

Agenda

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Licensing and Gambling Acts Committee

This meeting will be held on:

Date: **Monday 23 September 2024**

Time: **6.00 pm**

Place: **Long Room - Oxford Town Hall**

For further information please contact:

Celeste Reyeslao , Committee and Members Services Officer

📞 01865 252946

✉ DemocraticServices@oxford.gov.uk

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Committee Membership

Councillors: Membership 15: Quorum 5: No substitutes are permitted.

Councillor Katherine Miles (Chair)

Councillor Naomi Waite (Vice-Chair)

Councillor Mary Clarkson

Councillor Mark Lygo

Councillor Simon Ottino

Councillor Asima Qayyum

Councillor Louise Upton

Councillor Theodore Jupp

Councillor Jo Sandelson

Councillor Dr Max Morris

Councillor Lois Muddiman

Councillor Edward Mundy

Councillor Ian Yeatman

Councillor Ajaz Rehman

Councillor Mohammed Azad

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

Agenda

	Pages
1 Apologies for absence	
2 Declarations of interest	
3 Statement of Gambling Licensing Policy 2025-2028	7 - 62
<p>The Executive Director for Communities and People has submitted a report to agree the revised draft Statement of Gambling Licensing Policy following public consultation.</p> <p>The Committee is asked to:</p> <ol style="list-style-type: none">1. Consider the report and draft Statement of Gambling Licensing Policy;2. Agree the revised draft Statement of Gambling Licensing Policy following public consultation;3. Recommend the agreed Statement of Gambling Licensing Policy to Full Council for adoption.	
4 Minutes of the previous meeting	63 - 64
<p>Recommendation: to approve the minutes of the meeting held on 20 May 2024 as a true and accurate record.</p>	
5 Dates and times of meetings	
<p>The Committee is scheduled to meet at 6.00pm on the following dates:</p> <ul style="list-style-type: none">• 10 February 2025• 19 May 2025	

Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

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Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors declaring interests

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

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

Members Code – Other Registrable Interests

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing** of one of your Other Registerable Interests*** then you must declare an

interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Members Code – Non Registrable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests, then you must declare the interest.

You must not take part in any discussion or vote on the matter and must not remain in the room, if you answer in the affirmative to this test:

“Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting.”

Otherwise, you may stay in the room, take part in the discussion and vote.

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

** Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person’s quality of life, either positively or negatively, is likely to affect their wellbeing.

*** Other Registrable Interests: a) any unpaid directorships b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any Body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

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To: Licensing and Gambling Acts Committee
Date: 23rd September 2024
Report of: Executive Director for Communities and People
Title of Report: Statement of Gambling Licensing Policy 2025-2028

Summary and recommendations	
Purpose of report:	To agree the revised draft Statement of Gambling Licensing Policy following public consultation
Corporate Priority	Strong, fair economy, Thriving communities
Policy Framework	Statement of Gambling Licensing Policy – Gambling Act 2005
Recommendation(s): That the Chair of the Licensing and Gambling Acts Committee resolves to:	
<ol style="list-style-type: none"> 1. Consider the report and draft Statement of Gambling Licensing Policy 2. Agree the revised draft Statement of Gambling Licensing Policy following public consultation 3. Recommend the agreed Statement of Gambling Licensing Policy to Full Council for adoption 	

Appendices	
Appendix 1	Revised Statement of Gambling Licensing Policy
Appendix 2	Revised Oxford City Council Local Area Profile
Appendix 3	Equality Impact Assessment
Appendix 4	Responsible Authorities Response to Consultation

Introduction and background

1. The Committee is reminded that all Licensing Authorities have adopted a Statement of Gambling Licensing Policy. This Statement must promote the three licensing objectives of the Gambling Act 2005 (the 2005 Act), which are:
 - *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.*

- *Ensuring the gambling is conducted in a fair and open way.*
 - *Protecting children and other vulnerable persons from being harmed or exploited by gambling.*
2. The Council is obliged to determine and publish the "Statement of Gambling Licensing Policy" and to keep it under review, and to renew the Policy at least every three years. In preparing the Statement, Licensing Authorities must follow the procedure set out in the 2005 Act, including who should be consulted. The Policy sets out how the Licensing Authority intends to exercise its functions under the 2005 Act.
 3. The first Policy was implemented on 31st January 2007, and with it being renewed every 3 years, the current policy is due to expire in 2025. Therefore, the 2005 Act requires the Council to implement a new Policy by 31st January 2025.
 4. The Gambling Commission issued new Guidance to Licensing Authorities in April 2021, including various changes which summary can be found at <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/gla-previous-changes>. There have been no further changes to this guidance since this date.
 5. The revised Statement of Gambling Licensing Policy takes into consideration the new guidance. The changes made are detailed on page 2 of the revised policy but include amendments to the Licensing Authority and other Responsible Authority's addresses, an amended map of Oxford with new ward names and boundaries along with textual amendments highlighted in pink throughout the revised policy.

A copy of the revised Statement of Gambling Licensing Policy can be found at **Appendix One**.

