Appendix A

THE SOUTHWARK STATEMENT OF GAMBLING LICENSING POLICY 2019 – 2022

DRAFT

Amended October 2018

Southwark Council
southwark.gov.uk

LEGAL BACKGROUND TO THIS DOCUMENT

The Gambling Act 2005 (the Act) received royal assent on 7 April 2005. It repealed the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusement Act 1976 and provided a new regulatory system to govern the provision of all gambling in Great Britain other than the national lottery and spread betting.

The Act introduced a new unified regulator for gambling in Great Britain, the Gambling Commission. The commission replaced the gaming board of Great Britain.

The Act came into effect in 2007. Since 2007 the commission has been responsible for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters.

Licensing authorities have responsibility for licensing gambling premises in their area, as well as undertaking functions in relation to lower stake gaming machines and clubs and miners' welfare institutes.

Licensing authorities are required by under section 349 of the Gambling Act 2005 to consult upon and publish a statement of the principles, which they propose to apply when exercising their functions under the act. This statement must be published at least every three years and be reviewed from "time to time". Any amendments must be subject of further consultation.

Southwark Council's original statement of licensing policy was first published on 3 January 2007, following approval by Council Assembly on 6 December 2006. This revision of the policy was compiled in 2018. In producing this revision, this authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to the licensing authorities issued by the Gambling Commission, and any responses from those consulted on the policy statement.

A list of those parties with whom the Council consulted directly is attached at appendix A to this document. It should be noted that unsolicited comments were received also.

The consultation followed the Revised Code of Practice (which came into effect in April 2004) and the cabinet office guidance on consultations by the public sector.

The full list of comments made and the consideration by the Council of those comments is available by request to

Licensing
Southwark Council Regulatory Services
Floor 3, Hub 1
PO BOX 64529
London
SE1P 5LX
Tel contact – The customer service centre on 020 7525 2000 or
Email – licensing@southwark.gov.uk

This policy was approved by the full Council assembly on 28 November 2018.
Hard copies are available from the licensing service. Copies will be placed in the public libraries of the area as well as being available in the town hall.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the address given above.

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SECTION ONE – EXECUTIVE SUMMARY

This policy, alongside our complementary (alcohol, entertainment and late night refreshment) licensing policy recognises the change that is taking place within Southwark and how recent development and regeneration projects are adding to the growing value and importance of our Borough. It recognises also the extent of the contribution of the leisure and entertainments industry.

Southwark enjoys a widespread and diverse selection of licensed premises and venues. Some 1,200 premises are currently licensed for either the sale or supply of alcohol; the provision of regulated entertainment; and / or the provision of late night refreshment. These range from off-licences, shops and supermarkets; restaurants, cafes and take-away establishments; to pubs, bars, members clubs, night clubs, theatres, cinemas and indoor sports facilities. There are in excess of 100 additional gaming and betting facilities, comprising of bingo halls, amusement arcades and betting offices. Together they combine to provide a wide-range of leisure and cultural opportunities; support tourism; provide employment; and make a significant economic contribution to the local community.

As long as premises are well run and premises management acknowledges the value of working together with the local community, they can make a significant contribution toward building community cohesion and cultural development.

Of course, negative impacts can also occur if good management practices are not followed. Potential negative impacts may arise in the form of noise, nuisance, disturbance and crime and disorder problems. With gaming and betting establishments there are also risks of individual gambling addiction.

Our policy seeks to provide the necessary balance between responsible business operators contributing toward a thriving business and late night economy whilst ensuring that the quality of life of those who live and work in the Borough is protected and enhanced through the licensing system. We believe these aims are achievable if all parties concerned work together.

The opening sections of this policy help establish how we set out to address our licensing responsibilities under the Act. Section two of our policy provides an introduction to our Borough and our Council, while section three sets out the purpose and scope of the policy. Section four covers our administrative arrangements for determining applications (including consultations), confirming the bodies the authority recognises as competent to advise on issues of child protection and protection of vulnerable adults; and the principles this Authority will apply in determining whether someone qualifies as an interested party.

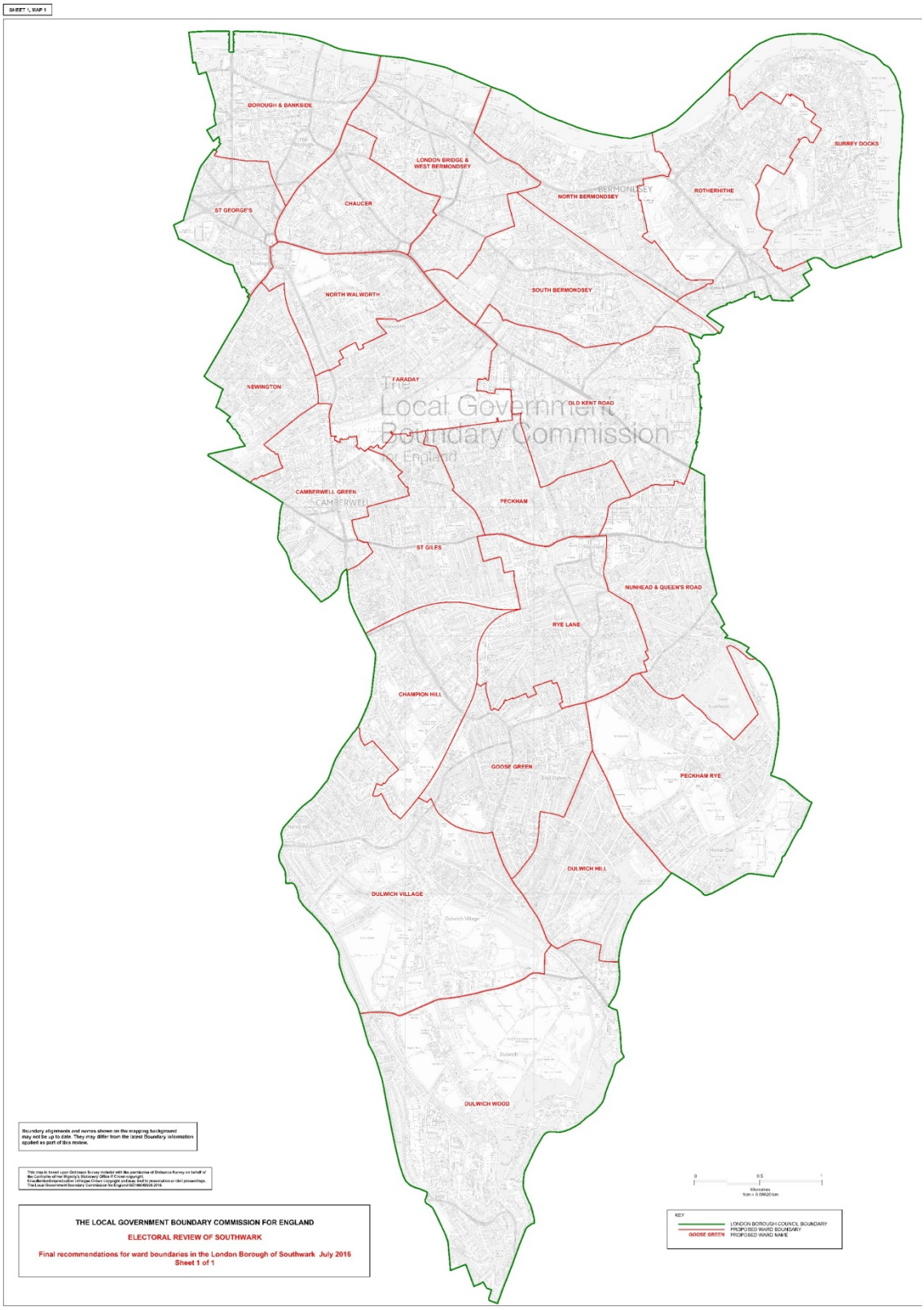
Section five deals with premises licences in some detail and applicants for such licences are urged to carefully read this section in particular. It provides advice on the provision of gambling activities, definitions of premises and helps clarify the position on provisional statements. It goes on to examine issues relevant to the three licensing objectives (with particular consideration given to the third objective of preventing harm to children and vulnerable people) and, importantly, gives advice and information of the expectations of the licensing authority and the other responsible authorities around these objectives. This includes access arrangements, age identification schemes, restrictions on advertising and social responsibility. Section five also sets out this Authority's policy on the location of licensed premises. This section also covers issues around social responsibility and sets out requirements for access arrangements across categories of premises.

