

Minutes of a meeting of the Licensing



Acts COMMITTEE

held at 10.00 on Thursday 26th November 2009
at the Abbey Room, The Guildhall, Abingdon, Oxon

Open to the Public, including the Press

Present:

Members: Councillors Zoe Patrick (Chair) Richard Farrell, Terry Fraser, Gareth Jennings, Bob Johnston, Julie Mayhew-Archer, Alison Rooke, Peter Saunders, Robert Sharp, Elaine Ware and Richard Webber

Officers: Kate Fisher, Margaret Reed and Jason Popham

Number of members of the public: Nil

LA.5 Notification of substitutes and apologies for absence

Apologies for absence were received from Councillor Janet Morgan.

LA.6 Minutes

The minutes of the meeting of the committee held on 20 May 2009 were adopted and signed as a correct record.

LA.7 Declarations of interest

None

LA.8 Urgent business and chair's announcements

None

LA.9 Statements, petitions and questions from the public relating to matters affecting the licensing acts committee

None

LA.10 Gambling policy review

The committee received and considered report 74/09 of the Head of Legal and Democratic Services. The report considered feedback from the public consultation on the draft revised gambling policy.

During the 12 week consultation period only one response had been received, praising the council for having a “no casino” policy. This had been included in the original policy since 2005 and no change was proposed in the revised draft.

The committee reviewed the policy and made the following changes:

- Paragraph 1.3.3 - delete “the statement shall be in force by 31 December 2009” and substitute with “the statement shall be in force by 31 January 2010”
- Paragraph 2.4.3 - include sports clubs in this list
- Paragraph 2.4.8 - include further information on where conditions in the fast track procedure can be found that are required for Club Gaming and Club Machine permits.
- Include full contact details in the list of responsible authorities
- Remove the word Acting from Acting Chief Constable Thames Valley Police
- Abbreviations to be written in full at the first opportunity, DCMS (Department of Culture, Media and Sport) and LACORS (Local Authorities Coordinator of Regulatory Services).

RESOLVED

(a) that authority be delegated to the Head of Legal and Democratic Services to update the statement of policy for submission to council, reflecting the committee’s decisions;

R E C O M M E N D E D

(b) that the Gambling Act 2005 Statement of Policy be adopted with effect from 31 January 2010, as appended to these minutes; and

(c) that authority be delegated to the Head of Legal and Democratic Services to make any minor changes necessary.

Exempt information under Section 100A(4) of the Local Government Act 1972

None

The meeting rose at 10.30 am

Gambling Act 2005 Statement of policy

Approved December 2009 to come into effect 31 January 2010
To be reviewed no later than December 2012

Ref	Section
1.0	Introduction
1.1	The licensing objectives
1.2	General advice
1.3	Consultation
1.4	Declaration
1.5	Responsible authorities
1.6	Interested parties
1.7	Exchange of information
1.8	Enforcement
1.9	Appeals
1.10	Delegation of Licensing Functions
2.0	Permits
2.1	Unlicensed family entertainment centres
2.2	Alcohol licensed premises gaming machine permits
2.3	Prize gaming permits
2.4	Club gaming and club machine permits
3.0	Premises licences
3.1	Decision making – general
3.2	Location
3.2	Multiple licences/layout of buildings
3.4	Conditions
3.5	Door supervisors
3.6	Adult gaming centres
3.7	Licensed family entertainment centres
3.8	Tracks

3.9	Casinos
3.10	Betting premises
3.11	Bingo
3.12	Temporary use notices
Annex 1	Licensing authority delegations
Annex 2	Map of the Vale of White Horse District Council
Annex 3	List of responsible authorities
Annex 4	Index of terms used in this Policy

1.0 Introduction

1.1 The licensing objectives

1.1.1 The Gambling Act 2005 ('the Act') gives licensing authorities various regulatory functions in relation to gambling. The main functions are:

- Licensing premises for gambling activities
- Considering notices given for the temporary use of premises for gambling
- Granting permits for gaming and gaming machines in clubs and miners' welfare institutes
- Regulating gaming and gaming machines in alcohol licensed premises
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines
- Granting permits for prize gaming
- Considering occasional use notices for betting at tracks
- Registering small societies' lotteries

1.1.2 Vale of White Horse District Council ('the Council') is a licensing authority for the purposes of the Act. A Summary of licensing authority delegations permitted under the Gambling Act is attached in Annex 1.