6. From April 2016 a mandatory requirement of the 2005 Act is placed on all applicants seeking a new licence or varying a current licence to "Assess Local Risk" in accordance with the requirements of the Gambling Commissions Social Responsibility Code Provision 10.1.1 and Ordinary Code Provision 10.1.2.
7. Completion of a local area profile is not a requirement on licensing authorities but there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks. It is for Licensing Authorities to determine whether to include a local area profile within the body of their policy statement or separately. As such, a review of the Policy includes reference to the Oxford City Council Local Area Profile. The Local Area Profile has been amended to reflect update hyperlinks along with a new map of the City detailing new ward names and boundaries.

The Revised Local Area Profile is attached at **Appendix Two**.

Equality Impact Assessment

8. The Council has a Public Sector Equality Duty under the Equality Act 2010 to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between people who share a relevant protected characteristic and those who don't share it;
 - Foster good relations between people who share a relevant protected characteristic and those who do not (which involves having due regard, in particular, to the need to tackle prejudice and promote understanding).
9. The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion, sex, and sexual orientation. In respect of the first aim only (i.e., reducing discrimination, etc) the protected characteristic of marriage and civil partnership is also relevant.
10. An assessment of the Statement of Gambling Licensing Policy's impact on the nine groups protected by the Equality Act 2010 was carried out. The policy assessment has highlighted that there are many positive benefits and no adverse impact for the nine protected groups.

A copy of the Equality Impact Assessment can be found at **Appendix Three**.

Consultation on the Revised Draft Statement of Gambling Licensing Policy

11. Before determining the Statement of Gambling Licensing Policy, the Gambling Act 2005 requires the Licensing Authority to consult with persons as listed below:
 - *The chief officer of police for the authority's area.*
 - *One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.*
 - *One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's function under the Act.*

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

- *Thames Valley Police*
- *The Oxfordshire Safeguarding Children Board*
- *The management of all premises in Oxford with Gambling Premises Licences*

- *Gaming & Betting Organisations.*

12. A 6-week public consultation was conducted and advertised from 14th June 2024 to 26th July 2024, one response to the consultation was received from Thames Valley Police who had no adverse comments to make on the revised policy.

A copy of Thames Valley Polices response can be found at **Appendix Four.**

Legal Implications

13. Under s.349 of the Gambling Act 2005 the Licensing Authority is required to prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act. The process is repeated every three years.

14. The consultation process is laid out in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission.

15. When carrying out its consultations, the Council must adhere to the 'Gunning' or 'Sedley principles' (*R (on the application of Moseley) v London Borough of Haringey* [2014] UKSC 56. These are that:

- (i) consultation must be at a time when proposals are still at a formative stage;
- (ii) the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
- (iii) adequate time must be given for consideration and response; and
- (iv) the product of consultation must be conscientiously taken into account in finalising any proposals.

Environmental Implications

16. There are no negative environmental impacts arising from the adoption of the Gambling Licensing Policy.

Conclusion

17. The Licensing and Gambling Acts Committee are required to consider the report and draft Statement of Gambling Licensing Policy and agree the revised draft Statement of Gambling Policy found at **Appendix One.**

18. The approved revised Statement of Gambling Licensing Policy will be then recommended for adoption to Full Council on 25th November 2024.

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Please note in the table below the version number of your report that was finally cleared at each stage.

Report Stage	Version Number
First Draft <i>Cleared by Service Manager/ Head of Service</i>	29.08.2024
Second Draft: <i>Cleared by Legal/ Finance</i>	09.09.2024
Final Draft <i>Cleared by lead Member</i>	

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Licensing Authority

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Statement of Gambling Licensing Policy

Gambling Act 2005



This statement will apply from 31st January 2025
until 30th January 2028

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

Write to: The Licensing Authority
Oxford City Council
Town Hall
St. Aldates
OXFORD
OX1 1BX

Email: licensing@oxford.gov.uk

Telephone: 01865 252565

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

This document remains valid for three years, during which the Council is likely to amend its website. So, rather than providing a direct link to "gambling", we suggest either looking for links for "licensing" then "gambling".

	Date	Areas of revision
First published:	02 Jan 2007	-----
Corrections:	26 Mar 2007	p.14 Textual amendments p. 27 Update to Gaming machine table p. 30 Update HMCE contact details
Revised:	17 Nov 2009	Update on legislation
Revised:	01 Feb 2013	Update on legislation Amendment of Licensing Authority and Responsible Authority addresses
Republished:	31 Jan 2016	p.29 Update on Gaming Machines: Maximum Stakes and Prizes
Revised:	31 Jan 2019	p.8 The Licensing Process - Local risk assessments p.11 Location - Local Area profile
Revised:	29 June 2021	p.27 Amended Map of Oxford for new ward names and boundaries p.29 Update on Gaming Machines: Maximum Stakes and Prizes p.33 Amendment to Responsible Authority Address
Revised:	27 March 2024 17 April 2024	Change of Licensing Authority Address p.27 Amended Map of Oxford for new ward names and boundaries p.32-33 Amendment to Responsible Authorities Addresses Textual amendments Grammatical amendments Formatting amendments

IMPORTANT NOTE

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

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PART A: GENERAL MATTERS

1. The licensing objectives

The licensing objectives of the Gambling Act 2005 are:

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

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

2. The Licensing Authority

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

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

3. The Oxford City Council area

Oxford City Council is one of the five district councils of Oxfordshire. The City of Oxford has a population of 162,100 (ONS 2021 Census) in an area of 46 sq. km ha (17.6 square miles). A significant proportion of the land area within the city boundary is rural, with the population concentrated in the urban parts. The district is shown on the map in Appendix 1.

