



**Statement
of
Licensing Policy**

under the

Gambling Act 2005

October 2021

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PART A

GENERAL PRINCIPLES

1. The Licensing Objectives

The Gambling Act 2005 regulates most forms of gambling in the UK and places control of some gambling activities in the hands of local authorities.

In exercising their functions under the Gambling Act 2005 (“the Act”), the Licensing Authority (Buckinghamshire Council) will have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

While the term “vulnerable” is not defined in the Act, the Gambling Commission assumes for regulatory purposes that vulnerable people include those 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, for example, mental health issues, a learning disability or substance misuse relating to alcohol or drugs. The Licensing Authority will make the same assumptions when exercising its powers under the Act.

The Licensing Authority will work with partners such as the police, the Gambling Commission, GamCare and other treatment providers to ensure that gambling is fair and open, kept free from crime and protects those who are underage or vulnerable from being harmed.

In making decisions in relation to the grant or otherwise of premises licences under section 153 of the Act, the Licensing Authority will aim to permit the use of premises for gambling in so far as the proposed activities are reasonably consistent with:

- any relevant code of practice,
- any relevant guidance issued by the Commission,
- the licensing objectives, and
- the Licensing Authority’s Statement of Licensing Principles

When making any application under the Act, applicants are strongly advised to provide sufficient relevant information to enable the Licensing Authority to properly determine their application in light of the requirements in section 153.

2. Introduction

Buckinghamshire Council is a unitary authority created in April 2020 from Buckinghamshire County Council and the Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils.

A map of the Council area is at Appendix 1.

Licensing authorities are required by the Act to publish a statement of the principles which they intend to apply when exercising their functions under the Act. The statement, or policy, must be reviewed and published from time to time or at least every three years.

This policy is divided into three sections. The first deals with general principles relating to the implementation of the Gambling Act 2005. The second concentrates on premises licences and provides guidance on the Licensing Authority's approach in considering applications. The final section relates to permits issued under the Act.

Licensing authorities are responsible for licensing premises for gambling activities e.g. gaming machine arcades, betting shops, casino gaming and bingo. Residents who are, or who could be, affected by premises providing gambling facilities have an opportunity to influence decisions, subject to the licensing objectives. The Licensing Authority is also able to work with other stakeholders to protect children and vulnerable people from being harmed or exploited by gambling activities.

The responsibility for regulating gambling is shared between the Gambling Commission and licensing authorities.

The Gambling Commission is responsible for issuing operating licences to organisations and individuals who provide facilities for gambling and personal licences to persons working in the gambling industry. The Commission takes the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating licence and personal licence requirements. The Commission is also responsible for remote gambling activities such as facilities provided via the internet, television or radio.

The Gambling Commission issues national guidance to licensing authorities which must be taken into account when exercising their functions under the Act and preparing statements of licensing policy.

A full consultation process must be carried out when preparing any statement of licensing policy and a list of consultees in this respect is provided as Appendix 2. The Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- 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 functions under the Gambling Act 2005.

Consultation on this policy will take place between 1 November and 10 December 2021.

Any comments in relation to this policy should be sent by email to licensing@buckinghamshire.gov.uk or by post to: Licensing Service, Buckinghamshire Council, The Gateway, Gatehouse Way, Aylesbury, Bucks, HP19 8FF.

This policy statement 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 – all of which will be considered on their own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final statement, the Licensing Authority declares that it had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the statement.

4. Responsible Authorities

For the purpose of the Gambling Act 2005, the following are responsible authorities in relation to the licensing of premises under the Act:

- A licensing authority in whose area the premises are wholly or partly situated
- The Gambling Commission
- Thames Valley Police
- Buckinghamshire Fire and Rescue
- The Planning Department
- The Environmental Health Department
- Buckinghamshire Safeguarding Children Partnership
- HM Commissioners of Customs and Excise

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

The Licensing Authority designates the Buckinghamshire Safeguarding Children Partnership for this purpose.

Contact details for all of the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at:

<https://www.buckinghamshire.gov.uk/business/licences-and-permits/>

5. Interested parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. To be an 'interested party' a person must meet one of the following criteria:

- live sufficiently close to the premises to be likely to be affected by the gambling activities
- have business interests that might be affected by the gambling activities
- represent persons in either of the groups above, e.g. residents' and tenants' associations, trade unions and trade associations, partnerships, charities, community groups, faith groups, medical practices, Assembly Members, Councillors and MPs.

When considering whether a person lives sufficiently close to the premises, the Licensing Authority will take into account:

- 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, for example the number of customers and routes likely to be taken by those visiting the establishment
- the circumstances of the person making the representation. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

In considering whether someone is likely to be affected, the Licensing Authority recognises that there is a broad context in which people may possibly be affected by premises providing gambling facilities in their vicinity. The Licensing Authority will maintain an open mind when considering the circumstances presented in any representation.

Having a 'business interest' will be given the widest possible interpretation and include community and voluntary groups, schools, charities, faith groups and medical practices. The Licensing Authority will consider the following factors to be relevant when determining whether a person's business interests may be affected:

- the size of the premises
- the catchment area of the premises, for example how far people travel to visit the premises
- whether the person making the representation has business interests in the affected catchment area

The Licensing Authority will not take into account representations that are:

- vexatious

- frivolous
- will certainly not influence the authority's determination of the application

Details of applications and representations referred to a licensing sub-committee for determination will be published in a report which is placed on the Council's website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will be redacted from representations in the website version of reports.