1.1.3 In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section one of the Act. The licensing objectives are:

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

1.1.4 The District of the Vale of White Horse covers approximately 224 square miles (580 square kilometres). It borders the City of Oxford, Swindon Borough Council, South Oxfordshire, West Oxfordshire and West Berkshire. It has three main towns: Abingdon, Wantage and Faringdon.

1.1.5 Much of the district is rural in nature. There are three main centres of population and each has a town council, with 65 Parish Councils/Meetings covering the other areas.

- 1.1.6 The 2001 Census recorded a population of 115,627. At the census date in 1991 the Vale's population was 109,922. This is an increase in population of 5,705 (roughly five per cent).
- 1.1.7 All of our three main towns, Abingdon, Wantage and Faringdon are traditional market towns, which act as local centres for their residents, the surrounding villages, and often for visitors travelling from further away.
- 1.1.8 A map of the Vale of White Horse District Council is attached as Annex 2.

1.2 General advice

- 1.2.1 The aims of the Statement of Policy are to ensure compliance with the Gambling Act 2005. The Statement of Policy aims:
- to assist businesses so that they do not breach licensing requirements
 - to protect the health and welfare of the general public
- 1.2.2 The Council seeks to secure compliance with the law in a variety of ways. Most of the dealings we have with individuals and businesses are informal, providing advice and assistance over the telephone, during visits and in writing.

1.3 Consultation

- 1.3.1 This Statement of Policy has been produced in compliance with the Department for Culture, Media and Sport (DCMS) regulations, the Gambling Commission and Local Authorities Coordinator of Regulatory Services (LACORS) guidance. The Statement of Policy has been produced by the Oxfordshire Licensing Group. The following bodies/persons will be consulted on this policy and their views taken into consideration whilst finalising the Statement of Policy.
- The Chief Officer of Police
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 1.3.3 The Statement of Policy will come into effect following a 12 week consultation period stipulated in the Secretary of State's guidance for the Gambling Act 2005. After receipt of comments upon the consultation paper and its formal adoption by Full Council, the statement will be published on 10 December 2009 and shall be in force by 31 January 2010. The Statement of Policy will remain in force for no more than three years, but may be reviewed at any time.

1.4 Declaration

- 1.4.1 This Statement of Policy has been prepared with due regard to the licensing objectives, the guidance to Licensing Authorities issued by the Gambling Commission (May 2009), and with due weight attached to any responses received from those consulted.
- 1.4.2 This Statement of Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

1.5 Responsible authorities

1.5.1 Responsible Authorities are public bodies who must be notified of applications and are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences. The Responsible Authorities under the Gambling Act 2005 for the area of the Vale of White Horse District are:

- the Licensing Authority (Vale of White Horse District Council)
- the Gambling Commission
- the Chief Officer of Police for the area the premises is wholly or partially situated in
- the local Fire Authority
- the Planning Authority (Vale of White Horse District Council)
- the local Town Council, Parish Council and Parish Meeting
- the Environmental Protection department (Vale of White Horse District Council)
- a body designated in writing by the licensing authority as competent to advise about the protection of children from harm
- HM Revenue & Customs
- any other persons prescribed in regulations by the Secretary of State.

1.5.2 In the event that the premise is a vessel, the following bodies also become Responsible Authorities:

- the Environment Agency
- the British Waterways Board
- the Maritime and Coastguard Agency

1.5.3 The contact details of all the Responsible Authorities under the Act are available via the Council's website at www.whitehorsedc.gov.uk/licensing.