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

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

4. Glossary of terms

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

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

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 and had due regard to comments received because of the consultation process.

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

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

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

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

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

Consultation took place from 14th June 2024 for 6 weeks.

The Licensing Authority followed the best practice for consultation set out by the Department for Business Innovation and Skills. Revised Code of Practice (which came into effect in 2018) and the Cabinet Office Guidance on consultations by the public sector.

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

6. Effective period

This Statement of Gambling Licensing Policy becomes effective on 31st January 2025.

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 30th January 2028.

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.
- Revocation of premises licence due to failure to pay annual fee.

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 delegated.

8. Functions of others

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

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

Conditions may also require persons performing specified operational functions to each hold a Personal Licence.
- Ensuring compliance by manufacturers, suppliers and repairers of gaming machines.

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

9. General principles

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

10. Responsible Authorities

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

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

The Licensing Authority recognises 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 in either of these two groups. Licensing authorities will need to have regard to anything an interested party says about their status to make representations.” (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. (GCG 8.12)*
- *Relevant factors will depend on the particular application. For example, it could be reasonable for an authority to consider that living 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 8.13)*

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

11.2 ‘Business interests’

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

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

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

11.3 Representatives of interested parties

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

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

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

12. Exchange of Information

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

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

13. Enforcement

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

The Licensing Authority will endeavour to be:

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

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

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

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

13.1 Risk methodology

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

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

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

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 under s.24 (the LCCP).
- in accordance with any relevant guidance issued by the Gambling Commission under s.25.
- reasonably consistent with the licensing objectives and
- in accordance with the authority's Statement of Gambling Licensing Policy.

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

15. The Licensing Process

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

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

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

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

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

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

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

16. Definition of “premises”

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

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

The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. **If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit.”**

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

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In

this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

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

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

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

(iii) Premises "ready for gambling"

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

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

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

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

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

17. Location

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

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

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

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

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

18. Duplication with other regulatory regimes

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

In considering a premises licence application the Licensing Authority will not take into account of whether the premises is likely to be awarded planning consent or building regulations approval. However, the Licensing Authority will carefully consider any concerns about conditions that licensees would be unable to meet due to planning restrictions.

19. Licensing objectives

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

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

The Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The GC Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, if an area has known high levels of organised crime this authority will consider carefully whether gambling premises should be located there and whether conditions, such as the provision of door supervisors, may be necessary.

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

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

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

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

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

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

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

The Licensing Authority notes that the Gambling Commission is not seeking to offer a definition for the term “vulnerable persons” but states that:

“It will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a health problems, learning disability or substance misuse relating to alcohol or drugs.”

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

20. Representations

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

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

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

The Licensing Authority notes that the GC Guidance states that:

“Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. 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, and 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).”

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

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

21. Conditions

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

- **Mandatory conditions under s167 of the Act**, which must be attached to premises licences.
- **Default conditions under s168 of the Act**, which will apply unless the Licensing Authority decides to exclude them or substitute conditions with others that are more or less restrictive.
The Licensing Authority is aware that the Gambling Commission considers that these mandatory and default conditions will normally be sufficient to regulate gambling premises.
- **Conditions imposed or exclude by Licensing Authority under s169 of the 2005 Act**: In exceptional cases, the Licensing Authority may consider attaching individual conditions related to the licensing objectives in order to deal with specific risks or problems associated with a particular locality, specific premises or class of premises.

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

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

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

The Licensing Authority expects the premises licence applicant to offer their 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 to pursue the licensing objectives. These matters are in accordance with GC Guidance.

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

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

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

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

- Any condition on the premises licence that makes it impossible to comply with a condition on an operating licence.
- Conditions relating to gaming machine categories, numbers, or method of operation.

- Conditions that require membership of a particular club or body (the 2005 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions about stakes, fees, winning or prizes.

22. Door Supervisors

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

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

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

23. Specific types of premises

23.1 Adult Gaming Centres

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

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

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

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

23.2 Licensed Family Entertainment Centres

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

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

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

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

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

23.3 Casinos

a) Casino proposals

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

b) 'No casino' resolution

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

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

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

c) Casinos and competitive bidding

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

d) Self-service betting terminals 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 16.29) 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(3) of the 2005 Act does not prevent a casino licensee from permitting the installation of cash dispensers (ATMs) on the premises. If the Licensing Authority receives an application for a casino premises licence it will take account of GC Guidance on this matter.

23.4 Bingo premises

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

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

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

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

23.5 Betting premises

a) Betting machines

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

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

23.6 Tracks

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

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

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

The Licensing Authority notes that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although not permitted to enter areas where gaming machines (other than category D machines) are provided. It will especially consider the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter, in furtherance of the licensing objective to ensure the protection of children and vulnerable persons from being harmed or exploited by gambling.