Section six of this policy provides a statement of the principles this Authority will consider when considering applications for permits, temporary and occasional use notices. Section seven of the document deals with small society lotteries.

Section eight of our policy sets out our approach to regulation, examining how we aim to ensure that our enforcement actions are targeted where they are needed most and co-ordinated together with our partners. It also sets out how we aim to ensure that our enforcement actions are carried out in a fair, consistent and transparent manner.

This policy will be regularly reviewed and will be subject of public consultation at least every three years. We welcome your thoughts on its content and the manner in which we undertake our responsibilities under it.

SECTION TWO – ALL ABOUT SOUTHWARK



1. Southwark is London's most historic Borough. It has witnessed and participated in a wide variety of important events over the centuries, playing a crucial role not only in London's history but shaping the very world we live in today.

2. Southwark is made up of eight very distinctive neighbourhoods that extend along the river Thames and down into southeast London. The Borough encompasses some of London's top attractions (e.g. Tate Modern, the Globe Theatre and the London Dungeons); creative hotspots (e.g. Camberwell College of Arts and the Design Museum); and acclaimed green spaces (e.g. Peckham Rye and Dulwich Park).

3. Southwark also offers a wide-range of leisure and cultural opportunities, including a vibrant late night-economy; which makes a significant economic and employment contribution to the local community. The north of the Borough, with considerable development currently taking place (e.g. the London Bridge and Blackfriars Station redevelopments; the Shard; and More London) is recognised as one of London's fastest growing tourist quarters and a thriving business location.

4. Home to over 312,000 people, Southwark is a patchwork of communities: from leafy Dulwich in the south, to bustling Peckham and Camberwell, and the rapidly changing Rotherhithe peninsula. Towards the north, Borough and Bankside are thriving with high levels of private investment and development. While there has been a marked improvement in many socio-economic and health outcomes in recent years, these can mask the significant inequalities that exist, with many communities affected by high levels of deprivation and poor health. This is particularly evident in neighbourhoods stretching from Elephant & Castle, through to Camberwell and across to Peckham.

5. Southwark is a young and culturally diverse Borough with large numbers of young adults and residents from a wide range of ethnic backgrounds. The median age in Southwark is 32.9 years; seven years younger than the England average and two years younger than the London average. This stems not from a large number of children, but from a large number of young working age residents: over 40% of the Southwark population is aged 20 to 39, compared to just 34% in the rest of London. In terms of ethnicity, just over half of Southwark's residents are White, a quarter Black and a quarter Asian, mixed or other ethnicities. The ethnic diversity of the Borough varies markedly across age groups and the population under 20 is much more diverse than other age groups, with a similar proportion of young people from White and Black ethnic backgrounds. According to the 2011 census, 39% of Southwark residents were born outside the UK, showing that Southwark is both ethnically and culturally diverse.

6. The population of Southwark is growing rapidly, with projections suggesting there will be an additional 63,000 people in the Borough by 2026. Over the coming decade our population is predicated to grow older, with the largest relative increase in those aged 60-69. Population growth is set to take place across almost all parts of the Borough, but the largest increases are expected in redevelopment areas around Old Kent Road, South Bermondsey and Elephant and Castle. Urban redevelopment is an opportunity for shaping place to improve health and wellbeing by influencing the built and social environment. It is a process in which local authorities are strategic leaders, working with partners towards a shared vision for health through place-shaping that accounts for local

health needs and is critical to helping tackle the wider social determinants of health.

7. While there has been significant regeneration in Southwark in recent years, the Borough remains one of the most deprived in the country. As a whole, Southwark is the 40th most deprived of 326 local authorities in England and ninth most deprived out of 32 local authorities in London. Two in five Southwark residents live in communities ranked in the 20% most deprived areas nationally. By contrast, only two in one hundred residents live in communities considered the least deprived nationally. Deprivation has an important impact on health, which is clearly exemplified by the differences in life expectancy across the Borough. Women living in the most deprived areas in Southwark live on average 5.5 years less than their least deprived neighbours. For men the discrepancy is even larger at 9.5 years and this gap has been widening over time. There have been a number of significant improvements in health outcomes in Southwark as life expectancy continues to increase and the rate of premature mortality falls, with levels of cardiovascular mortality more than halving since 2001. Levels of teenage pregnancy in Southwark are at their lowest levels since monitoring began, with over 200 conceptions per year fewer than 1998. While there have been improvements in many areas, challenges remain, particularly in relation to sexual health, childhood obesity and mental health.

Leading Southwark

8. Southwark is made up of 23 wards, with 63 Councillors. These Councillors sit on the Council Assembly, which is the “sovereign” body of the Council. The assembly is chaired by the Mayor of Southwark and is responsible for approving the budget and policy framework. Currently Labour holds 49 seats, the Liberal Democrats hold 14 and the Conservatives hold no seats. The Council has a Labour administration.

9. The Council operates a leader / cabinet model. The Cabinet is headed by the Leader of the Council and the Deputy Leader. Thirteen members hold individual portfolios.

- Children’s services;
- Business, Employment & Culture
- Finance, Modernisation & Performance
- Adult Care and Financial Inclusion
- Public Health, Parks and Leisure
- Regeneration and New Homes
- Children and Schools
- Housing
- Environment & Public Realm
- Communities and Safety
- Digital Strategy
- Excellence in Design
- Careers and Employability
- Young People

10. The Cabinet is responsible for leading the community planning and consultation process, drafting the budget and policy framework, and taking most decisions on resources and priorities.

11. Scrutiny committees take a close look at Council decisions and activities and calls for the Council to be open and accountable. They examine services provided by

the Council and review the Council's budget and policies. Scrutiny can look at, or 'call-in' decisions made by the cabinet and recommend decisions are changed or reconsidered.

12. A licensing committee is established to consider licensing policy. Contested licence applications are considered by sub-committees of the main committee (see table 1 in Section 4 of this document). Licensing matters fall under the responsibility of the cabinet member for communities and safety. ;

13. Community councils are part of the Council's decision making process. They provide a focal point for discussion on local matters. Local ward councillors sit on the community councils and take decisions relating to key areas that have a direct local impact.

14. Community Council meetings also provide a forum for consultation with local people and an opportunity for residents to influence how Council services are delivered.

15. The five community councils are:

- Bermondsey and Rotherhithe;
- Borough, Bankside and Walworth;
- Camberwell;
- Dulwich; and
- Peckham and Nunhead

SECTION THREE – PURPOSE AND SCOPE OF THE POLICY

Purpose of the policy

16. This policy has four main objectives

- To reinforce to elected members on the Licensing Committee, the boundaries and power of the local authority as licensing authority and provide the parameters under which these licence decisions are made

- To inform licence applicants of the parameters under which this authority will make licence decisions and how a licensed premises is likely to be able to operate within an area

- To inform residents and businesses of the parameters under which licence decisions will be made and how their needs will be addressed

- To support licensing decisions that may be challenged in a court of law

Scope of the policy

17. This policy covers matters arising from the range of functions and duties falling to the licensing authority under the Gambling Act 2005.

18. The main functions of the licensing authority are to:

- Licence premises for gambling activities (including betting shops and adult gaming centres);
- Consider notices given for the temporary use of premises for gambling;
- Grant permits for gaming and gambling machines in clubs and miners' welfare institutes;
- Regulate gaming and gaming machines in alcohol-licensed premises;
- Grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines;
- Grant permits for prize gaming;
- Consider occasional use notices for betting at tracks; and
- Register small societies' lotteries.

19. The authority also has an obligation to provide information to the Gambling Commission, including details of licences, permits and registrations issued.

Definitions

20. "Gambling" is defined in the Act as either gaming, betting, or taking part in a lottery.

- Gaming means playing a game of chance for a prize;
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not; and
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process, which relies on chance.

Principles to be applied

The licensing objectives

21. In exercising most of their functions under the Gambling Act 2005, the licensing authority must 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; and
    - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Other considerations

22. This Licensing Authority also understands that, in carrying out its functions under the Act, it must have regard to the guidance issued by the Gambling Commission. This general principle applies to a number of the authority's functions, including considering temporary use notices and occasional use notices and issuing permits. 'Must have regard' does not mean that the authority must always follow the Guidance to the letter; however, the expectation is that there should be strong and defensible reasons for departing from it.