1.5.4 In exercising the Council's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

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

1.5.5 Having regard to the above principles, the Council has designated the Oxfordshire Safeguarding Children Board at Oxfordshire County Council for this purpose.

1.6 Interested parties

1.6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Act defines interested parties as persons who, in the opinion of the licensing authority:

- (a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) have business interests that might be affected by the authorised activities; or
- (c) represent persons who satisfy (a) or (b) *

1.6.2 Whether or not a person is an interested party is a decision that will be taken by the Council on a case-by-case basis. However, the following factors will be taken into account:

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

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

1.6.3 This list is not exhaustive and other factors may be taken into consideration in an individual case.

1.6.4 *The Council considers the following bodies/associations to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:-

- trade associations
- residents and tenants associations
- District/County/Town and Parish Councillors
- MPs.

1.6.5 In other cases, the Council shall require written evidence that the person/association/body represent an interested party.

1.7 Exchange of information

1.7.1 The Council regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Council's functions, and to maintaining confidence between the people/bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly.

1.7.2 The Council may share information in accordance with the following provisions of the Act:-

- sections 29 & 30 (with respect to information shared between the Council and the Gambling Commission)
- section 350 (with respect to information shared between the Council and the other persons listed in Schedule 6 to the Act)

1.7.3 In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the Council's policies in relation to data protection and freedom of information.

1.7.4 Any information sharing between the Council and Thames Valley Police must also be carried out in accordance with the Information Sharing Protocol under the Oxfordshire Memorandum of Understanding.

1.7.5 Any person wishing to obtain further information about their rights under the Data Protection Act 1998 or the Freedom of Information Act 2000 may view the Council's policies at www.whitehorsedc.gov.uk or alternatively members of the public and

businesses can also access information and advice regarding Licensing by contacting the following bodies:

- LACORS (Local Authorities Coordinator of Regulatory Services)
www.lacors.gov.uk
- DCMS (Department for Culture, Media and Sport)
www.culture.gov.uk
- Citizens Advice Bureau
www.citizensadvice.org.uk
- or through your local solicitor

1.8 Enforcement

- 1.8.1 The Council will adopt a risk-based approach to the inspection of gambling premises which will be operated in conjunction with the Council's current Licensing Enforcement Policy. This will allow for the targeting of high-risk premises or those where a breach would have serious consequences. Premises that are low risk and/ or well run will be subject to a less frequent inspection regime.
- 1.8.2 Where necessary, appropriate enforcement (including prosecution under section 346 of the Act) will be carried out in a fair and consistent manner and in accordance with:
- Regulatory Compliance Code (formerly known as The Enforcement Concordat)
 - Vale of White Horse District Council licensing enforcement policies
- 1.8.3 Copies of the above documents are available on request from the Licensing Unit.
- 1.8.4 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 1.8.5 Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission.

1.9 Appeals

- 1.9.1 Sections 206 to 209 of the Gambling Act provide a right of appeal to the magistrates' court against the decisions of the Council.
- 1.9.2 Notice of an appeal must be given to the magistrates' court within 21 days of notice of the decision being received by the appellant.

1.10 Delegation of licensing functions

- 1.10.1 Please see Annex 1 attached to this policy.

2. Permits

(Annex 4: Gaming machine categories and table indicating type and machine category)

2.1 Unlicensed family entertainment centre gaming machine permits (FECs)

- 2.1.1 Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a premises licence from the Council.
- 2.1.2 The Council can grant or refuse an application for a permit, but cannot attach conditions.
- 2.1.3 As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues.
- 2.1.4 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff should deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2.2 (Alcohol) licensed premises gaming machine permits

- 2.2.1 Premises licensed to sell alcohol for consumption on the premises, can automatically have two gaming machine permits, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will simply need to notify the Council, and pay the prescribed fee.
- 2.2.2 The Council 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;
 - the premises are mainly used for gaming; or

- an offence under the Act has been committed on the premises.