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

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

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

a) Gaming machines at tracks

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

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

b) Betting machines at tracks

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

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

consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.”

c) Condition on rules being displayed

The Licensing Authority notes GC Guidance, which states that:

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

d) Applications and plans –

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

Subject to regulations, which will set-out any specific requirements for applications for premises licences the Licensing Authority requires an application for a track betting premises licence to include detailed plans of:

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

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

The Licensing Authority notes that,

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

23.7 Travelling Fairs

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

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

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

24. Provisional Statements

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

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

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

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

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

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

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

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

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

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

25. Reviews

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

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

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

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

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

PART C: PERMITS, TEMPORARY & OCCASIONAL USE NOTICES

26. Unlicensed Family Entertainment Centre gaming machine permits

(Statement of Principles on Permits (2005 Act, Schedule 10, para.7))

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

The 2005 Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit; and that it shall have regard to the GC Guidance (under section 25) and need not (but may) have regard to the licensing objectives in preparing this statement or considering applications, or both.

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

The GC Guidance also states:

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

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

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

Statement of Principles

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

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

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

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

27. Alcohol-licensed premises gaming machine permits

(2005 Act, Schedule 13 para 4(1))

27.1 Notification for up to two gaming machines

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

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

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

27.2 Permit for more than two gaming machines

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

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

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

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

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

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

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

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

28. Prize Gaming Permits

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

The 2005 Act states that a Licensing Authority may:

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

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

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

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

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

The conditions in the Act are:

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

29. Club Gaming and Club Machines Permits

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

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

The Licensing Authority notes GC Guidance that:

“The Act states 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 restricted to that of a prescribed kind (currently bridge and whist). Members’ clubs must be permanent in nature but there is no need for a club to have an alcohol licence.”

The Licensing Authority notes that:

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

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

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

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

And

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

- *that the club is established primarily for gaming, other than gaming prescribed under s.266 of the Act.*
- *that in addition to the prescribed gaming, the applicant provides facilities for other gaming.*
- *that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.*
- *Factors to consider when granting a club gaming permit.”*

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

30. Temporary Use Notices

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

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

The Licensing Authority notes GC Guidance that:

"The definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition, licensing authorities will need to look at, amongst other things, the ownership and/or occupation and control of the premises. For example, a large exhibition centre with a number of exhibition halls may come within the definition of 'premises'. A Temporary Use Notice should not then be granted for 21 days in respect of each of its exhibition halls. In relation to other covered areas, such as shopping centres, the licensing authority will need to consider whether different units are in fact different 'sets of premises', given that they may be occupied and controlled by different people."

31. Occasional Use Notices:

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

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

Appendix 1 – Map of Oxford



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 (new variation and transfer) and provisional statements		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Review of a premises licence		X	
Initiate review of a premises licence			X
Application for club gaming/club machine permits		Where representations have been received 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	
Revocation of premises licence due to failure to pay annual fee			X

Appendix 3 – Gaming machines

3.1 Gaming machine categories

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

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited – no Category A gaming machines are currently permitted	
B1	£5	£10,000 with the option of a maximum £20,000 linked progressive jackpot on a premises basis only
B2	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D: non money prize (other than a crane grab machine)	30p	£8
D: non money prize (crane grab machine)	£1	£50
D: money prize	10p	£5
D: combined money and non- money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D: combined money and non- money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

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

3.2 Gaming machines – permitted numbers.

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

Premises type	Machine category						
	A	B1*	B2	B3	B4	C	D
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Unlicensed family entertainment centre (with permit)							No limit on category D machines
Members clubs or miners' welfare institute (with permits)				Maximum of 3 machines in categories B3A, B4, C or D*			
Commercial Clubs				Maximum of 3 machines in categories B4, C or D			
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Qualifying alcohol-licensed premises (with gaming notification)						Maximum of 2 category C-D machines	
Travelling fair							No limit on category D machines

* Category B1 machines are only available in Casino

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

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

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

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

Appendix 5 – Responsible Authorities

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

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

Responsible Authority	Address	Contact details for preliminary discussions or follow-up enquiries Phone, email address and website
The Licensing Authority	The Licensing Authority Oxford City Council Town Hall St Aldate's OXFORD OX1 1BX	Tel: 01865 252565 licensing@oxford.gov.uk http://www.oxford.gov.uk/licensing
The Planning Authority	The Planning Authority Oxford City Council Town Hall St Aldate's OXFORD OX1 1BX	Tel: 01865 249811 planning@oxford.gov.uk www.oxford.gov.uk
Environmental Health	Environmental Protection Oxford City Council Town Hall St Aldate's OXFORD OX1 1BX	Tel: 01865 252296 foodsafety@oxford.gov.uk www.oxford.gov.uk
Gambling Commission	Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP	Tel: 0121 230 6666 info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk
Thames Valley Police	Thames Valley Police Licensing Office Headquarters (South), Kidlington, OX5 2NX	Tel: 01865 266109 licensing@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 fire.service@oxfordshire.gov.uk

Responsible Authority	Address	Phone, email and website
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor, County Hall New Road OXFORD OX1 1ND	Tel: 01865 815843 oscb@oxfordshire.gov.uk https://www.oscb.org.uk/
Her Majesty's Commissioners of Customs and Excise	HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom	Tel: 0300 322 7072 Option 7 nru.betting&gaming@hmrc.gsi.gov.uk https://www.gov.uk/government/organisations/hm-revenue-customs
Navigation Authority (Only applicable to vessels on the canal or a river)	Check with the Licensing Authority	
Any other person prescribed for the purpose by regulations made by the Secretary of State.	Check with the Licensing Authority	