Names and addresses of people making representations will be disclosed to applicants to enable discussions to take place between the parties to resolve or reduce the areas of dispute. This information will only be withheld from disclosure on the grounds of personal safety where the Licensing Authority is specifically asked to do so and there is evidence to support concerns.

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising their functions under sections 29 and 30 of the Act in relation to the exchange of information between it and the Gambling Commission, and their functions under section 350 of the Act in relation to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulation 2018 will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

The Gambling Commission can require the Authority to provide specific information if it forms part of our licensing register or we hold it in connection with our licensing functions under the Act. We may also exchange information with other persons or bodies listed below for use in the exercise of functions under the Act.

- A constable or police force
- An enforcement officer
- A licensing authority
- HMRC
- The First Tier Tribunal
- The Secretary of State

Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases.

Any protocols that are established relating to information exchange with other bodies will be made available at www.buckinghamshire.gov.uk.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising their functions under Part 15 of the Act in relation to the inspection of premises and their powers under section 346 of the Act to institute criminal proceedings in relation to specified offences.

The Licensing Authority will be guided by national guidance and will endeavour to be:

- Proportionate: regulators should only intervene when necessary and remedies should be appropriate to the risk posed. Costs should be 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 clear; and
- Targeted: regulation should be focused on the problem.

As the national guidance advises, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. A risk-based approach to enforcement will be adopted based on;

- The licensing objectives
- Relevant codes of practice issued by the Gambling Commission
- Guidance issued by the Gambling Commission; and
- The principles set out in this statement of licensing policy

The Licensing Authority will also have regard to the Regulators' Code issued by the Better Regulation Delivery Office.

The purpose of the Code is to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate. The Code also aims to promote efficient and effective approaches to regulatory inspection and enforcement, improving the outcome of regulation without imposing unnecessary burdens.

The main enforcement and compliance role for licensing authorities under the Act is to ensure compliance with the requirements of premises licences and other permissions which it authorises. In circumstances where the Licensing Authority is made aware of possible unlawful gambling activities at premises within the Council's area, Licensing Officers will carry out investigations and take robust enforcement action where evidence of offences is established.

Any decisions made in terms of sanctions, including prosecution, will be made in accordance with the Code of Crown Prosecutors.

The Gambling Commission is the enforcement body for operating and personal licences. Concerns about the manufacture, supply or repair of gaming machines are not within the remit of licensing authorities and should be notified to the Gambling Commission at www.gamblingcommission.gov.uk.

8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences, including the investigation of complaints and review of licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes where certain gaming activities are proposed to take place by issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to commercial clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol on the premises (under the Licensing Act 2003) where there are more than two gaming machines
- Register small society lotteries which fall below prescribed thresholds
- Issue Prize Gaming Permits
- Receive, endorse and, if necessary, determine Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- Maintain registers of the permits and licences that are issued under these functions.

Local licensing authorities are not involved in licensing remote gambling which is the responsibility of the Gambling Commission through operating licences. Remote gambling means gambling where participation is by the use of the internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication.

9. Electronic submissions and Communication

The Licensing Authority welcomes the use of electronic communication, such as email, which is considered to be an efficient and cost effective means of communication. The Licensing Authority also welcome applications, notices and representations submitted via email, or by other electronic means available, to the Licensing Service. Further information and application forms are available on the Council's website via the following link:

<https://www.buckinghamshire.gov.uk/business/licences-and-permits/>

PART B

PREMISES LICENCES

10. General

Premises licences will be subject to the requirements set out in the Gambling Act 2005 and other relevant legislation including specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others where it is appropriate to do so.

11. Decision-making

The Licensing Authority aims to permit the use of premises for gambling in accordance with the requirements of the Act. The Licensing Authority considers it important to emphasise that the reference to “aim to permit” under section 153 does not create a “presumption to grant”. The Licensing Authority will allow premises to be used for gambling insofar as it considers the proposed activity to be:

- in accordance with any relevant code of practice or guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the authority’s statement of licensing principles.

The ‘aim to permit’ framework provides wide scope for the Licensing Authority to impose conditions on a premises licence or to reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the Licensing Authority’s own statement of policy.

The general approach expressed in this policy does not override the right of any person to make an application and to have that application considered on its merits.

As far as is possible the Licensing Authority will avoid duplication with other regulatory regimes, such as planning and building control regulations.

The Licensing Authority will not take into account demand for gambling premises or representations based on moral objections when making decisions.

12. Definition of “premises”

In the Act, "premises" is defined as including "any place" and section 152 prevents more than one premises licence applying to any place. A single building could, however, be subject to more than one premises licence, provided they apply to different parts of the building and those parts can be reasonably regarded as being separate premises. In considering whether it is lawful to licence part of a building, the Licensing Authority will take into account national guidance issued by the Gambling Commission.

In deciding whether a proposed licence for part of a premises is consistent with the licensing objectives, the Licensing Authority will pay special attention to the need to protect children.

As advised by the Gambling Commission, children should be protected not only from taking part in gambling, but also from being in close proximity to gambling. 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.

13. Split premises

The Licensing Authority will always give the closest consideration to whether a sub-division has created separate premises meriting a separate machine entitlement.

