

d) **Applications and plans –**

The Licensing Authority is in accordance with 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" {GCG 20.22}*

### 22.7 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.

### 23. Provisional Statements

The 2005 Act provides for applications for Provisional Statements where premises are not complete. So, until the premises in which the applicant proposes to offer the gambling are ready to be used for gambling, the Licensing Authority will not grant a Premises Licence.

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

*"It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully". {GCG 7.51}*

Following grant of a Provisional Statement, the Licensing Authority cannot consider representations on the subsequent application for a premises licence 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.

Under the 2005 Act, the Licensing Authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- that could not have been raised by objectors at the Provisional Licence stage; or
- that in the authority's opinion reflects a change in the operator's circumstances.

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

*"A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant*

*obtaining planning permission or building regulations approval for the proposal." {GCG 7.48}*

#### 24. 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****25. 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. " {GCG 24.6}*

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." {GCG 24.7}*

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.

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

**26.1 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.

**26.2 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.

## 27. 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.

## 28. 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." {GCG 25.6}*

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." {GCG 25.17}*

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*
- {GCG 25.21}*

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" {GCG 25.23}*

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." {GCG 25.24}*

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.

**29. 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...

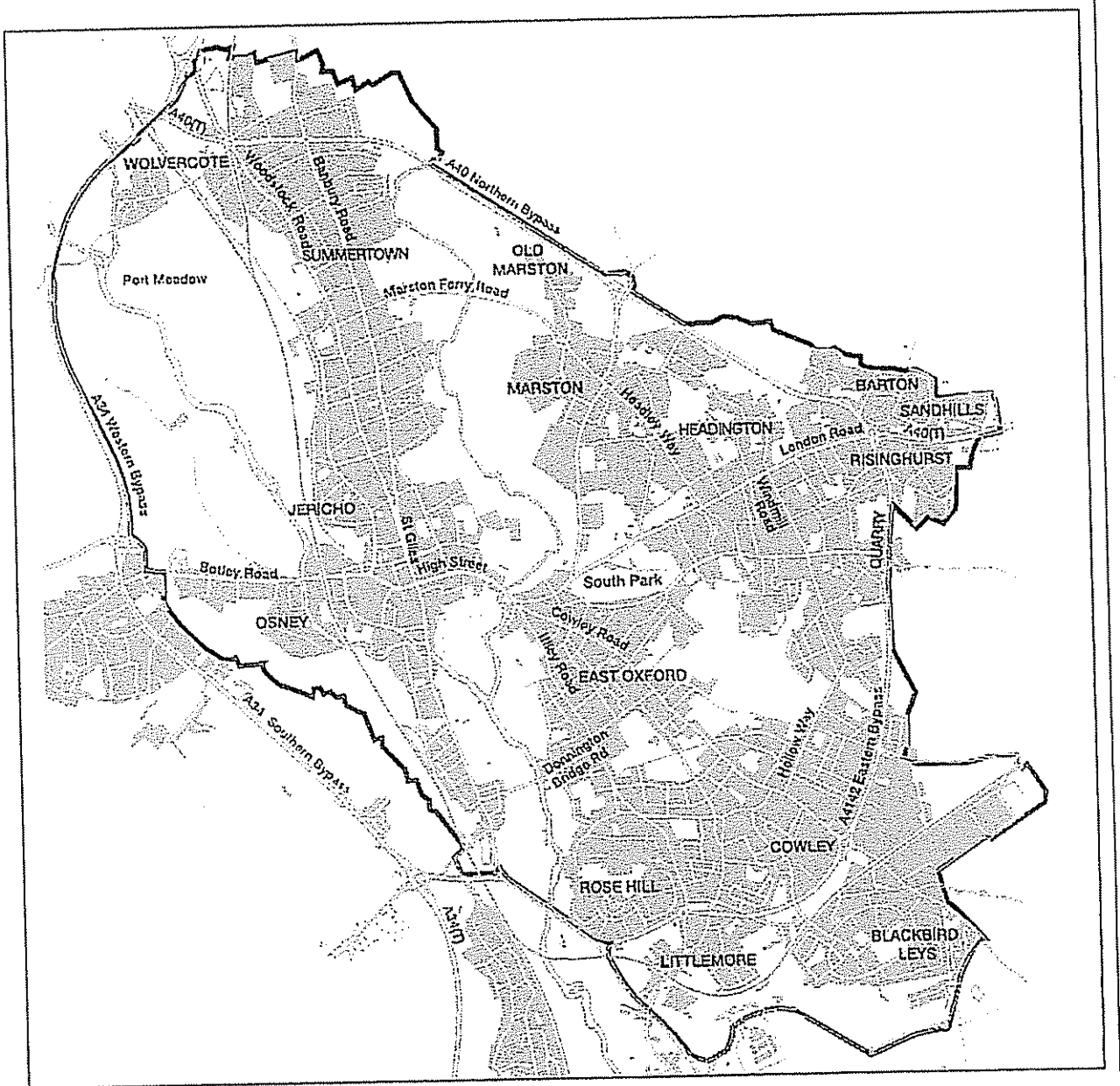
*"... the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will 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." {GCG 14.5}*