2.2.3 If a premises wishes to have more than two machines, then the holder of the premises licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

2.2.4 The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult gaming machines being in sight of the bar, or in the sight of staff who will monitor that the machines are being used by those under 18. Notices and signage will be required which effectively restrict access. With respect to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

2.2.5 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with under this Act.

2.2.6 The Council 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.

2.2.7 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.

2.3 Prize gaming permits

2.3.1 Applicants for prize gaming permits should set out the types of gaming that he or she is intending to offer. The applicant should be able to demonstrate:

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

2.3.2 In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance. Weight will be given to child protection issues, and relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.

2.3.3 The Council can grant or refuse an application for a permit, but cannot attach any conditions. However, there are four conditions in the Act that permit holders must comply with. These 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.

2.4 Club gaming and club machine permits

- 2.4.1 Club Gaming Permits – The Council may grant members’ clubs and miners’ welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance. Club gaming permits allow the provision of no more than three gaming machines. These may be categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.
- 2.4.2 Club Machine Permits – If a members’ club or a miners’ welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the Council for a club machine permit under section 273 of the Act. This authorises the holder to have up to three gaming machines of categories B3A, B4, C and D. Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit, however, they will not be able to site category B3A gaming machines offering lottery games in their club.
- 2.4.3 Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion, sports and social clubs and clubs with political affiliations.
- 2.4.4 An application may only be refused on one or more of the following grounds:
- the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant’s premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of condition of a permit has been committed by the applicant while providing gaming facilities;

- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Gambling Commission or the Police.

2.4.5 The Council shall have regard to the guidance issued by the Gambling Commission and (subject to that guidance), the licensing objectives.

2.4.6 There is a 'fast-track' procedure available for clubs which 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 an authority can refuse a permit are reduced.

2.4.7 The grounds on which an application under the fast track procedure may be refused are:

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

2.4.8 The Council may grant or refuse an application for a club gaming or club machine permit, but cannot attach any conditions. However, there are a number of conditions in the Act that the holder must comply with. These are contained in the Gaming Machine Permits Code of Practice issued by the Gambling Commission. This can be found on the Gambling Commission's website www.gamblingcommission.gov.uk

3. Premises licences

3.1 Decision making – general

- 3.1.1 In accordance with Section 153 of the Act, the Council shall aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority's statement of licensing policy
- 3.1.2 The Council will not have regard to the expected demand for the facilities which it is proposed to provide, nor the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.
- 3.1.3 Each case will be considered on its individual merits. However, in order to assist applicants and objectors alike, this section sets out the general factors that will be taken into account by the Council when considering applications for premises licences.

3.2 Location

- 3.2.1 The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern
- schools
 - vulnerable adult centres
 - residential areas with a high concentration of children
- 3.2.2 Much will depend upon the type of gambling that is proposed will be offered on the premises. The Council will, where appropriate, consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant will be invited to show how they propose to overcome such concerns.

3.3 Multiple licences/layout of buildings

- 3.3.1 Premises are defined in the Act as including 'any place', but no more than one premises licence can apply in relation to any one place under the Act. A single building can be subject to more than one premises licence, provided they are for different parts of the building and those parts can reasonably be regarded as being different premises. It should be noted that the Council will refuse licences where it is felt that they have been artificially sub-divided, by ropes or moveable partitions for example.

3.3.2 Where multiple licences are sought for a building (or discrete part of a building used for other non gambling purposes), specific issues will need to be considered by the Council before such application(s) can be granted. These include:

- the ability of children to gain access to or observe gambling facilities (even accidentally) – entrances and exits from parts of a building covered by more than one premises licence should be separate and identifiable so that the separation of different premises is not compromised and that people (and in particular, children) do not drift into a gambling area
- the compatibility of the two or more establishments; and
- the ability of the establishments to comply with the requirements of the Act.