Adjacent licensing authorities

Where premises straddle an area boundary, a licensing authority for the area in which the premises are partly situated is also a Responsible Authority.		
Responsible Authority	Address	Phone, email and website
(The Licensing Authority)	The Licensing Authority Cherwell District Council Bodicote House Bodicote BANBURY OX15 4AA	Tel: 01295 753744 www.cherwell-dc.gov.uk licensing@cherwell-dc.gov.uk
(The Licensing Authority)	The Licensing Authority South Oxfordshire DC Abbey House Abbey Close ABINGDON OX14 3JE	Tel: 01235 422422 www.southoxon.gov.uk licensing@southoxon.gov.uk

(The Licensing Authority)	The Licensing Authority Vale of White Horse DC Abbey House Abbey Close ABINGDON OX14 3JE	Tel: 01235 422422 www.whitehorsedc.gov.uk licensing.unit@whitehorsedc.gov.uk
(The Licensing Authority)	The Licensing Authority West Oxfordshire DC Wood Green WITNEY OX28 1NB	Tel: 01993 861000 https://www.westoxon.gov.uk/ers.licensingandapplications@publicagroup.uk

Statement of Gambling Licensing Policy

Gambling Act 2005

The Licensing Authority,
Oxford City Council,
Town Hall,
St Aldates,
Oxford,
OX1 1BX
Email: licensing@oxford.gov.uk
Telephone: 01865 252565



The Licensing Authority
 Oxford City Council
 Town Hall
 St. Aldates
 OXFORD
 OX1 1BX

Email: licensing@oxford.gov.uk
 Telephone: 01865 252565

www.oxford.gov.uk



LOCAL AREA PROFILE

Statement of Gambling Licensing Policy

The Gambling Commission has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice. These require Gambling Operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate the risks. This provision came into force on 6th April 2016. Oxford City Council has produced this Local Area Profile to assist Gambling Operators in undertaking and preparing their Local (premises) Risk Assessment.

The document provides wide sources of data, statistics and information available through various bodies to allow Gambling Operators to identify relevant, sensitive and vulnerable matters and areas when preparing their Local Risk Assessment and to actively manage risks to each premises. Particular attention should be paid by operators to locations that contain premises of the type that the Licensing Authority has identified as sensitive. This should be considered by operators along with relevant matters identified in the Licensing Authority's Statement of Gambling Policy when assessing and making their Local Risk Assessment.



Operators will need to consider the type of existing premises and how they operate in the local area surrounding any proposed licensed premises, especially in relation to the local profile and premises types that the Licensing Authority considers are sensitive. These include:

- Educational facilities in the local area
- Community Centres
- Any vulnerable group or venues relating to those vulnerable groups i.e.
 - Homeless shelters and care/support facilities.
 - Hospitals, mental health, or gambling care providers.
 - Alcohol or drug support facilities
 - Religious establishments

If an Operator intends to apply for a new Premises Licence or a variation to a Premises Licence, then a Local Risk Assessment must be carried out. The assessment should be based on how the premises are proposed to operate and will need to identify the risk factors associated with the local area in which the premises are located. These factors are risks that relate to the potential impact the gambling premises and its operation may have on the licensing objectives. Considerations for operators are also identified in the Licensing Authority Statement of Gambling Policy.

Operators are required to review their Local Risk Assessment if significant changes in local circumstances occur. The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

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

When preparing an application to vary the Premises Licence the Operator must undertake a review of the Local Risk Assessment and update it if necessary. Operators submitting a variation application to the Licensing Authority should provide a copy of the reviewed Local Risk Assessment when submitting the application.

An operator will need to consider risks in relation to how the Premises will be, or is, managed. Identification of risks associated with these elements will be dependent on the type of premises and the local area. Elements to be considered include:

- How the gambling operation will relate to how the operator conducts its business
- What gambling products it provides in the premises
- The facilities to enable gambling within the premises.
- The staffing levels within the premises
- The level and requirement for staff training
- Whether loyalty or account cards are used or not
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP.
- The security and crime prevention arrangements it has in place.
- How it advertises locally and, on the premises,
- The marketing material within the premises
- The display and provision of information, etc.

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. Premises which are located within an area which has a high number of children and young people present throughout the day may identify that standard external design is not appropriate. Control measures to mitigate the risk of attracting children to gambling or gaining access to restricted premises will need to be considered.

Mitigations to be considered may include:

- Whether the premises allows a direct line of sight of gaming machines from the cashier counter
- Whether the premises sufficiently covered by CCTV to enable the identification of offenders
- Whether the premises windows are screened or covered to obscure the interior of the premises
- What age verification policies are in place?
- Provision of magnetic door locks

Operators will be expected to identify the local risk factors surrounding the premises, which will differ from location to location. The Licensing Authority will consider the assessment and assess the risks identified and the measures implemented to mitigate those risks when a completed assessment is provided with a new application or with a variation application.

Some control measures identified in the assessment may be put forward as conditions to be attached to the Licence to address any significant local concerns.