The Authority will not automatically grant a licence for sub-divided premises even if the mandatory conditions are met, particularly where the Authority considers that this has been done in order to avoid controls on the number of machines which can be provided in single premises. The Authority will consider whether the sub-division conflicts with the licensing objective of protecting the vulnerable. The Authority may also take into account other relevant factors as they arise on a case-by-case basis.

14. 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.

An application for a provisional statement should be made in cases where construction of a premises is not yet complete or the building needs to be altered, or if the applicant does not yet have a right of occupation.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, the authority will determine applications on their merits, applying a two stage consideration process ¹:

- First, whether the premises ought to be permitted to be used for gambling
- Second, in deciding whether or not to grant the application, 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 e.g. if a reasonably accurate statement can be provided as to when the works will be completed the licence may be issued with a future commencement date or a condition which states that the licence shall not commence until the premises have been completed in all respects in accordance with the scale plans that accompanied the licence application.

Applicants should note that the Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in Part 7 of the Gambling Commission guidance.

¹(The Queen (on the application of) Betting Shop Services Limited –v- Southend-on-Sea Borough Council [2008] EWHC 105 (Admin))

15. Risk assessment

Gambling operators, such as those operating betting shops and adult gaming centres, are required to assess local risks posed by the provision of gambling facilities at each of their premises and how these risks may undermine the licensing objectives.

Local risk assessments must take into account any relevant matters identified in the Licensing Authority's statement of licensing policy.

Risk assessments should take into account the risks presented by the local landscape, such as the premises' exposure to particular vulnerable groups and crime. For example, premises located near temporary accommodation for the homeless or addiction rehabilitation centres will require specific risk identification and appropriate control measures to be put in place.

Operators are required to produce or update a risk assessment when:

- applying for a new premises licence
- applying for a variation to a premises licence
- significant changes in the local environment or at the premises warrant the review of a risk assessment

It is the operator's responsibility to identify when significant changes require their existing risk assessment to be reviewed. To assist, the Licensing Authority will notify licensed operators when changes are made to the Local Area Profile which accompanies this policy. The characteristics identified in local area profiles are not exhaustive and operators may identify other significant factors that they need to take into account. Operators are expected to take a proactive approach in reacting to significant changes to the local environment and they should not wait to be notified by the Licensing Authority before reviewing their risk assessment to account for a change in local circumstances.

Operators will need to review their risk assessment when changes occur at their premises, arising for example from changes to layouts or working practices.

The Council expects risk assessments to be structured in a manner that offers sufficient assurance that a premises has suitable controls and procedures in place. These control measures should reflect the level of risk within the particular area, which will be determined by local circumstances.

Risk does not necessarily relate to events that have happened but also to events that could happen. Risk is related to the probability of an event happening and the likely impact of that event on one or more of the licensing objectives.

The Licensing Authority will challenge an operator's risk assessment where it can be evidenced that there are local risks that the operator has failed to take into consideration or where proposed control measures are deemed to be inadequate.

Licensees and applicants are required to share their local risk assessments with licensing authorities when applying for a premises licence, applying for a variation to an existing premises licence or otherwise at the request of the licensing authority.

It is considered to be good practice for operators to hold a copy of local risks assessments at the premises to which it relates.

Information provided within risk assessments may be used by the Licensing Authority when determining applications for new licences, variations, provisional statements and reviews.

Operators are strongly encouraged to refer to relevant information provided with the Local Area Profile in conjunction with the licensing objectives when formulating or reviewing their risk assessments.

16. Local Area Profiles

Local Area Profiles can provide significant benefits in raising awareness of local risks to the licensing objectives in an area. They enable the Licensing Authority to better serve the local community by identifying the risks within it, providing greater clarity for operators, improving decision making and encouraging a proactive approach.

The Licensing Authority, in conjunction with partner agencies, will produce and publish a Local Area Profile which will be made available on the Council's website and on request from the Licensing Service. The profile will provide geographical information, associated with key characteristics which have been identified as representing higher levels of risk to one or more of the licensing objectives.

The Licensing Authority expects operators of licensed premises to utilise the latest Local Area Profile information when formulating and reviewing their risk assessments. Operators are expected to establish whether the proposed or actual site of their gambling premises falls within a high risk area. Operators will be expected to demonstrate that they have fully considered the potential impact of the operation of gambling facilities at their premises on the promotion of the licensing objectives in the local area.

The Licensing Authority will refer to the latest Local Area Profile information when considering all licence applications.

The Licensing Authority will seek to restrict facilities for gambling in areas where it considers that vulnerable persons will be put at potential risk of harm. Each case will be decided on its merits, however, and new and existing operators will be given the opportunity to demonstrate how they might overcome Licensing Authority concerns prior to determination of any licence application.

17. Planning

The Licensing Authority will not take into account the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

Further, when dealing with a premises licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning controls and building regulation powers and do not form part of the consideration for the premises licence.

The Licensing Authority will, however, consider whether compliance with a planning or building regulation consent would interfere with compliance with licence conditions or the licensing objectives.

18. Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including health and safety and fire regulation.

19. Licensing objectives

The Licensing Authority is determined that the residents of, and visitors to Buckinghamshire should be provided with high quality well managed venues for betting and gaming, whilst reducing the risk of crime and disorder and protecting children and the vulnerable. For these reasons the Licensing Authority will expect detailed plans from operators to show how the objectives will be met.