3.3.3 In accordance with the Gambling Commission guidance, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

3.4 Conditions

3.4.1 The Council will have regard to the guidance from the Gambling Commission in respect of conditions and codes of practices. Updated guidance was published in May 2009. Full details of the guidance can be found on the Gambling Commission's website: www.gamblingcommission.gov.uk.

3.4.2 Conditions may be imposed upon a premises licence in a number of ways. These are:

- (a) Mandatory – set by the Secretary of State (some set out on the face of the Act) and some to be prescribed in regulations, for all, or classes of licence;
- (b) Default – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the licensing authority;
- (c) Specific – conditions that can be attached to an individual licence by the licensing authority.

3.4.3 Conditions imposed by the Council will be proportionate to the circumstances that they are seeking to address. In particular, the Council will ensure that premises licence conditions:

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

3.4.4 Certain matters may not be the subject of conditions. 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, winnings or prizes.

3.5 Door supervisors

3.5.1 It is not a mandatory requirement of the Act to impose a condition relating to door supervision. However, if the Council do consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors, such persons would normally need to hold a licence from the Security Industry Authority (SIA)

3.5.2 This requirement does not apply to 'in house' employees working as door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the Private Security Industry Act 2001. The Council may however impose specific requirements on door supervisors at such premises if considered appropriate in an individual case.

3.6 Adult gaming centres

3.6.1 Persons operating an Adult Gaming Centre must obtain an operating licence from the Commission and a premises licence from the Council. This will allow the operator to make category B, C & D machines available to their customers.

3.6.2 In considering licence applications for adult gaming centres, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will therefore expect applicants to demonstrate that there will be sufficient measures in place to promote this objective.

3.6.3 Applicants are required to consider the following steps:

- proof of age schemes
- CCTV
- supervision of entrances/machine areas
- physical separation of areas
- location of and entry to premises (so as to minimise the opportunities for children to gain access)
- notices/signage

- training for staff on challenging persons suspected of being under-age
- specific opening hours
- self-barring schemes
- provision of information leaflets/helpline numbers for organisations such as GamCare.

3.6.4 This list is not exhaustive, and is merely indicative of example measures.

3.6.5 Please see paragraph 3.4 for details of conditions that may be attached to premises licences authorising adult gaming centres.

3.7 Licensed family entertainment centres

3.7.1 Operators of licensed family entertainment centres will require an operating licence from the Gambling Commission, and a premises licence from the Council. This will allow the operator to make category C & D machines available to their customers.

3.7.2 Children and young persons will be able to enter licensed family entertainment centres and play on the category D machines. They will not be permitted to play category C machines.

3.7.3 As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the Council will normally require that:

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

3.7.4 Applicants are therefore required to consider the following steps:

- CCTV
- supervision of entrances/machine areas
- physical separation of areas

- location of and entry to premises (so as to minimise the opportunities for children to gain access)
- notices/signage
- training for staff on challenging persons suspected of being under-age
- specific opening hours
- self-barring schemes
- provision of information leaflets/helpline numbers for organisations such as GamCare
- measures/training for staff on how to deal with suspected truant school children on the premises

3.7.5 This list is not exhaustive, and is merely indicative of example measures.

3.7.6 Please see paragraph 3.4 for details of conditions that may be attached to premises licences authorising licensed family entertainment centres.

3.8 Tracks

3.8.1 Tracks are sites (including racecourses and dog tracks) where sporting events take place. Operators of tracks will require a premises licence from the Council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

3.8.2 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

3.8.3 It will be a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided, and any area where a gaming machine, other than a category D machine, is situated. Special dispensation from this rule is provided for dog tracks and horse racecourses, on days when racing takes place, in relation to the areas used for betting. On these days families will be entitled to attend the track or racecourse, and children enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided, and the Council will therefore wish to ensure that suitable measures are in place to prevent children from entering such areas.