Data – Statistics – Information for Oxford Area and its neighborhoods

Provides source of relevant various agencies (Police, Health Service, Child Protection, Oxfordshire County Council, Oxford City Council etc.) data on Health, Population, Education, Economy, Environment, Housing, Deprivation Areas, Crime etc. (this list is not exhaustive)

Oxford City Council (and other agencies)

<https://www.oxford.gov.uk/info/20122/statistics>

DataShine Census

<http://datashine.org.uk/#table=QS411EW&col=QS411EW0007&ramp=YIOrRd&layers=BTTT&zoom=13&lon=-1.2576&lat=51.7469>

Oxfordshire County Council - Oxfordshire Insight (and other agencies)

<https://insight.oxfordshire.gov.uk/cms/>

General

Oxfordshire County Council list of Schools

<https://www.oxfordshire.gov.uk/residents/schools/list>

Community Centres in Oxford

https://www.oxford.gov.uk/directory/21/community_centres

List of churches and religious groups in Oxford

<https://theoxfordmagazine.com/directory/chapels-churches/>

<https://www.dailyinfo.co.uk/oxford/guide/religion>

Homeless or rough sleeper shelters and care/support facilities in Oxford

<https://www.oxford.gov.uk/homelessness>

Hospitals, mental health or gambling care providers

<http://www.oxfordshirehealtharchives.nhs.uk/hospitals/>

<https://www.oxfordhealth.nhs.uk/omhp/>

<https://fisd.oxfordshire.gov.uk/kb5/oxfordshire/directory/advice.page?id=0-q1M6UzMeU>

Alcohol or drug support facilities

<https://www2.oxfordshire.gov.uk/cms/content/alcohol-and-drug-addiction>

<https://www.oxmindguide.org.uk/locationcategory/drugs-and-alcohol/>

Equality Impact Assessment

Statement of Gambling Policy – Gambling Act 2005

Service/Directorate:	Department:	Assessment Author:	Date of Assessment:
Communities and People	General Licensing	Joshua Curnow	27.08.2024

Name of Policy to be Assessed:	Statement of Gambling Policy under the Gambling Act 2005
New or Existing Policy	Revision of Existing Policy

1. Briefly describe the aims, objectives and purpose of the policy.	<p>The primary aim of the Statement of Gambling Policy is to set out how the Council will exercise their functions under the Gambling Act 2005 before each successive period of three years.</p> <p>This reviewed policy amends the Licensing Authority and other Responsible Authority’s addresses, amends the map of Oxford with new ward names and boundaries and makes minor textual amendments.</p>
2. Are there any associated objectives of the policy? Please explain.	<ul style="list-style-type: none"> • To uphold the licensing objectives of the Gambling Act 2005. • To ensure that the Council fulfils its duty to administrate applications for gambling licences and permits. • To outline how the Council will have regard to the Gambling Commission’s guidance in administering applications and conducting compliance and enforcement activities. • To detail how the Council will consider applications, including consultation with relevant parties and determination procedures. • To outline the rationale for ensuring compliance with licences or permits, and for taking enforcement action where required.
3. Who is intended to benefit from the policy, and in what way?	<p>The Statement of Gambling Policy intends to benefit both persons carrying on gambling businesses within the Oxford City District, and persons who are likely to be affected by the exercise of the Council’s functions under the Gambling Act 2005.</p>
4. What outcomes are wanted from this policy?	<p>The Statement of Gambling Policy supports the following Council priorities as outlined in the Council Strategy 2024-28:</p> <ul style="list-style-type: none"> • Strong, fair economy. • Thriving communities. • A well-run Council.

5. What factors could contribute/detract from the outcomes?	<ul style="list-style-type: none"> • Change in central Government policies or legislation. • Changes to Gambling Commission guidance. • Reduction or loss of local authority resources.
6. Who are the key people in relation to the policy?	<p>Oxford City Council's General Licensing Team; Ward Members; the Gambling Commission; Gambling businesses within the Oxford City Council District; residents of and visitors to the Oxford City Council district (including customers of gambling establishments).</p>
7. Who implements the policy and who is responsible for the policy?	<p>The Statement of Gambling Policy is reviewed by the Councils General Licensing team, publicly consulted on, reviewed by the Licensing and Gambling Acts Committee, and then recommended for adoption by Full Council.</p>


8. Could the Policy have differential impact due to age?	<i>Yes/No</i>	Yes
<ul style="list-style-type: none"> • Applications for licences and permits under the Gambling Act 2005 may not be made by a child (under 18 years old). Applicants are required to declare that they are over the relevant age at the time of making an application and may be required to provide evidence. • Any application made by a child, where legislation prohibits this, will be rejected. • Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's age, will be disregarded as irrelevant. • Gambling activities permitted under licences and permits issued under the Gambling Act 2005 are largely restricted to those ages 18 years old and over. • The policy details the legal requirements and expectations of licensees and permit holders to uphold the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling'. • Access by customers to the gambling premises / activities may be limited or determined by a customer's age, in circumstances where they are below the legal age to participate in the gambling activities available at the premises. • The amendments for this review are clerical and minor in nature, they have no impact. 		
9. Could the policy have differential impact due to disability?	<i>Yes/No</i>	No
<ul style="list-style-type: none"> • The Statement of Gambling Policy has no adverse impact on disability. Data regarding applicants' disabilities is not collected as part of any application process under the Gambling Act 2005 and is not a consideration in the consultation or determination of any application. • Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's disability, will be disregarded as irrelevant. • Suitability of gambling premises for access or use by disabled persons is dealt with under the Equality Act 2010 and not a relevant consideration in determining gambling applications. • An individual may refer to their own disability in a representation with respect to an application, either in passing or as a reason for the proposals adversely affecting them. In determining applications, the Council shall have regard to the Public Sector Equality Duty and ensure consideration is given to relevance of the disability to one or more of the licensing objectives. • Access by customers to gambling premises or activities should not be limited or determined by a customer's disability. As a protected characteristic, disability is not sufficient grounds for somebody to be refused access to gambling premises or activities. • The amendments for this review are clerical and minor in nature, they have no impact. 		