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

Licensees and applicants will be expected to demonstrate through their risk assessment that they have given careful consideration to this requirement and that appropriate control measures have been put in place to ensure compliance.

Licence applications, including review applications, made in areas with higher levels of crime and/or disorder associated with gambling premises will receive particular attention by the Licensing Authority.

The Licensing Authority will expect licence holders and applicants to demonstrate that they have robust control measures in place to tackle crime and disorder issues. In circumstances where the Licensing Authority considers that the proposals are inadequate, additional conditions may be imposed.

Appropriate control measures that may be considered include (but are not limited to):

- Provision of comprehensive CCTV, including details of areas covered and arrangements for operation, monitoring and maintenance.
- Conspicuous warning signs in appropriate places relating to use of CCTV, zero drug tolerance policies, zero staff abuse policy.
- The layout of the premises, enabling staff to have an unobstructed view of customers, machines, entry points and access to toilets.
- Use of fixed/secured furniture.
- Minimum staff levels and arrangements for ensuring staff safety.
- The location of gaming machines and gaming machine design.
- Robust incident reporting procedures.
- Provision of SIA registered door supervisors at key times or days of the week.
- Use of a search policy.
- Strategically placed panic buttons, burglar alarms and personal alarms
- Barring procedures and alerts systems.
- Active participation in Betwatch or similar schemes.
- Encouragement of customers to report crime and disorder issues.
- Appropriate lighting levels.
- Arrangements for monitoring the immediate vicinity of premises.

- Measures to prevent street drinking, urinating in the street, begging, drug taking, litter and obstruction of the public highway associated with the premises.
- Liaison with local police with regard to local crime trends.
- Provision of toilets, with suitable maintenance and monitoring arrangements in place.
- Comprehensive staff training including incident reporting, spotting signs of drug use, crime scene preservation, CCTV and conflict resolution.
- Removal of gambling facilities at certain times or days associated with high risk of crime and disorder.
- Use of security counter screens.

In circumstances where the Licensing Authority considers that the risk to the crime and disorder objective cannot be sufficiently mitigated by either the proposed control measures or additional conditions, an application may be refused or licence revoked in the case of a review application.

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

Generally, the integrity of operators of licensed gambling premises will be vetted by the Gambling Commission. Operating and personal licences issued by the Gambling Commission need to be in place prior to licensed premises becoming operational. As a result, the Gambling Commission will generally take the lead in determining whether gambling is being conducted in a fair and open way, although the Licensing Authority will share any relevant information with the Commission in this respect to assist with decision-making and to enable them to carry out effective investigations.

The provision of unauthorised facilities for gambling can be deleterious to the fairness and transparency objective. Examples of unauthorised activity include the provision of illegal gaming machines, unlicensed betting syndicates and “underground” card schools. The Licensing Authority will take robust enforcement action where it is established that unauthorised gambling is taking place at premises within the council area.

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

The Act defines ‘child’ as those persons under 16 years of age and ‘young persons’ as those persons aged 16 or 17. For the purposes of this policy, the Licensing Authority considers “children” to refer to all persons under 18 years old.

The term ‘vulnerable persons’ is not defined within the Act although the Gambling Commission does offer some guidance in this respect which includes:

- People who gamble more than they want to.
- People who gamble beyond their means.
- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

The Licensing Authority considers that ‘vulnerable persons’ include those listed above but this list is not exhaustive.

The Licensing Authority is aware that the impact of gambling is complex. It is not just the gambler who may be vulnerable to harm or exploitation but also their friends, family, customers and staff at gambling facilities along with the wider society.

What constitutes 'harmed or exploited' is not defined within the Act. There are various issues associated with compulsive or problem gambling including physical, psychological and social harms.

Licensees and applicants will be expected to demonstrate through their risk assessment that they have given careful consideration to indications of deprivation in the local area and the impact of their gambling activities on young people, the homeless, the unemployed, those affected with mental health conditions, those on low incomes and those from identified vulnerable ethnic minority groups, who may be living in or visiting the local area.

Licence applications, including review applications, in areas of where there is a higher degree of concern because of increased risk of harm to or exploitation of children and/or vulnerable persons will receive particular attention by the Licensing Authority.

Licensees and applicants will be expected to demonstrate through their risk assessment that they have given careful consideration to protecting children and vulnerable persons from harm and exploitation and have robust control measures in place. In circumstances where the Licensing Authority considers that the proposals are inadequate, additional conditions may be imposed.

Appropriate control measures that may be considered include:

- Use of refusal logs to record failed proof of age ID checks
- Conspicuous signage advertising proof of age policy
- Use of till prompts to remind staff to implement proof of age policy
- Leaflets offering assistance to problem gamblers prominently displayed on the premises
- Notices displayed on the premises, in appropriate languages, to signpost support services for problem gamblers
- Documented staff training, with regular refresher training, with a focus on identifying vulnerable persons and implementing appropriate strategies for action where necessary
- Maintaining records of customer interactions where staff have concerns that a customer's behaviour may indicate problem gambling
- Regular staff meetings to discuss and identify local vulnerability issues
- Robust implementation of self-exclusion schemes, supported with signposting to appropriate sources of support and advice e.g. GamCare and Gamblers Anonymous
- Records to be maintained of self-exclusions schemes
- Rules being available in relation to the acceptance of bets, void bets, late bets and maximum pay-outs
- Written procedures in place and available in relation to handling customer complaints and the resolution of disputes and the arrangements for referring disputes to an identified independent person or body offering alternative dispute resolution services
- Windows and entrance displays designed so as not to entice passers-by