23. However, the Guidance has a particular role and significance in the context of the principles that must be applied by licensing authorities when exercising their functions in relation to Part 8 of the Act, including premises licences. Section 153 of the Act provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it:

    - In accordance with any relevant code of practice under section 24;
    - In accordance with any relevant guidance issued by the gambling commission under section 25;
    - Reasonably consistent with the licensing objectives; and
    - In accordance with the authority's own statement of licensing policy.

24. Thereby a licensing authority has no discretion in exercising its function under Part 8 of the Act to grant premises licences where that would mean taking a course which it did not think accorded with the Guidance provided by the Gambling Commission, any relevant code of practice or its own statement of policy; or be consistent with the licensing objectives. In reaching a view that a grant would be in accordance with such Guidance, code of practice or statement of policy, the authority is obliged to act fairly and rationally.

25. The authority may depart from its own policy if the individual circumstances of a case merit such decision in promoting the licensing objectives. Where such a decision is taken, full reasons for the departure from the policy will be given.

26. While this statement sets out the Council's general approach to the making of licensing decisions, nothing in this statement overrides the right of any person to make an application; make representations about an application; or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

‘Demand’ for gaming premises

27. Previous legislation required that the grant of certain gambling permissions should take account of whether there is unfulfilled demand for the facilities. Section 153 of the Act makes it clear that unmet demand is not a criterion for licensing authorities in considering applications for premises licences.

Duplication

28. This Authority gives a firm commitment to avoid duplication with other regulatory regimes, as far as is possible. For instance, this Authority recognises that a range of general duties are imposed on the self-employed, employers and operators of gambling premises, both in respect of employees and of the general public, by legislation governing health and safety at work and fire safety. Therefore, such requirements need not be covered in this statement of policy.

Human Rights Act 1998

29. In considering applications and taking enforcement actions under the Act, this authority will bear in mind that it is subject to the Human Rights Act and, in particular:

    - Article 1, Protocol 1 – Peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest;
    - Article 6 – The right to a fair hearing;
    - Article 8 – Respect for private and family life. In particular, removal or restriction of a licence may affect a person’s private life; and
    - Article 10 – Right to freedom of expression.

30. When applying this licensing policy this Authority will consider whether, in the light of relevant representations made to it, exceptions to these policies should be made in any particular case. In deciding to reject any application this authority shall rely on reasons that demonstrate that the licensing objectives are not being met, or are unlikely to be, met. Moral or ethical reasons are not valid reasons to reject applications for premises licences.

SECTION FOUR – ADMINISTRATION, EXERCISE AND DELEGATION OF THE FUNCTION

31. The ability to provide gaming and betting facilities is dependent upon a range of licences and consents being obtained from the gambling commission and the local licensing authority. This document does not set out to deal with the circumstances under which any one of the available licences or consents may be required, nor does it attempt to set out the applications process.

32. Full information is provided on each of the licences and consents relevant to each individual gambling sector on the gambling commission web site at www.gamblingcommission.gov.uk . All potential operators are referred to this information in the first instance.

33. Further advice on licences and consents issued by this authority may be obtained, together with copies of application forms, from our own web site at http://www.southwark.gov.uk/business/licences or from the licensing team (see contact details at the end of this document).

Applications – general

34. Applications for any of the variety of licences and consents available from this authority must be made on the form prescribed in regulations laid down by the Secretary of State. Copies may be downloaded from our web site. Applications shall not be progressed until the form has been completed in full and this, together with the relevant fee, and all other required information has been received by the Licensing Authority. Applications will be progressed in accordance with the Act. Prospective applicants should refer to the relevant guidance document for further information.

Provision of scale plans

35. Section 51 of the Act requires applicants to submit plans of the premises with their applications, in order to ensure that the licensing authority has the necessary information to make informed judgement about whether the premises are fit for gambling. The plan will also be used by the licensing authority to plan future premises inspection activity.

36. Applicants should note that this Council requires that current plans in scale 1:100 be submitted with all new applications for premises licences and for any application for a variation of a premises licence, unless otherwise agreed by this authority in writing. Plans need not be professionally drawn but must include all required detail.

Responsible authorities

37. Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences. All representations made by responsible authorities are likely to be relevant representations if they relate to the licensing objectives. Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:

    - Each licensing authority within whose area the premises is wholly or partly situated;

- The Gambling Commission;
- The Commissioner of the Metropolitan Police Authority;
- The Chief Officer of the London Fire and Emergency Planning Authority;
- The local planning authority;
- The local environmental health service;
- The Southwark Childrens' Social Care Service (being the body designated in writing by this authority as being competent to advise about the protection of children from harm;
- The Southwark Safeguarding Adults Partnership (being the body designated in writing by this authority as being competent to advise about the protection of vulnerable adults; and
- HM Revenue & Customs.

38. The principles applied by this authority in exercising its powers under section 157(h) of the Act to designate, in writing, bodies competent to advise the authority about the protection of children and vulnerable adults from harm are:

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

39. Section 211 (4) of the Act provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities, that have statutory functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated at a time when used for licensable activities. This includes:

    - The Environment Agency;
    - The British Waterways Board; and
    - The Secretary of State

40. The contact details of all the responsible bodies under the Gambling Act 2005 are provided at the end of this document.

Interested parties

41. Interested parties are also entitled to make representations concerning applications for premises licences, or apply for a review of an existing licence. Interested parties are defined in the Act as follows:

42. "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 application is made, the person:

    - Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
    - Has business interests that might be affected by the authorised activities; or
    - Represents persons in either of these two groups."

43. This authority will consider whether a person is an interested party on a case by case basis, taking all relevant factors into account.

People living close to the premises

44. The factors that this Authority will take into account when determining what 'sufficiently close to the premises' means will include:

- 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 premises);
- The circumstances of the complainant. This is not to be taken as the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it may be reasonable to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident; (b) residential school for children with truanting problems; and (c) a residential home for vulnerable adults.

The nature and scope of business interests that could be affected

45. When considering the matter of business interests, this Authority will give the term the widest possible interpretation and include such as partnerships, faith groups, educational establishments; and medical practices.

46. As to whether a person has business interests that might be affected by the premises under consideration, factors that are likely to be relevant will include:

- The size of the premises;
- The catchment area of the premises (that is how far people travel to visit the premises); and
- Whether the person making the representation making the representation has business interests in that catchment area that might be affected.

People representing those in the above categories

47. Interested parties includes democratically elected representatives, including local ward Councillors; the Community Council; and MPs.

48. Any other relevant representation made on behalf of qualifying interested parties will also be considered for acceptance on a case by case basis with all relevant matters taken into account. The authority will generally require written evidence that the person / body concerned does represent the interested party or parties stated. In the case where a meeting has been convened at which the decision to raise a representation has been made a copy of the formal minute of the meeting should be supplied. For cases where a representation is to be submitted by a friend, family member, advocate or similar, a pro forma authorisation form is available on the licensing web site or upon request from the licensing office.

49. 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 the licence application. If there are any doubts then please contact the licensing service (*see contact details provided at the end of this document*).

Consultation arrangements

50. This authority considers it important that the local community is fully aware of local licensing applications being made within its area. Requirements for applicants to advertise applications for new and varied premises licences by way of a public notice displayed at the premises and in the local press are laid down under statute. No applications for licences will be progressed by this Council unless all public consultation requirements are met in full. Checks will be made to ensure that notices at application premises are displayed, so as to be clearly seen by passers by and maintained in position for the length of the consultation period.

51. As an additional aide to community awareness the licensing service has established a public register at:
http://app.southwark.gov.uk/licensing/licenseregister.asp
upon which detail of all current licence applications under consideration (alongside detail of currently licensed premises) will be maintained. It is open to any person who wishes to be kept abreast of the latest applications to subscribe to "licensing alerts", by which e- mail notifications will be sent to those who have registered, when a new licence application is made within the relevant ward. Furthermore, the licensing service will ensure that local ward Councillors are informed of all new applications in their area.

Representations

52. It is open to any "responsible authority" or "interested party", to lodge representations in respect of an application for a premises licence during the set consultation period. A representation would only be "relevant" if it relates to one or more of the licensing objectives, or raises issues under the policy statement, or under the commission's guidance or codes of practice.