10. Could the policy have differential impact due to gender or gender re-assignment?	<i>Yes/No</i>	No
<ul style="list-style-type: none"> • The Statement of Gambling Policy has no adverse impact on gender or gender re-assignment. Data regarding applicants' or individuals' gender is not collected as part of any application process under the Gambling Act 2005 and is not a consideration in the consultation or determination of any application. • Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's gender, will be disregarded as irrelevant. • Access by customers to gambling premises or activities should not be limited or determined by a customer's gender. As a protected characteristic, gender is not sufficient grounds for somebody to be refused access to gambling premises / activities. • The amendments for this review are clerical and minor in nature, they have no impact. 		
11. Could the policy have differential impact due to marriage or civil partnership?	<i>Yes/No</i>	No
<ul style="list-style-type: none"> • The Statement of Gambling Policy has no adverse impact on marriage or civil partnership. Data regarding applicants' or individuals' marital status is not collected as part of any application process under the Gambling Act 2005 and is not a consideration in the consultation or determination of any application. • Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's marital status, will be disregarded as irrelevant. • Access by customers to gambling premises or activities should not be limited or determined by the marital status of the customer. As a protected characteristic, marital status is not sufficient grounds for somebody to be refused access to gambling premises or activities. • The amendments for this review are clerical and minor in nature, they have no impact. 		
12. Could the policy have differential impact due to race and/or ethnicity.	<i>Yes/No</i>	No
<ul style="list-style-type: none"> • The Statement of Gambling Policy has no adverse impact on race or ethnicity. Data regarding applicants' or individuals' race or ethnicity is not collected as part of any application process under the Gambling Act 2005 and is not a consideration in the consultation or determination of any application. • Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's race or ethnicity, will be disregarded as irrelevant. • Access by customers to gambling premises or activities should not be limited or determined by which racial group the customer belongs to. As a protected characteristic, racial group is not sufficient grounds for somebody to be refused access to gambling premises or activities. • The amendments for this review are clerical and minor in nature, they have no impact. 		
13. Could the policy have differential impact due to pregnancy & maternity?	<i>Yes/No</i>	No
<ul style="list-style-type: none"> • The Statement of Gambling Policy has no adverse impact on pregnancy or maternity. Data regarding applicants' or individuals' marital status is not collected as part of any application process under the Gambling Act 2005 and is not a consideration in the consultation or determination of any application. • Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is pregnancy or maternity, will be disregarded as irrelevant. • Access by customers to gambling premises or activities should not be limited or determined by pregnancy or maternity. As a protected characteristic, pregnancy or maternity are not sufficient grounds for somebody to be refused access to gambling premises or activities. • The amendments for this review are clerical and minor in nature, they have no impact. 		
14. Could the policy have differential impact due to religion or belief?	<i>Yes/No</i>	Yes
<ul style="list-style-type: none"> • Data regarding applicants' or individuals' religion is not collected as part of any application process under the Gambling Act 2005 and is not a consideration in the consultation or determination of any application. 		

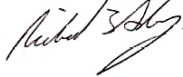
<ul style="list-style-type: none"> Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's religion, will be disregarded as irrelevant. Representations received by or on behalf of religious persons or groups, where the representation cites religion as a reason for the representation, may be considered in the determination of a gambling application provided that it relates to one or more of the three licensing objectives. Access by customers to gambling premises or activities should not be limited or determined by a customer's religion. As a protected characteristic, religion is not sufficient grounds for somebody to be refused access to gambling premises or activities. The amendments for this review are clerical and minor in nature, they have no impact. 		
15. Could the policy have differential impact due to sexual orientation?	Yes/No	No
<ul style="list-style-type: none"> The Statement of Gambling Policy has no adverse impact on sexual orientation. Data regarding applicants' or individuals' sexual orientation is not collected as part of any application process under the Gambling Act 2005 and is not a consideration in the consultation or determination of any application. Any representations submitted regarding an application, where the reason (or one of the reasons) for representation is the applicant's sexual orientation, will be disregarded as irrelevant. Access by customers to gambling premises or activities should not be limited or determined by a customer's sexual orientation. As a protected characteristic, sexual orientation is not sufficient grounds for somebody to be refused access to gambling premises or activities. The amendments for this review are clerical and minor in nature, they have no impact. 		
16. Could the adverse impacts identified in section 8-15 create the potential for the policy to discriminate against certain groups?	Yes/No	Yes
<ul style="list-style-type: none"> In determining applications, the Council must adhere with central government legislation and Gambling Commission guidance and therefore may not mitigate all concerns raised based on protected characteristics. For example, an application for a gambling premises may be granted despite representations received citing that it should not be granted due to its close proximity to a school or place of worship. It is essential that the Council clearly documents its decision-making process and reasons for making decisions, having regard to the Public Sector Equality Duty, and considering both the representations and the applicant's proposals. The amendments for this review are clerical and minor in nature, they have no impact. 		
17. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	Yes/No	Yes
The Council shall clearly document its decision-making process and reasons for making decisions, having regard to the Public Sector Equality Duty, and considering both the representations and the applicant's proposals.		