- Designing the layout, lighting and fitting out of the premises so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling
- Promotional material associated with the premises will be designed not to encourage the use of the premises by children or young people if they are not legally allowed to do so
- Regular liaison with local support services to identify emerging trends and existing issues in respect of vulnerability
- Avoidance of incentives to enter or loiter within shops, for example by not offering free food and drink or prohibiting customers from bringing their own refreshments
- Active participation and support for local forums that support the licensing objectives
- Avoidance of loan working, particularly in high risk areas
- Positioning gaming machines so they are not visible to passers-by
- Daily staff diaries to record any issues of concern observed by staff or actions taken
- The provision of SIA registered door supervisors
- The use of floor walkers to interact with customers
- Monitoring outside areas for signs of customer vulnerability for example alcohol and drug use, signs of homelessness, begging, children congregating outside or children of customers left outside unsupervised
- Effective staff support systems
- Prohibition of ATMs on the premises

This list not is by no means exhaustive and is provided as a guide. Operators and applicants should also be aware that there are extensive conditions attached to operating and personal licences issued by the Gambling Commission, along with additional mandatory conditions imposed by the Act on gambling facilities and activities.

In circumstances where the Licensing Authority considers that the risk of harm or exploitation to children and other vulnerable persons cannot be sufficiently mitigated by either the proposed control measures or additional conditions, an application may be refused or licence revoked in the case of a review application.

For multi-occupied premises, consideration should also be given to the arrangements for controlling access to children and the compatibility of the activities of the occupants. In many cases separate and identifiable entrances may be required so that people do not drift inadvertently into a gambling area.

Children are not permitted to use Category C or above machines and in premises where these machines are available and children are permitted on the premises, the Licensing Authority will generally require:

- all Category C and above machines to be located in an area of the premises which is separated from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance
- adults only to be admitted to the area where these machines are located
- adequate supervised access to the area where the machines are located
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder

- prominent notices displayed at the entrance to, and inside, any such areas indicating that access to the area is prohibited to persons under 18

20. Conditions

Licensed premises are subject to a variety of conditions. Premises licences granted by the Licensing Authority are subject to mandatory and default conditions as well as additional conditions which may be imposed by the Licensing Authority. Furthermore, they are subject to conditions and codes of practice by virtue of operating licences and personal licences issued by the Gambling Commission.

When considering applications, the Licensing Authority can attach conditions to any licence where it believes that the imposition of conditions will ensure that the operation of the premises is reasonably consistent with the licensing objectives. The Licensing Objectives section in this part of this policy provides further guidance on suggested control measures which may form the basis of the types of conditions imposed by the Licensing Authority. The suggested measures are not exhaustive and there may be other types of conditions considered necessary dependant on the particular circumstances. Each application will be considered on its own merits and conditions attached as appropriate.

Any conditions attached to a licence 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
- related to the scale and type of premises, and
- reasonable in all respects.

Certain matters are set out in the Act that may not be the subject of conditions:

- conditions which prevent compliance with an operating licence condition
- conditions relating to gaming machines categories, numbers or method of operation
- conditions requiring membership of a club or body in respect of any part or activity at the premises
- conditions on limits of stakes, fees, winnings or prizes.

21. Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that particular premises may attract disorder or be subject to attempted unauthorised access (for example by children) it may require that the entrances to the premises are controlled by a door supervisor. In these circumstances the licensing authority is entitled to impose a condition on the premises licence to this effect.

22. Adult Gaming Centres / Licensed Family Entertainment Centres.

In relation to applications or licences for Adult Gaming Centres, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or exploitation from gambling and will expect the applicant to satisfy the authority that

there will be sufficient measures to ensure that children do not have access to the premises. Accordingly, the Licensing Authority will give specific consideration to the following control measures:

- Implementation of proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of machines
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Staff training
- Measures in place for staff to recognise indications of problem gambling
- Measures to recognise and deal with children, including truants.

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

Children and young persons may enter Licensed Family Entertainment Centres (FEC's) but are not permitted to play Category C or above machines. The Council will expect the applicant to ensure that there will be sufficient measures in place to prevent children and young persons having access to the adult only gaming machine area.

23. Casinos

The Licensing Authority has not passed a 'no casino' resolution under section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision would be made by the Full Council. It should also be noted that there is currently no power within the Act to issue casino licences.

24. Bingo premises

In line with national guidance, bingo can be played in any premises for which a premises licence has been granted which authorises this activity. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Under the Act, children and young persons cannot be employed in providing any facilities for gambling on bingo premises and children cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.

The Licensing Authority considers that the ability of children to enter bingo premises poses a particular risk in terms of access to gaming machines. The Licensing Authority expects applicants to propose robust procedures to ensure that no such access occurs.

25. Betting premises

Betting premises are the most common form of premises licensed by the Licensing Authority for gambling in Buckinghamshire.

Children are not permitted to enter, or be employed at, any premises with a betting premises licence.

Holders of betting premises licences may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines; the most common form of gaming machine in licensed betting premises, Fixed Odd Betting Terminals (FOBTs), fall under this category.

There has been much debate in relation to FOBT's (B2's) and the potential for addiction when playing these machines. The maximum permitted stake for category B2 gaming machines was reduced from £100 to £2 with effect from 1st April 2019.