3.8.4 Applicants are required to consider the following steps:

- proof of age schemes
- CCTV
- supervision of entrances/machine areas

- physical separation of areas
- location of entry
- notices/signage
- specific opening hours
- self-barring schemes
- provision of information leaflets/helpline numbers for organisations such as GamCare

3.8.5 This list is not exhaustive, and is merely indicative of example measures.

3.8.6 Gaming Machines – holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track. The Council will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

3.8.7 Betting machines at tracks – the Council will apply similar considerations to those set out in paragraph 3.11 (in relation to betting machines made available at off-course betting premises) to betting machines made available at tracks.

3.8.8 Condition on rules being displayed - the Council will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

3.8.9 Applications and plans - the Council will require the following information from applicants for premises licences in respect of tracks:

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

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

3.9 Casinos

3.9.1 No Casinos resolution – The Council has the power to pass a ‘no casino’ resolution under Section 166 of the Gambling Act 2005. The Council has adopted such a

resolution on the basis that this rural district with country market towns is an inappropriate place for a casino, that casinos are better located in large towns or cities and the Council should also protect the most vulnerable people from gambling in casinos.

3.10 Betting premises

- 3.10.1 This paragraph deals with off-course betting, that is betting that takes place other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the Council.
- 3.10.2 The holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.
- 3.10.3 The Council may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Council will take into account the following:-
- the size of the premises;
 - the number of counter positions available for person-to-person transactions; and
 - the ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.
- 3.10.4 Please see paragraph 3.4 for details of conditions that may be attached to betting premises licences.

3.11 Bingo

- 3.11.1 Operators of premises offering bingo (cash or prize) will require a bingo operating licence from the Gambling Commission, and a premises licence from the Council.
- 3.11.2 The holder of a bingo premises licence may, in addition to bingo in all its forms, make available for use up to eight category B gaming machines (B3 & B4) and any number of category C & D machines.
- 3.11.3 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Council will normally require that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - only adults are admitted to the area where the machines are located

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

3.11.4 Please see paragraph 3.4 for details of conditions that may be attached to bingo premises licences.

3.12 Temporary use notices

3.12.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling.

3.12.2 There are a number of statutory limits in regards to temporary use notices, for example the same set of premises may not be the subject of a temporary use notice for more than 21 days in any 12 month period, but may be the subject of several notices provided that the total does not exceed 21 days.

3.12.3 If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenue & Customs or any other licensing authority in whose area the premises are situated), the Council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

3.12.4 If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it must issue a counter-notice which may:

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the time period of the gambling; or
- allow the activities to take place subject to a specified condition

3.12.5 The Council will apply the principles set out in paragraph 3.1 of this statement to any consideration as to whether to issue a counter-notice.