53. The commission's guidance for local authorities advises that "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' see section on casinos) and also that unmet demand is not a criterion for a licensing authority.

54. It is also for the licensing authority to determine on its merits whether any representation by an interested party is "frivolous" or "vexatious".

55. When considering whether any representation made to it is "frivolous" or "vexatious" the authority will consider matters such as:

- Who is making the representation, and whether there is a history of making representations that are not relevant;
- Whether it raises a "relevant" issue" or
- Whether it raises issues specifically to do with the premises that are the subject of the application.

56. Representations must be received in writing at the licensing service office by the last date for representations. Representations must be signed, dated, provide the grounds of representation in full and include the name and address of the person / body making the representation.

57. Where representations are being made by a trade association, trade union, residents' and tenants' association, or similar, information must be provided on the membership that live sufficiently close to the premises to be classed as interested parties.

Determinations

58. Section 154 of the act provides that all decisions relating to premises licences are delegated to the licensing committee of the authority that has been established under section 6 of the Licensing Act 2003 except:

    - A resolution not to issue casino licences;
    - Functions in relation to the three year licensing policy; and
    - Setting fees.

59. Decisions that are delegated to a Licensing Committee may be further delegated to a sub-committee of the Licensing Committee. The Council's Licensing Committee is established with provision for sub-committees of three members to be drawn from the overall pool of the main committee membership.

60. The Council intends to establish a speedy, efficient and cost-effective licensing system and, thereby, where the Act carries a presumption of grant for non-contentious applications, these matters will be delegated to officers. All such matters will be reported for information and comment only to the next full licensing committee meeting.

61. Where matters are subject of representations, this Council will normally attempt to reach a negotiated outcome through our conciliation process. Conciliation is offered as we recognise that the best solutions are normally ones that all concerned parties can sign up to and in order to attempt to save the time and costs associated with holding a public hearing. Conciliation will be attempted up until 24 hours before the arranged hearing date. Where it is not possible to reach agreement, the application and representations will be determined by the sub-committee.

62. Table 1 below sets out proposals for the delegation of decisions and functions to licensing committee, sub-committees and officers. This form of delegation is without prejudice to the Council's right to redirect an application as appropriate in the circumstances of any particular case.

Table 1 – Delegation of decisions and functions			
Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received or representations withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received or representations withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or representations withdrawn
Review of a premises licence		X	
Application for a club gaming / club machine permit		Where objections have been made (and not withdrawn)	Where no objections have been made / objections have not been withdrawn.
Cancellation of a club gaming / club machine permit		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	

Licence reviews

63. Requests for a review of a premises licence can be made by interested parties or responsible authorities. Such applications must be submitted to the licensing authority in the prescribed form, stating the reasons why a review is being requested.

64. An application for a review may be rejected if this authority thinks that the grounds on which the review is requested:

- Are not relevant to the principles that must be applied by the licensing authority;
- Are frivolous or vexatious;
- Will certainly not cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- Are substantially the same as the grounds cited in a previous application relating to the same premises; or
- Are substantially the same as representations made at the time the application for a premises licence was considered.

65. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

66. 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 not exceeding three months; and
- Revoke the premises licence.

67. 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.

68. 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.

69. Once the review has been completed, the licensing authority must, as soon as possible, notify its 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

70. Further information, including an outline of the process that is followed at review hearings, can be found in the separate document “Guidance to the Hearing of Representations and Licence Reviews”.

Exchange of Information

71. Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the gambling commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

72. 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 Data Protection Act 1998 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 Gambling Act 2005.

73. Should any protocols be established as regards information exchange with other bodies then they will be made available.

SECTION FIVE – PREMISES LICENCES

Introduction

74. This section considers the licensing objectives and some of the matters that this licensing authority may consider when determining applications for premises licences under the Act. It also sets out this authorities approach to the setting of conditions on premises licences.

75. When considering matters in this section, the authority will have regard to any guidance or codes of practice issued by the Secretary of State and / or the Gambling Commission which may relate to a specific premises or category of premises.

76. In the interests of good practice, this licensing authority will expect applicants to offer their own measures to meet the licensing objectives based on a risk-assessment approach. However, advice may be obtained from any of the responsible bodies when preparing a licence application.

77. While this section sets out some of the expectations of the authority and the responsible bodies, the authority will, however, always treat each case on its own individual merits

Gaming machines in gambling premises

78. Gaming machines may be made available for use in licensed gambling premises for betting and bingo where there are also substantive facilities for non-remote gambling, provided in reliance on this licence, available in the premises.

79. Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times.

80. Licensees must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing non-machine facilities.

Definition of "premises"

81. In the Act, "premises" is defined as "any place".

82. Section 152 prevents more than one premises licence applying to any place. However, there is no reason in principle why a single building could not be subject to more than one premises licence, provided each licence is for a different part of the building and each part of the building can be reasonably regarded as being different premises. This approach allows large, multiple unit premises such as a pleasure parks, tracks or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However, this authority will pay particular attention to issues around sub-division of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

83. 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 team. However, it should be noted that this authority does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

84. This authority also takes particular note of the Commission's guidance which states that: licensing authorities should take particular care in considering applications for multiple premises 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; and

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

85. Factors that this authority might consider in determining whether two or more premises are truly separate, include:

- Is a separate registration for business rates in place for the premises?
- Is the neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

Relationship between planning permission, building regulations and granting of a premises licence

86. In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities are advised to bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, 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. This is why the Act allows a potential operator to apply for a provisional statement if construction of the

premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them.

87. As the Court has held in the case of The Queen (on the application of) Betting Shop Services Ltd V Southend on Sea Borough Council (2008), operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered in a two stage process;

- Firstly, licensing authorities must decide whether, as a matter of substance after applying the principles in section 153 of the Act, the premises ought to be permitted to be used for gambling; and
- Secondly, in deciding whether or not to grant the application a licensing authority will need to consider if 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. An 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.

88. For example, where the operator has still to undertake final fitting out of the premises but can give a reasonably accurate statement as to when the necessary works will be completed, it may be sufficient to simply issue the licence with a future effective date. The application form allows the applicant to suggest a commencement date and the notice of grant allows the licensing authority to insert a date indicating when the premises licence comes into effect. In other cases, it may be appropriate to issue the licence subject to a condition that trading in reliance on it shall not commence until the premises have been completed in all respects in accordance with the scale plans that accompanied the licence application. If changes to the pre-grant plans are made, then parties who have made representations should be able to comment on the changes made.

89. If the plans submitted at the time of the application for a premises licence are changed in any material respect during the fitting out of the premises after the grant of the licence, then the applicant will be in breach of the licence. If the applicant wishes to change the proposed plans after grant then, in order to avoid breaching the licence, it will be necessary for the applicant to either make a fresh application under section 159 or seek an amendment to a detail of the licence under section 187 of the Act. If there are substantive changes to the plans, then this may render the premises different to those for which the licence was granted. In such a case, variation of the licence under section 187 is not possible. For this reason, and while this is a matter of judgement for the authority, we consider it would be more appropriate in the case of any material post grant change, for the applicant to make a fresh application under section 159 to preserve the rights of interested parties and responsible authorities to make representations in respect of the application. This authority will need to be satisfied in any individual case that the completed works comply with the original, or changed, plan attached to the premises licence. Depending upon circumstances, we consider that this could be achieved either through physical inspection of the premises or written confirmation from the applicant or surveyor that the condition has been satisfied.

90. Requiring the building to be complete before trading commences would ensure that the authority could, if considered necessary, inspect it fully, as could other responsible authorities with inspection rights under Part 15 of the Act.

Inspection will allow authorities to check that gambling facilities comply with all necessary legal requirements. For example, category C and D machines in a licensed family entertainment centre must be situated so that people under 18 do not have access to the category C machines. The physical location of higher stake gaming machines in premises to which children have access will be an important part of this, and inspection will allow the authority to check that the layout complies with the operator's proposals and the legal requirements.

91. If faced with an application in respect of uncompleted premises which it appears are not going to be ready to be used for gambling for a considerable period of time, this authority will consider whether, applying the two stage approach advocated above, it should grant a licence or whether the circumstances are more appropriate to a provisional statement application. For example, the latter would be the case if there was significant potential for circumstances to change before the premises opens for business. In such cases, the provisional statement route would ensure that the limited rights of responsible authorities and interested parties to make representations about matters arising from such changes of circumstance are protected.