**30. 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



3.47

**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.

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary 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
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large casino (machine/table ratio of 5-1 up to maximum)	Maximum of 150 machines Any combination of machines in categories B to D, within the total limit of 150 (subject to table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D, within the total limit of 80 (subject to table ratio)						
Pre-2005 Act casinos (no machine/table ratio)	Maximum of 20 machines categories B to D or C or D machines instead						
Betting premises and tracks occupied by Pool Betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 or B4		No limit 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 institutes with permits					maximum of 3 machines in categories B4 to D		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair							No Limit on Category D machines
	A	B1	B2	B3	B4	C	D

#### Appendix 4 – 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).

Responsible Authority	Address	Contact details for preliminary discussions or follow-up enquiries
		Phone, email and website
The Licensing Authority	The Licensing Authority Oxford City Council 10, St Ebbe's Street OXFORD OX1 1PT	Tel: 01865 252565 licensing@oxford.gov.uk  <a href="http://www.oxford.gov.uk/environment/licensing.cfm">http://www.oxford.gov.uk/environment/licensing.cfm</a>
The Planning Authority	The Planning Authority Oxford City Council 10, St Ebbe's Street OXFORD OX1 1PT	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 10, St Ebbe's Street OXFORD OX1 1PT	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 St. Aldate's Police Station OXFORD OX1 1SZ	Tel: 01865 266109  LicensingOxford@ thamesvalley.pnn.police.uk
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 c/o Children, Young People & Families Directorate Oxfordshire County Council Macclesfield House New Road OXFORD OX1 1NA	

		Contact details for preliminary discussions or follow-up enquiries
Responsible Authority	Address	Phone, email and website
Her Majesty's Commissioners of Customs and Excise	HM Customs and Excise Greenock Operational Team Custom House Custom House Quay Greenock PA15 1EQ	Tel: [To be confirmed] [To be confirmed] www.hmrc.gov.uk
Navigation Authority  (Only applicable to premises on the canal or 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.		Contact details for preliminary discussions or follow-up enquiries
Responsible Authority	Address	Phone, email and website
(The licensing authority)	The Licensing Authority Cherwell District Council Bodicote House Bodicote BANBURY OX15 4AA	Tel: 01295 252535  www.cherwell-dc.gov.uk
(The licensing authority)	The Licensing Authority South Oxfordshire DC Benson Lane Crowmarsh Gifford WALLINGFORD OX10 8HQ	Tel: 01491 823000  www.southoxon.gov.uk
(The licensing authority)	The Licensing Authority Vale of White Horse DC Abbey House ABINGDON OX14 3JE	Tel: 01235 520202  www.whitehorsedc.gov.uk