Sign-off	Suggested include: <i>Project lead, Head of service or team, person completing EqIA, EDI lead, EDI specialist.</i>
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Name:	Emma Thompson (Project lead)
Job Title:	Senior Licensing Compliance Officer
Signature:	<i>E Thompson</i>
Date:	05/09/2024

Name:	Joshua Curnow (EqIA completing officer)
Job Title:	Supervising Senior Licensing Officer
Signature:	
Date:	27.08.2024

Name:	Anna Dumitru
Job Title:	Licensing Team Leader
Signature:	
Date:	27.08.2024

Name:	Richard Adams
Job Title:	Community Safety Service Manager
Signature:	
Date:	27/08/24

Name:	Sobia Afridi
Job Title:	EDI lead
Signature:	Sobia Afridi
Date:	3/9/24

Name:	Tazafar Asghar
Job Title:	Barrister – Law & Governance
Signature:	<i>Tazafar Asghar</i>
Date:	9/9/2024

APPENDIX FOUR

What is your name? - Name	What is your email address? - Email	What is your organisation? - Organisation	Do you have any comments on the draft Statement of Gambling Policy? - Comments?	Do you have any comments on the draft Statement of Gambling Policy? - If yes which paragraph/page/policy reference, are you referring to?	Do you have any comments on the draft Statement of Gambling Policy? - Which objective(s) does your comments refer to?	Do you have any comments on the draft Statement of Gambling Policy? - Please enter your comments	Do you have any further comments on the Statement of Gambling Policy? - Please enter your comments	What is your postcode? - Postcode
C0714 Alex Bloomfield	alex.bloomfield@thamesvalley.police.uk	Thames Valley Police	No			TVP have no adverse comments to make regarding the draft policy.		OX5 2NX

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Minutes of a meeting of the Licensing and Gambling Acts Committee on Monday 20 May 2024



Committee members present:

Councillor Miles (Chair)	Councillor Waite (Vice-Chair)
Councillor Lygo	Councillor Ottino
Councillor Upton	Councillor Jupp
Councillor Sandelson	Councillor Max Morris
Councillor Muddiman	Councillor Mundy
Councillor Yeatman	Councillor Rehman
Councillor Azad	

Officers present for all or part of the meeting:

Alison Daly, Legal Adviser
Anna Dumitru, General Licensing Team Leader
Joshua Curnow, Supervising Senior Licensing Officer
Celeste Reyeslao, Committee and Member Services Officer

Apologies:

Councillor(s) Clarkson and Qayyum sent apologies.

1. Election of Chair for Council Year 2024-25

Councillor Miles proposed and Councillor Muddiman seconded the nomination of Councillor Mundy to be elected as Chair of the Committee for 2024/25. Councillor Mundy withdrew his nomination.

Councillor Sandelson proposed and Councillor Mundy seconded the nomination of Councillor Miles to be elected as Chair of the Committee for 2024/25.

Councillor Lygo proposed and Councillor Upton seconded the nomination of Councillor Waite to be elected as Chair for the council year 2024-25.

The two nominations were put to the vote and by 7 votes to 6, the Licensing and Gambling Acts Committee resolved that Councillor Miles be elected as the Chair for 2024/25.

2. Election of Vice-Chair for Council Year 2024-25

Councillor Upton proposed and Councillor Lygo seconded the nomination of Councillor Waite to be elected as Vice-Chair of the Committee for 2024/25.

There were no other nominations.

On being put to the vote, the Licensing and Gambling Acts Committee resolved that Councillor Waite be elected as Vice-Chair for 2024/25.

3. Declarations of interest

There were no declarations of interest.

4. Appointment of Sub-Committees

The Committee considered the report of the Head of Law and Governance setting out the establishment of licensing casework sub-committees for the council year to deal with casework flowing from the Council’s responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

The Licensing and Gambling Acts Committee resolved to:

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

5. Licensing and Gambling Acts Committee Update Report

The Committee noted the update report.

6. Minutes of the previous meeting

The Committee resolved to **approve** the minutes of the meeting held on 5 February 2024 as a true and accurate record.

7. Dates and times of meetings

The Committee noted the dates and times of future meetings.

The meeting started at 6:02 pm and ended at 6:11 pm

Chair

Date: Monday 23 September 2024

When decisions take effect:
Cabinet: after the call-in and review period has expired
Planning Committees: after the call-in and review period has expired and the formal decision notice is issued
All other committees: immediately.
Details are in the Council’s Constitution.