Licensed betting premises are subject to a variety of conditions. Premises licences, granted by the Licensing Authority, are subject to mandatory, default and possible additional conditions imposed by the Licensing Authority. They are also subject to conditions and Licensing Codes of Practice by virtue of operating licences and personal licences issued by the Gambling Commission.

Licensed betting premises are only permitted to offer gambling facilities between 7am and 10pm unless the licensing authority has granted a variation to extend these hours. The Licensing Authority is concerned that earlier or later opening hours may attract more vulnerable people, such as those who are intoxicated or who have gambling addictions. The Licensing Authority also has concerns that licensed betting premises operators may seek to extend the permitted hours for the primary purpose of making gaming machines available to customers for longer. As a consequence, where an applicant is seeking additional hours, the Licensing Authority will expect their application to demonstrate that robust measures will be in place to protect the vulnerable and that additional hours are not being sought to take advantage of the gaming machine entitlement.

The Licensing Authority has the power to restrict the number of betting machines (bet receipt terminals), their nature and the circumstances in which they are available for use by way of conditions. Essentially, betting machines allow customers to place bets in the same way that they can at the betting shop counter without the need for staff interaction. When considering imposing conditions, the Licensing Authority will take into account the following, among other factors:

- the size and physical layout of the premises
- the number of counter positions
- the ability of staff to monitor the use of machines by children or vulnerable people, people under the influence of drink or drugs and those involved in criminal activity, for example money laundering.

26. Tracks

The Licensing Authority is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track.

The Licensing Authority will especially consider the impact upon the licensing objective of the protection of children and vulnerable persons from being harmed or exploited by gambling and 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.

Children are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing take place but that they are prevented from entering areas where gaming machines (other than category D machines) are provided. The authority will therefore expect the premises licence applicant to risk assess the proposed operation and demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities.

Control measures may include:

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

This list is neither mandatory nor exhaustive but is indicative of example measures.

27. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is viable 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.

Section 204 of the Act permits an application for a premises licence to be made to licensing authorities for a provisional statement in respect of premises that he or she:

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

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

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. Licensing authorities will be constrained in the matters they can consider when determining any subsequent premises licence

application and 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 licensing authority's opinion reflect a change in the operator's circumstances, or
- where the premises have 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 with the applicant before making a decision.

28. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities. The Licensing Authority must decide whether or not to accept review applications.

These decisions will be made taking into account whether the objection or complaint relates to any of the following:

- a breach of any relevant code of practice issued by the Gambling Commission
- a breach of any relevant guidance issued by the Gambling Commission
- gambling which is not reasonably consistent with the licensing objectives, or
- gambling which is not in accordance with the authority's statement of licensing policy.

Section 198 of the Act provides reasons for the rejection of a review application by the licensing authority where it considers that the grounds on which the review is sought:

- do not raise an issue relevant to the principles to be applied in accordance with section 153,
- are frivolous,
- are vexatious,
- will certainly not cause the authority to wish to take action of a kind specified in section 202(1),
- are substantially the same as the grounds specified in an earlier application under section 197 in respect of the premises licence, or
- are substantially the same as representations made under section 161 in relation to the application for the premises licence.

Any decision by the Licensing Authority to accept a formal review application is in no way a pre-determination of the outcome.

The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

The 'aim to permit' framework provides wide scope for licensing authorities to review premises licences where there is a potential conflict with the Gambling Commission's codes of practice, the Gambling Commission's Guidance to Licensing Authorities, the licensing objectives or this statement of policy.

The Licensing Authority will endeavour to actively engage with operators of licensed premises prior to discharging its powers to instigate a review. As part of this engagement process, the Licensing Authority will expect operators to make their local risk assessment available. The Licensing Authority may exercise its right to instigate a review if the operator's local risk assessment does not offer reasonable measures to address and mitigate risks.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28-day consultation period. The Licensing Authority must carry out the review as soon as possible after this period has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are: -

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

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, licensing authorities must, as soon as possible, notify the decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable, and
- Her Majesty's Commissioners for Revenue and Customs

PART C

Permits / Temporary & Occasional Use Notice

29. Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use.

In accordance with national guidance and given that such premises are likely to appeal particularly to children, the Licensing Authority will give weight to matters relating to protection of children from being harmed or exploited by gambling.

Also, in accordance with national guidance, the Licensing Authority may ask applicants to demonstrate:

- that both the applicant and all staff have a full understanding of the maximum stakes and prizes that are permissible in unlicensed FECs
- that the applicant has no relevant convictions as set out in Schedule 7 of the Act

The Licensing Authority will expect the applicant to demonstrate 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 efficiency of such policies and procedures will each be considered on their merits, however, they may include :

- A basic criminal record check for applicant and staff
- Staff training programme to include how to deal with:
 - o Unsupervised very young children being on the premises
 - o Children causing/perceived to be causing problems in or around the premises
 - o Suspected truant children
 - o SafeguardingThe licensing authority will also expect applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed family entertainment centre;
- That the applicant has no relevant conviction (as set out in Schedule 7 of the Gambling Act 2005); and
- That staff are trained to have a full understanding of the maximum stakes and prizes

Licensing authorities may not attach conditions to these permits although the application may be refused if the licensing authority is not satisfied that the issues raised above have been addressed in the application.

30. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol (for consumption on the premises) to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the relevant licensing authority. If the licence holder transfers the alcohol premises licence the automatic entitlement also ceases. In these circumstances the new licence holder would need to notify the licensing authority of their intention to make the gaming machine available for use and paying the prescribed fee. Likewise, if the alcohol licence ceases to have effect because it is suspended, any gaming machines cannot be used.

The Licensing Authority may remove the automatic authorisation relating to any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of either section 279 or section 282(1) of the Act
- the premises are mainly used for gaming, or
- an offence under the Act has been committed on the premises.

31. Permit: 3 or more machines

Where more than 2 machines are required, an application for a permit must be made which the Licensing Authority will consider based on the licensing objectives, any guidance issued by the Gambling Commission and *“such matters as they think relevant.”*

The Licensing Authority will consider each application on its merits, but generally the Authority will have regard to the need to protect children and vulnerable persons from harm or exploitation by gambling and so will expect the applicant to demonstrate that there will be sufficient measures in place to ensure that children and young people do not have access to the adult only gaming machines. Such measures may include the ability to supervise machines from the bar or by supervisory staff specifically trained for that purpose. In relation to the protection of vulnerable persons, applicants may wish to consider the provision of information such as leaflets or helpline numbers for organisations such as GamCare.

It should also be noted that the holder of a permit must comply with the code of practice for gaming machines in clubs and premises with an alcohol licence issued by the Gambling Commission.

32. Prize Gaming Permits

The 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 proposes to consider in determining the suitability of the applicant for a permit”.

The Licensing Authority will require applicants for this type of permit to set out the types of gaming that he or she is intending to offer and be able to demonstrate:

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

- clear policies that outline the steps to be taken to protect children from harm.

33. Club Gaming and Club Machines Permits

Club Gaming Permit (CGP)

A Club Gaming Permit is available to members' clubs, miners' welfare institutes, but not commercial clubs. It allows the club to offer:

- equal chance gaming such as poker and bingo
- up to three gaming machines in total of categories B3A, B4, C or D, and by agreement, only one machine can be of category B3A.

The Permit also allows games of chance which are specified as Pontoon and Chemin de Fer only. These games are seldom played and were specified in previous Gambling legislation.

Restrictions on Club Gaming Permits are:

- no limits on stakes and prizes, except bingo where there is a stakes and prizes limit of £2,000 in any seven-day period
- limit on participation fees per person per day; £20 for bridge and / or whist (if played on a day on which no facilities of any kinds of gaming (other than bridge or whist) are provided by the relevant club on that day), £3 for other gaming (including poker) in any other circumstances

Club Machine Permit (CMP)

A Club Machine Permit is available to members' clubs, miners' welfare institutes, and commercial clubs. It allows the club to offer:

- equal chance gaming such as poker and bingo
- up to three gaming machines in total of categories B3A, B4, C or D, but by agreement, only one machine can be of category B3A (B3A not permitted for commercial clubs).

Restrictions on the gaming are:

- limit on stakes and prizes for bingo; £2,000 in any seven-day period
- limit on stakes for poker; £10 per person per game, within a premises limit of £250 in stakes per day and £1,000 per week
- limit on prizes for poker; £250 per game
- limit on participation fees per person per day; £18 for bridge/whist (if played on a day on which no facilities of any kind of gaming (other than bridge or whist) are provided by the relevant club on that day), £1 for other gaming (including poker), £3 where it's a commercial club.

The provision of equal chance gaming must comply with the Gambling Commission's code of practice for equal chance gaming in clubs and premises with an alcohol licence. The

provision of gaming machines must comply with the code of practice for gaming machines in clubs and premises with an alcohol licence issued by the Gambling Commission.

In considering applications for permits under these provisions, the Licensing Authority will have regard to Part 25 of the national guidance issued by the Gambling Commission.

34. Temporary Use Notices

Temporary Use Notices (TUN's) should not be confused with Temporary Event Notices which are granted under the Licensing Act 2003. A TUN allows for the temporary use of premises for gambling where there is no premises licence issued under the Gambling Act 2005. Premises that might be suitable for a TUN could include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a TUN to a person or company holding a relevant operating licence, for example a non-remote casino operating licence.

The regulations state that a TUN can only be used to permit the provision of facilities for equal chance gaming where the gaming produces a single winner.

In practice this often relates to poker tournaments and allows a casino operator to apply for a number of TUN's in various regional locations such as hotel event spaces, so they can hold preliminary rounds of a poker competition before holding the final in their main licensed venue.