92. When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Provisional statements

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

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

94. Developers may wish to apply to this authority for provisional statements before they enter 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. It is also possible for an application to be made for premises that already have a premises licence (either for a different type of gambling or the same type).

95. Applicants for premises licences must fulfil certain criteria. They must hold or have applied for an operating licence from the Commission (except in the case of a track) and they must have the right to occupy the premises in respect of which their premises licence application is made. However, these restrictions do not apply in relation to an application for a provisional statement.

96. Once the premises are constructed, altered or acquired the holder of a provisional statement may then apply for a premises licence. The licensing authority will be constrained in the matters it can consider when an application

for a premises licence is made subsequently in relation to the same premises. 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

97. 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 and information 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.

The Licensing Objectives

98. Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the gambling commission's guidance to local authorities and some comments are made below.

Objective 1 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

99. This licensing authority is aware that the gambling commission takes a leading role in preventing gambling from being a source of crime and that licensing authorities will not need to investigate the suitability of an applicant.

100. The commission's guidance does, however, envisage that licensing authorities may need to consider the location of premises in the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, this authority will consider what controls (if any) might be appropriate to prevent those premises being a source of crime.

101. Thereby, where representations are received to premises licence applications under the crime and disorder objective, this authority will give appropriate consideration to the location of the premises (see separate section below) and also to issues such as:

- The configuration, design and layout of the premises, paying particular attention to steps taken to "design out" crime;
- Security arrangements within the premises, including whether CCTV is installed and, if so, the standard of the CCTV and the positioning of cash registers;
- Training provided to staff around crime prevention measures
- The level of staffing provided at the premises, including whether door supervisors are employed;
- The arrangements in place to conduct age verification checks
- Steps taken to redress the recurrence of any historical crime and disorder

issues; and

- The likelihood of any violence, public disorder or policing problems if the licence is granted.
- It would be considered to be best practice for the Licensee to keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised;
- It would also be considered to be best practice for the licensee to keep a register (Refusals Book) to contain details of time and date, description of under age persons entering the premises, and the name/signature of the sales person who verified that the person was under age and the Refusals Book to be kept on the licensed premises and made available for inspection

102. The above list is not exhaustive.

103. Where it is considered necessary for the promotion of the crime and disorder objective, this authority will impose appropriate conditions. In doing so, this licensing authority would note that it is aware of the distinction between disorder and nuisance in the case of gambling premises licences and that disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

Objective 2 - Ensuring that gambling is conducted in a fair and open way

104. This licensing authority has noted that the gambling commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling

105. With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and be prevented from entering those gambling premises which are adult-only environments.

106. The third objective refers to protecting children from being harmed or exploited by gambling. That means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children in such a way that makes them attractive to children, excepting Category D machines.

107. This authority is aware that the Gambling Commission's general licence conditions and associated codes of practice under the Gambling Act 2005 (8 May 2015) include requirements made under operating licences that licensees must have and put into effect social responsibility policies and procedures designed to prevent underage gambling and monitor the effectiveness of these.

108. In order that this authority and the other responsible authorities are able to make a proper informed judgement as to the effectiveness of these policies and procedures, it is requested that copies of the relevant documents are submitted for consideration as part of the application for any new, varied or transferred premises licence. These will be considered upon their individual merits.

109. Where concerns are raised under the representation system, consideration will be given to whether specific measures are required at particular premises with regard to this licensing objective.

Preventing children from taking part in gambling

110. It is noted that the Act allows children (under 16) and young persons (16 – 17) to take part in private and non-commercial betting and gaming, but places the following restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place:

- Casinos cannot admit anyone under 18;
- Regional casinos cannot permit under 18s into the gambling area;
- Betting shops cannot admit anyone under 18;
- Bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines;
- Adult entertainment centres cannot admit those under 18;
- Family entertainment centres and premises with liquor licences (eg pubs) can admit under 18s, but they must not play category C machines which are restricted to those over 18;
- Clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- Horse and dog tracks can admit under 18s and they may have access to gambling areas on race days only. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- It would be considered to be best practice for the Licensee to keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised;

111. Accordingly, this authority will wish to ensure that these restrictions are complied with.

112. This licensing authority will expect applicants to offer their own proposals to achieve the licensing objective. However, there are a range of measures and controls that this authority and the other responsible authorities would recommend that consideration is given to where appropriate:

- The use of proof of age schemes;
- It would be considered to be best practice for the Licensee to keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised;
- Use of a refusal book (a requirement for operating licenses issued by the Gambling Commission but recommended for all permits) to contain details of time and date, description of under age persons entering the premises, and the name/signature of the sales person who verified that the person was under age and the Refusals Book to be kept on the licensed premises and made available for inspection;
- The installation of CCTV systems with the maintenance of a 31 day library of recordings;
- The supervision of entrances to the premises and / or machine areas;
- The physical separation of areas;
- Careful consideration as to the location of entrances;

- The provision of suitable notices / signage; and
- Setting of specific opening hours

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

114. As assistance to prospective licensees, the minimum expectations of this authority and the responsible bodies in relation to proof of age are given in table 2 below with issues shown as being, in our view, either essential or desirable.

Table 2 – Proof of age schemes	
Essential	For premises where under 18s are not allowed access, notices shall be displayed informing customers and staff that under 18s will not be admitted to the premises or will not be permitted to take part in gambling activities (as applicable) and that age identification will be required
Essential	That a proof of age compliance scheme shall be established and maintained. The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff to be under the age of 18 and who is attempting to enter the premises or, where admission of under 18s is permitted, who is attempting to take part in gambling. Evidence of this scheme (in the form of documented procedures) shall be made available for inspection by authorised officers.
Desirable	That a “Challenge 25” or “Think 25” proof of age compliance scheme shall be established and maintained. The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff to be under the age of 25 and who is attempting to enter the premises or, where admission of under 18s is permitted, who is attempting to take part in gambling. “Think 25” or “Challenge 25” notices shall be displayed informing customers and staff that admission to the premises will not be given to anyone appearing to be under 25 unless they can prove they are 18 or over. Evidence of this scheme (in the form of documented procedures) shall be made available for inspection by authorised officers.
Essential	That all staff shall be trained in the premises proof of age compliance scheme and records of such training shall be retained on the premises and made available for inspection by authorised officers.
Essential	That an incident log shall be maintained and details of all age related refusals recorded. This book shall be reviewed monthly by the nominated responsible member of staff and any actions taken recorded in the book and signed off by that member of staff. This log shall be retained on the premises and made available for inspection by authorised officers.
Desirable	That, if a CCTV recording system is installed inside the premises, it shall be so arranged as to monitor each entrance and exit and the gaming areas. A library of recordings taken by the system shall be maintained for 31 days and made available to authorised officers upon request.

The proof of age London (PAL) card

115. In order to assist businesses avoid illegal underage sales and gambling the

Council's trading standards service administers a local PASS approved proof of age card. PASS approved proof of age cards are supported by the Home Office and ACPO (Association of Chief Police Officers).

116. The PAL card is available to 16-25 year olds by direct application or may be issued via their school or other educational establishment.

117. There are currently around 6,000 PAL cards in circulation and many of Southwark secondary schools and colleges have a process in place to make the card available to all students.

118. Further information on introducing a proof of age compliance scheme, and free in store signage, can be obtained by contacting the trading standards service - for contact details see section 9.

119. Note: In detailing the Council's recommended approach to underage sales, it is recognised that some sales may be made through intimidation or fear. Licensees experiencing such problems are advised to discuss their situation with licensing or trading standards officers. Furthermore, the Council's health and safety team offers conflict resolution training aimed at helping deal with the threat of violence and aggression in the workplace. For details please contact the licensing service - for contact details see section 9.

Restriction to areas where category C or above machines are on offer

120. This authority will also ensure that where category C or above machines are on offer in 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; and
- Only adults are admitted to the area where the machines are located; and
- Access to the area where machines are located is supervised at all times, either by one or more persons whose responsibilities include ensuring that under 18s do not enter the area or by CCTV observed by one or more persons whose responsibilities include ensuring that under 18s do not enter the area; or
- The areas where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- A notice stating that no person under the age of 18 is permitted to enter the area must be displayed in a prominent place at the entrance to the area.

121. These considerations, will apply to premises including buildings where multiple premises licences are applicable.

Restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children

122. The Gambling Act 2005 removed virtually all of the existing statutory restrictions on the advertising of lawful gambling conducted in Great Britain. Responsibility for the advertising by gambling operators will be shared by the Secretary of State, the Commission, and the advertising regulatory bodies. We note, however, that the commission's codes of practice require all advertising of gambling products to be undertaken in a socially responsible manner, consistent

with the advertising codes of practice which apply to the form and media in which they advertise their gambling services. This authority understands that the following general principles apply:

- Not to encourage irresponsible or excessive gambling;
- Not to seek to harm or exploit children, the young, or other vulnerable persons;
- Not to direct advertisements at those under 18; and
- Only to feature in their advertisements people who are, and seem to be, over 25

123. This authority may accept that further conditions on this matter should not normally be necessary, but all issues of non-compliance with the code will be rigorously investigated and reported to the relevant authorities.

Protection of vulnerable people

124. The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children.

125. This authority notes that the Commission does not seek to define 'vulnerable people', but it does 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 mental health needs learning disability or substance misuse relating to alcohol or drugs. This licensing authority will consider this licensing objective on a case by case basis.

126. This authority notes that the commission's codes of practice place general requirements on operators to put into effect policies and procedures which promote socially responsible gambling. In particular, the codes of practice place responsibilities upon licensees to make information available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling. The information is required to cover:

- Any measures provided by the licensee to help individuals monitor or control their gambling, such as restricting the duration of a gambling session or the amount of money they can spend;
- Timers or other forms of reminders or reality checks where available;
- Self-exclusion options; and
- Information about the help of further help or advice.

127. Again, the codes of practice do not require an operator to inform the licensing authority and other responsible authorities of these policies and procedures when applying for the premises licence. However, in order that this authority and the other responsible authorities are able to make a proper informed judgement as to the suitability of these policies and procedures, this authority asks that copies of the relevant documents be submitted to the appropriate authorities for consideration as part of the application for any new, varied or transferred premises licence. These will be considered upon their individual merits. If concerns are raised under the representations system then, consideration will be given to additional relevant conditions.

128. This authority and the other responsible authorities would expect that:

- Self-exclusion schemes introduced are clearly publicised on licensed premises; and
- That information is made publically available about organisations that can provide advice and support, both in relation to gambling itself and to debt, for example for gambling addiction - GamCare, Gamblers Anonymous, and the Gordon House Association; and for debt counselling Blackfriars Advice Service and National Debtline.

129. While the value of self-exclusion schemes is recognised, the authority would emphasise that these should not relieve responsibility from staff to be alert to any customers who are exhibiting signs of 'problem gambling' and from providing support where possible.

Location

130. This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

131. In pursuit of these objectives, when determining applications for premises licences, this authority will have regard to the location of the premises. The authority will give special consideration in relation to the proximity of premises to

- Local schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families;
- Places where vulnerable people are housed or treated, including clinics, recovery centres, outpatients clinics and homes;
- Residential areas where there is a high concentration of children and young people or vulnerable people;
- Areas where there is a high level of organised crime;
- Places of worship, community facilities or public buildings which have a high usage by children

132. This list is not exhaustive.

133. It should be noted, however, that this policy does not preclude any application being made and each application will be decided upon its own merits, with the onus being on the applicant showing how potential concerns can be overcome.

134. Although this authority recognises that nuisance is not one of the three stated licensing objectives and that the guidance to the Act states that disorder is intended to mean activity that is more serious and disruptive than nuisance, this authority will receive information from the Council's environmental protection team on nuisance issues as being relevant to matters of location of premises.

Local area profiles

135. The Gambling Commission Licence Conditions and Codes of Practice (LCCP) requires all applicants to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant

matters identified in the licensing authority's statement of policy.

136. To assist operators in conducting their risk assessments and Members of the Licensing Committee in determining contested application the Licensing Authority has conducted a Local Area Profile.

137. In line with the current Gambling Commission statutory guidance for Local Authorities the Local Area Profile is available as a separate document attached to this Policy to enable the consultation on updating of the Local Area Profile to take place independently from a consultation to amend the full gambling policy.

138. The local area profiles will be key to identifying at risk areas within the Borough for gambling related harms. It is within these areas that more rigorous controls will be required. The 'high risk' areas and the associated restrictions the Council will enforce with regards to new gambling premises (assuming new premises will be permitted in these areas).

139. Appendix 1 to this policy contains "local area profiles for gambling premises in Southwark"; this analysis was conducted in March 2017. Licence holders and applicants for gambling premises licence are advised to ask the Licensing Authority for up to date area analysis of the location of the gambling premises, please contact the Licensing Authority.

Conditions generally

140. This authority understands that mandatory conditions will be attached to all premises licences. The mandatory conditions specify the number of gaming machines of particular categories in each type of gambling premises (for further information on gaming machine categories, please see the Gambling Commission website). They also require that:

- The summary of the terms, conditions and restrictions of the premises licence issued by the licensing authority must be displayed in a prominent place on the premises;
- The layout of the premises must be maintained in accordance with the plan that forms part of the premises licence;
- Neither national lottery products nor tickets in a private or customer lottery may be sold on the premises; and
- That, facilities for gambling must not be provided on Christmas Day.

141. Section 169 of the Act gives licensing authorities:

- The ability to exclude from premises licences any default conditions that have been imposed under s168; and
- The power to impose additional conditions on the premises licences they issue

142. However, this authority understands that it has a duty to act in accordance with the principles set out in section 153 of the Act and that as it must aim to permit the use of premises for gambling, it may not attach conditions that limit the use of premises for gambling, except where that is necessary as a result of the requirement to act:

- In accordance with the guidance issued by the commission, the commission's codes of practice or it's own licensing policy statement; and
- In a way that is reasonably consistent with the licensing objectives.

143. This authority also understands that it should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

144. This authority also notes that it is the Commission's view that the conditions necessary for the general good conduct of gambling premises are those set as default and mandatory conditions by the Secretary of State.

145. This authority will attach individual additional conditions to licences, however, where there are specific, evidenced risks or problems associated with a particular locality, or specific premises, or class of premises.

146. This authority will aim to ensure that such conditions imposed upon premises licences will be proportionate to the circumstances it is sought to address. In particular, premises licence conditions should 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.

147. This authority will take decisions on individual conditions on a case-by-case basis, against the background of the general policy set out in guidance and the statement of licensing policy.

148. It is noted that there are conditions which the licensing authority cannot attach to premises licences. These are:

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

Door supervisors

149. Where this authority chooses to attach a condition to a premises licence in respect of for door supervision (i.e. a condition requiring someone to be responsible for guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage) any requirement for that person to be licensed under the Private Security Industry Act 2001 must be treated as though it were a condition of the premises licence.

150. It is noted that door supervisors at casinos or bingo premises, who are directly employed by the casino or bingo premises operator, are not required to be licensed by the Security Industry Authority. However, it would be considered to be best practice for such door supervisors to have:

- a competency qualification of Level 2 for Door Supervision in the National

Qualification Framework (NQF), or;

- an equivalent qualification or training which would meet the criteria of the Security Industry Authority for the licensing of that person as a Door Supervisor by that Authority.

Casinos

151. This 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 this 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 will be taken by the full Council assembly. At the time of publication, Southwark did not have any licensed casino premises.

Adult gaming centres

152. This authority notes that the following specific mandatory conditions must be added to each AGC premises licence:

- That a notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises:
- That there can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment centre, club gaming, club machine or licensed premises gaming machine permit;
- Any Automated Telling Machine (ATM) made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so; and
- The consumption of alcohol in AGCs is prohibited at any during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

153. This authority will wish to have specific regard to the location of and entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised for example, where an AGC is in a complex, such as a shopping centre.

154. All AGCs within the Borough are considered to be a potentially 'high risk' premises by their nature and are fully inspected on an annual basis by Licensing Enforcement Officers.