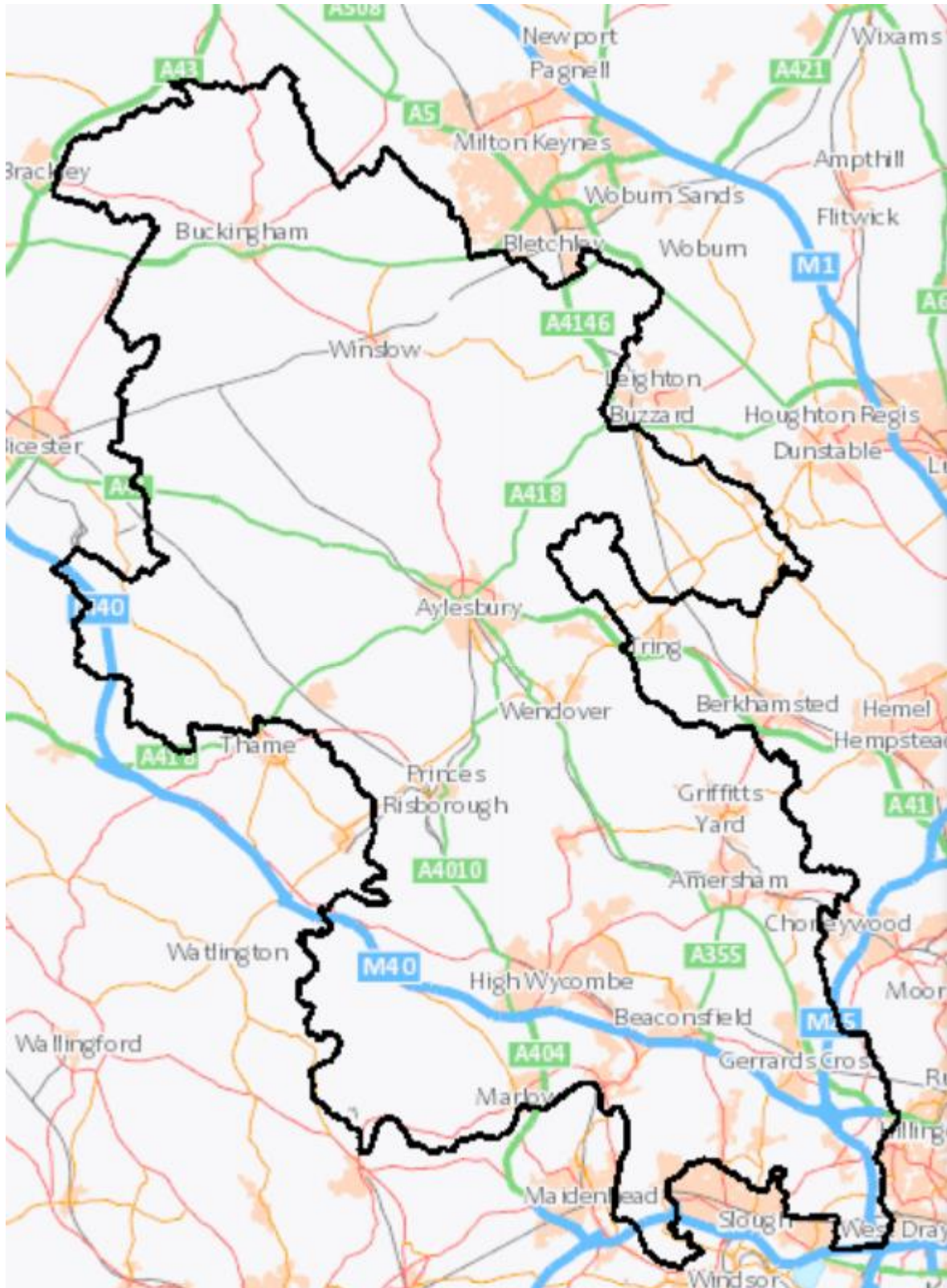
If objections are received to a TUN, the objections will be considered at a hearing, unless all parties agree that a hearing is unnecessary. The principles applied by the Licensing Authority will be those under section 153 of the Act.

35. Occasional Use Notices

Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice. Licensing authorities have little discretion in relation to these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will take into consideration the definition provided of a 'track' to determine whether the applicant is permitted to avail him/herself of the notice.

Appendix 1

Buckinghamshire Council area



Appendix 2

List of Consultees

We will consult with the following stakeholders in the preparation of this policy:

The Chief Officer of Police, Thames Valley Police

The Licensing Authority

The Gambling Commission

Buckinghamshire Fire and Rescue

Planning, Buckinghamshire Council

Environmental Health, Buckinghamshire Council

Buckinghamshire Safeguarding Children Board

HM Commissioners of Customs and Excise

Premises licence and permit holders under the Gambling Act 2005 within the District

Buckinghamshire Safeguarding Adult Board

One Recovery Bucks

Bucks Mind

Healthy Minds Bucks

Citizens Advice Bureaus

Gamcare

Gamblers Anonymous

Councillors Buckinghamshire Council

Town/Parish Councils

BACTA

Association of British Bookmakers Limited

The Bingo Association Limited

Appendix 3

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING PANEL (COMMITTEE FOR CASINO APPLICATIONS)	OFFICERS
Three year licensing policy	X	(via Executive)	
Policy not to permit casinos	X	(via Licensing Committee)	
Fee Setting - when appropriate	X	(via Licensing Committee)	
Application for a casino licence		X (full Committee)	
<p>Application for premises licences and Application for a variation to a licence and Application for a provisional statement and Application for club gaming/club machine permits</p>		<p>Where representations have been received and not withdrawn.</p> <p>Where conditions are proposed to be attached or default conditions excluded under s.169(1) of the Act and the parties have not agreed to dispense with the requirement for a hearing</p>	<p>Where no representations received/representations have been withdrawn</p> <p>Where conditions are proposed to be attached or default conditions excluded under s.169(1) of the Act and all parties have agreed to dispense with a hearing</p> <p>Determination as to whether representation made under s. 161 is vexatious, frivolous or irrelevant will not influence the Licensing Authority's determination of the application</p> <p>Decision to make a representation as a</p>

			responsible body in appropriate cases
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Review of a premises licence		X	
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	
Decision as to whether representation is frivolous or vexatious			X