Bingo premises

155. This authority notes that the following specific mandatory conditions must be attached to each bingo premises licence:

- That a notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises;
- That no customer shall be able to enter bingo premises direct from a casino, an adult gaming centre or betting premises;
- That over 18 areas within bingo halls that admit under 18s must be separated by a barrier with prominently displayed notices stating that under 18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done by placing the terminals within the line of sight of an official of the operator

or via monitored CCTV;

- That any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rule scan be displayed on a sign, by making available leaflets or other written materials containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced; and
- That any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

156. This authority notes that the following default condition will be placed upon bingo premises licences unless this authority chooses to exclude it:

- That bingo facilities within bingo premises may not be offered between the hours of midnight and 0900. However, there are no restrictions on access to gaming machines in bingo premises.

157. This authority will need to satisfy itself that bingo can be played in any bingo premises for which it issues a premises licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to excludes 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.

158. Children and young people are allowed into bingo premises, however, they are not permitted to participate in bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

159. All bingo premises within the Borough are considered to be a potentially 'high risk' premises by their nature and are fully inspected on an annual basis by Licensing Enforcement Officers.

Betting premises

160. This authority notes that the following mandatory conditions must be attached to each betting premises licence (non-track):

- That a notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 years will be admitted. The notice should be clearly visible to people entering the premises;
- There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thorough fare or not);
- That any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- That no apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
  - Information about the coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements); or
  - Information relating to betting (including results) on any event in

connection with which bets may have been effected on the premises.

- No music, dancing or other entertainment is permitted on betting premises;
- The consumption of alcohol is prohibited;
- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications; and
- That a notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

161. This authority notes that the following default condition will be placed upon bingo premises licences unless this authority chooses to exclude it:

- That gambling facilities may not be offered in betting premises between the hours of 2200 on one day and 0700 on the next day, or any day.

162. Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and circumstances in which they are made available by attaching a licence condition to betting premises licence. When considering whether to impose such condition, this authority will take into account, among other things, the size of the premises; the number of counter positions available for person to person transactions, and the ability of employees to monitor the use of the machines by children and young people or by vulnerable people.

163. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure, for example, that under 18 year olds do not have access to the premises.

164. All betting premises (book makers) within the Borough are considered to be a potentially 'high risk' premises by their nature and are fully inspected on an annual basis by Licensing Enforcement Officers.

(Licensed) family entertainment centres

165. This authority notes that the following mandatory conditions must be attached to each family entertainment centre premises licence:

- The summary of the terms, conditions and restrictions of the premises licence issued by the licensing authority must be displayed in a prominent position within the premises;
- The layout of the premises must be in accordance with the plan;
- The premises must not be used for the sale of tickets in a private lottery or customer lottery, or the National Lottery;
- No customer shall be able to enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track);
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;
- Over 18 areas within FECs that admit under 18s must be separated by a barrier with prominently displayed notices at the entrance stating that under 18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas or the category C machines. Supervision may be done by placing the terminals within the line of sight of an official of the operator or

via monitored CCTV. And

- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises

166. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

167. Given that this category of premises is one to which children may properly have access, operators should also consider measures / training for staff on how to deal with suspected truant school children upon the premises.

SECTION SIX – PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

Introduction

168. The following part of this policy considers the various permits that this licensing authority is responsible for issuing under the Act. These are:

- Family entertainment centre gaming permits;
- Club gaming permits and club machine permits;
- Prize gaming permits; and
- Notifications from holders of alcohol licences that they intend to exercise their automatic entitlement to two gaming machines.

169. Licensing authorities may only grant or reject an application for a permit. There is no provision to attach conditions.

Unlicensed family entertainment centre gaming machine permits (statement of principles on permits – schedule 10 paragraph 7)

170. Where a FEC does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for a permit.

171. The licensing authority may grant or refuse an application for a permit, but cannot add conditions. An application for a permit may only be granted if the authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted. Applicants must show that the premises will be used wholly or mainly for making gaming machines available for use.

172. As unlicensed FECs are not subject to scrutiny by the commission, applicants will also be asked 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; and
- That employees are trained to have a full understanding of the maximum stakes and prizes.

173. The Commission's guidance for local authorities also states that within its "statement of licensing policy a licensing authority may include a statement of principles that it proposes to apply when exercising its function in considering applications for permits. In particular, it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues."

174. This licensing authority has duly prepared a statement of principles, which is that each applicant will be expected 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 efficiency of such policies and procedures will each be considered on their merits.

175. Copies of these policies and procedures must be submitted with any application for a permit. Applicants are advised that the minimum expectations of the local safeguarding children board are that policies and procedures will demonstrate:

- How employees or contracted agencies will be made aware of the company's / organisation's policy / statement on keeping children safe from harm;
- That recruitment processes for staff who may have to deal direct with children under the age of 18 seek to ensure, as best the company / organisation can, that the appointed applicant has not been known to have harmed children;
- That there will be clear expectations on staff with regard to their personal conduct in direct relations with children under 18 and guidance on what is appropriate in dealing with specific situations which may arise;
- That there are systems in place and that staff are aware of them for dealing with possible abuse or violence to children from other users of the licensed facility;
- That there are clear and accessible complaints systems for children to report if they have been harmed and that there are clear whistle- blowing procedures for staff who may have concerns about the welfare of children on the premises; and
- That all duty managers or staff in charge of the premises are aware of how to refer any concerns about the welfare of children to the local police, education authority or social services as necessary.

176. It is expected that policies and procedures will be consistent with the position set out in the London Safeguarding Children's Board 'Safeguarding Children Policy for Licensed Premises' which can be viewed using the link provided http://www.londoncp.co.uk/chapters/sg_licensed.html. All unlicensed family centre operators are asked to agree to display a copy of the procedure and accompanying poster available upon the premises. Policies and procedures may also include appropriate measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

(Alcohol) Licensed premises gaming machine permits – (schedule 13 para 4(1))

177. 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. In such cases the premises licence holder under the Licensing Act 2003 must give notice to the licensing authority of their intention to make the gaming machines available for use and pay the relevant fee.

178. This authority understands that it has no discretion to consider the notification or reject it. The licensing authority can remove the automatic authorisation in respect of 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 section 282 of the Act (for example that gaming machines have been made available in a way that does not comply with requirements in the

commission's code of practice on the location and operation of gaming machines);

- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises

Permit for 3 or more machines

179. If a premises wishes to have more than 2 machines, then an application must be made for a permit and the licensing authority must consider that application based upon the licensing objectives; guidance issued by the gambling commission; and other matters considered relevant to the application.

180. This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

181. Measures which will satisfy the authority may include:

- That adult machines are located within a bar or segregated area to which under 18s are not admitted; and
- That procedures are in place to ensure that under 18s are not admitted (see advice in section five of this policy); or
- That adult machines are situated in full sight of the bar staff, or other staff who will monitor that the machines are not being used by those under 18; and
- That procedures are in place that will ensure that under 18s are not able to play upon the machines (see advice in section 5 of this policy).
- Additionally, notices and signage may also be of help in both circumstances

182. Applicants should also see advice provided in s168 of this policy regarding the LCSB policy. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

183. It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an adult gaming centre premises licence.

184. It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

185. It should also be noted that the holder of a permit must comply with any code of practice issued by the gambling commission about the location and operation of the machine.

Prize gaming permits

186. The Act states that a licensing authority should include a statement of the principles that it proposes to apply in considering applications for permits and, in

particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit. Given that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues.

187. This licensing authority has prepared a statement of principles, which is that each applicant will be expected 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 efficiency of such policies and procedures will each be considered on their merits. Prospective applicants are directed toward the information contained in sections 161 and 162 of this statement.

188. This 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;
- That the gaming offered is within the law; and
- Clear policies that outline the steps to be taken to protect children from harm.

189. 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 gambling commission guidance.

190. It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach 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.

Club gaming and club machines permits

191. Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs such as snooker clubs run on a profit basis may apply for a club machine permit. Each type of permit allows the provision of different types of gaming and provision of gamine machines. The current entitlements can be found by visiting the Gambling Commission's website: (www.gamblingcommission.gov.uk).

192. A commercial club is defined as a club where membership is required but the

club is operated for commercial gain.

193. A non-commercial club is a club where no commercial gain is made. A non-commercial club must meet the following criteria to be considered a members' club:

- it must have at least 25 members;
- it must be established and conducted wholly or mainly for purposes other than gaming (with the exception of bridge or whist);
- it must be permanent in nature;
- it must not be established to make a commercial profit;
- it must be controlled by its members equally.

194. Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

195. The Licensing Authority may only refuse an application on the grounds that:

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

196. There is also a "fast-track" procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:

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

197. There are statutory conditions on club gaming permits that no child may use a Category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.

198. The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:

- is the primary activity of the club something other than gaming?
- are the club's profits retained solely for the benefit of the club's members?
- are there 25 or more members?
- are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- do members participate in the activities of the club via the internet?
- do guest arrangements link each guest to a member?
- is the 48 hour rule being applying for membership and being granted admission being adhered to?
- are there annual club accounts available for more than one year?
- how is the club advertised and listed in directories and on the internet?
- are children permitted in the club?
- does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
- is there a list of Committee members and evidence of their election by the club members?

199. When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (Clubs cannot be temporary).
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?

200. Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits.

201. 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.

Temporary use notices

202. Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The Commission's guidance suggests that premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues.

203. Section 218 of the Act refers to 'a set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a notice.

204. The meaning of 'premises' in Part 8 of the Act is discussed in Part 7 of the Commission's Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place'. In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its halls. But in relation to other covered areas, such as shopping centres, this authority will need to consider different units are in fact different 'sets of premises', given that they may be occupied and controlled by different people. This authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

Occasional use notices

205. The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

SECTION SEVEN – SMALL SOCIETY LOTTERIES

206. The Act sets out a definition of a lottery and provides that promoting or facilitating a lottery is illegal, unless it falls within one of two categories:

- Licensed lotteries (these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the commission and require operating licences); and
- Exempt lotteries (including the small society lottery).

207. The local licensing authority is responsible for registering societies to run small society lotteries.

208. This authority will define 'society' as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and will need to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation. Section 19 of the Act defines a society as such if it is established and conducted:

- For charitable purposes;
- For the purpose of enabling participation in, or supporting sport, athletics or a cultural activity; or
- For any other non-commercial purpose other than that of private gain.

209. Applicants for registration of a small society lottery must apply to the licensing authority in the area in which their principal office is located. Where this authority believes that the society's principal office is situated in another area, it will inform the society as soon as possible and where possible, will inform the other licensing authority.

210. Applications must be made in the form prescribed by the Secretary of State and be accompanied by both the required regulation fee and all documents necessary to assess the application. To this effect, this authority will wish to receive a copy of each applicant societies' terms and conditions and constitution so as to establish that the society is a non-commercial society.

211. This authority notes that the Commission advises that in a case where a society applies for more than one registration, care should be taken to ensure that the applicant societies have separate and different aims and objectives. Where a society applies for more than one registration, the aims and objectives of the applicant societies are the same and the combined proceeds are likely to exceed the threshold limits for small society lotteries, the applicant will be advised to apply to the Commission for a society operating licence, instead of obtaining society lottery registrations.

212. Lotteries will be regulated through a licensing and registration scheme; conditions imposed on licences by the gambling commission; codes of practice and guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the licensing authority will have due regard to the Gambling Commission's guidance.

213. The licensing authority will keep a public register of all applications and will provide information to the gambling commission on all lotteries registered by the licensing authority. As soon as the entry on the register is completed, the licensing authority will notify the applicant of his registration. In addition, the licensing authority will make available for inspection by the public the financial statements or returns submitted by societies in the proceeding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the licensing authority will notify the gambling commission in writing, copying this to the society concerned. The licensing authority will accept return information either manually but preferably electronically by emailing licensing@southwark.gov.uk

214. This authority may refuse applications for registration if either

- An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant has been refused in the past five years;
- The society in question cannot be deemed non-commercial;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided in or with the application for registration is found to be false or misleading.

215. Where this authority intends to refuse registration of a society, it will give the society an opportunity to make representations and will inform the society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.

216. This authority may determine to revoke the registration of a society if it thinks that it would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

217. However, no revocation will take place unless the society has been given the opportunity to make representations. The licensing authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

218. Where a society employs an external lottery manager, it will need to satisfy itself that the manager hold an operator's licence issued by the Gambling Commission, and the licensing authority will expect this to be verified by the society.

SECTION EIGHT – REGULATION

219. Under the Legislative and Regulatory Reform Act 2006, any person exercising a specified regulatory function has a legal duty to have regard to the statutory principles of good regulation in the exercise of the function. These provide that regulatory activity should be carried out in a way which is:

- **Proportionate**: Remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable**: Decisions should be justified and 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 targeted only at cases in which action is needed and focused on the problem, and minimise side effects

220. This authority will have regard to these principles in relation to its activities under the Gambling Act 2005 and also to the requirements of the Regulators' Compliance Code. The purpose of the Code is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

221. In order to ensure that this authorities enforcement activities are targeted and make the best use of resources, this licensing authority has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the gambling commission, in particular Part 36; and
- The principles set out in this statement of licensing policy.

222. Our risk methodology is available upon request.

223. The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

224. This authority will work together with the Gambling Commission to identify and investigate organised or persistent illegal activity and will exchange information on non-compliance with licences and permits to ensure that any action taken is co-ordinated.

225. It remains the over-riding intention, however, of this authority to work together with other enforcement agents, in support of responsible licence holders and operators to help them run a successful business that play a positive role within the local community. Where operators are acting responsibly we will look to provide support, advice and education and we will look to give early warning of any concerns identified at any premises. However, the authorities will use the range of enforcement powers made available under the Act where individuals act with disregard to their responsibilities.

SECTION NINE – CONTACT DETAILS

Southwark Licensing Service
You can contact the Licensing Service in a number of ways

By post or in person by appointment during office hours

Southwark Licensing Unit
Southwark Council Regulatory Services
Floor 3, Hub 1
PO BOX 64529
London
SE1P 5LX
By telephone: (Via the Customer Contact Centre 24/7) 020 7525 5000
By e-mail: licensing@southwark.gov.uk
By visiting our web site at www.southwark.gov.uk/businesscentre/licensing

Other responsible authorities

The Gambling Commission
Victoria Square House Victoria Square
Birmingham, B2 4BP
Email: info@gamblingcommission.gov.uk
Tel: 0121 230 6666
www.gamblingcommission.gov.uk

Commissioner of Police for the Metropolis
Southwark Police Licensing Unit
Southwark Police Station
323 Borough High Street
London, SE1 2RL
Tel: 020 7232 6210
Email: SouthwarkLicensing@met.pnn.police.uk

The London Fire and Emergency Planning Authority
Fire Safety Regulation
South East Area 3
169 Union Street
London, SE1 0LL
Tel: 020 8555 1200

HM Revenue and Customs
Excise Processing Teams
Gambling Duties
BX9 1GL
Email: nrubetting&gaming@hmrc.gsi.gov.uk

The following Council services are now all based at the Tooley Street address shown above for the licensing service

The Council's Building & Development Control Services (including Planning)

The Occupational Health and Safety Team

The Environmental Protection Team (dealing with nuisance issues)
C/O Southwark Community Safety Enforcement Business Unit

The Local Safeguarding Vulnerable Adults Board
Safeguarding Adults Manager
Southwark Safeguarding Adults Partnership
Tel: 0207 525 3733
Fax: 0207 525 3236

Southwark Childrens' Social Care Services
Interim Practice Group Lead QAU and
Local Authority Designated Officer (LADO)
Southwark Council
Sumner House
Sumner Road
Peckham
SE15 5QS
Telephone: 0207 525 0689
SafeguardingChecks@southwark.gov.uk

Please note that in the case of applications made in respect of vessels a different set of responsible authorities apply. Please contact the Licensing Service for information.

OTHER AGENCIES

Trading Standards
Southwark Council Regulatory Services
Floor 3, Hub 1
PO BOX 64529
London
SE1P 5LX
tradingstandards@southwark.gov.uk

Southwark Disablement Association
Southwark Disablement Association 10
Bradenham Close
London
SE17 2QB
Tel: 020 7701 1391

Appendix B – Consultation

The Gambling 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 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

In preparing this Statement of Gambling Licensing Policy this authority

- Placed public notices in the local media and on the Council's web site advertising the opportunity to comment on the draft policy;
- Wrote directly to all known potential licence applicants;
- Wrote directly to all known tenants and residents organisations;
- Wrote directly to all known gambling business representatives;
- Wrote directly to all known community representative and other interest groups;
- Wrote directly to all ward Councillors; and
- Provided information to each community Council.

Detail of the written submissions received and analysis of those submissions can be obtained from the licensing service.