Licensing authority delegations

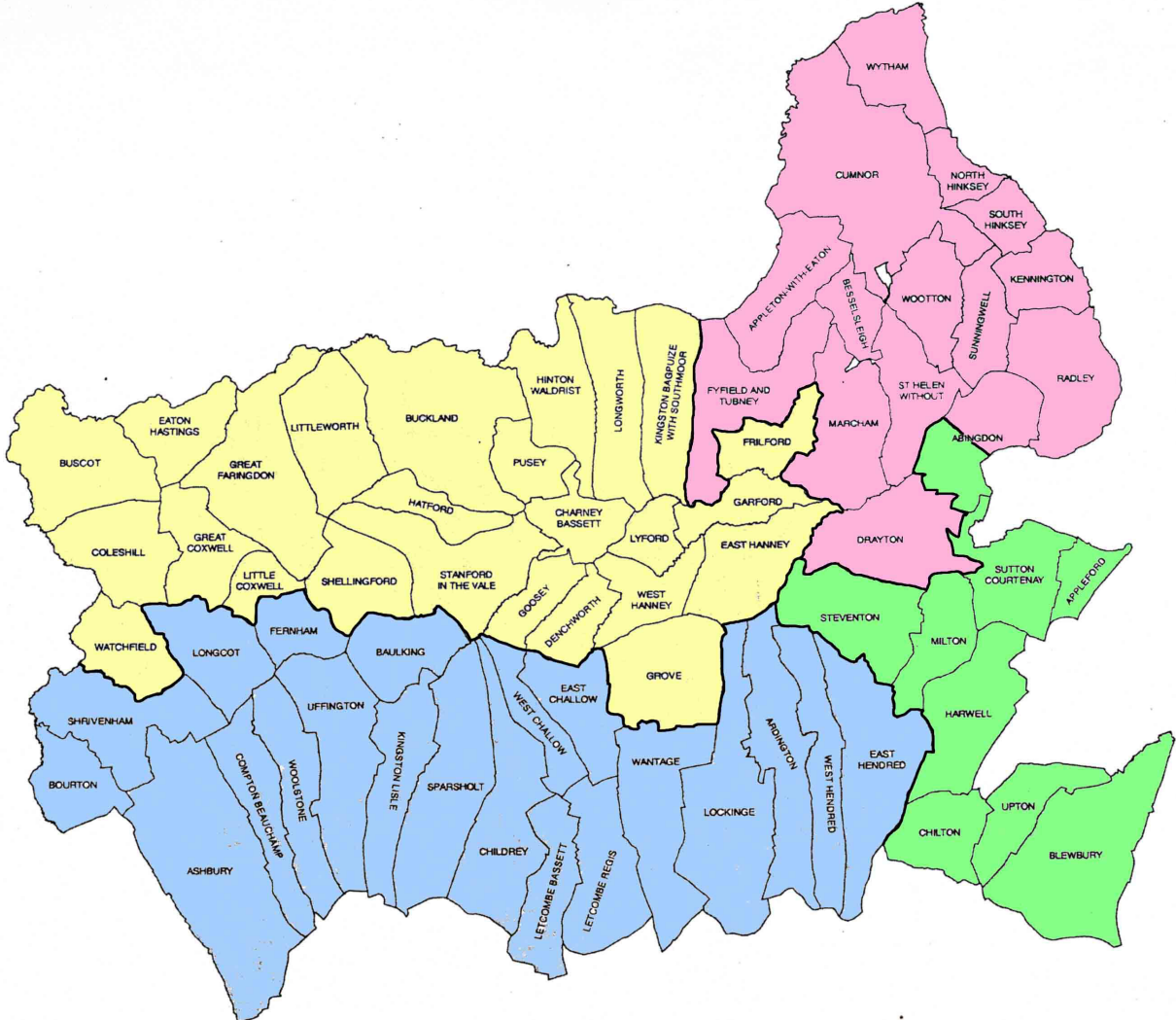
Matter to be dealt with	Full Council	Licensing Acts Sub-Committee	Officers
Final approval of three year licensing policy statement	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for premises licence		Where representations have been received and not withdrawn	Where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

Decision to give a counter notice to a temporary use notice		X	
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X indicates the lowest level to which decisions can be delegated

ANNEX 2

MAP OF THE VALE of WHITE HORSE DISTRICT COUNCIL



List of responsible authorities

Responsible Authorities

The Responsible Authorities for the Vale of White Horse District Council area under the 2005 Act, and their contact details are as follows.

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

Responsible authority	Address	Phone, e-mail and website
The Licensing Authority	Licensing Officer Vale of White Horse District Council Abbey House Abingdon, OX14 3JE	Contact details for preliminary discussions or follow-up enquiries 01235 520202 licensing.unit@whitehorsedc.gov.uk www.whitehorsedc.gov.uk/business/
The Planning Authority	Planning Vale of White Horse District Council Abbey House Abingdon, OX14 3JE	01235 520202 planning@whitehorsedc.gov.uk www.whitehorsedc.gov.uk/planning
Environmental Health	Environmental Protection Vale of White Horse District Council Abbey House Abingdon, OX14 3JE	01235 520202 EPTeam2@whitehorsedc.gov.uk www.whitehorsedc.gov.uk/environmentalhealth
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6500 info@gamblingcommission.gov.uk www.gamblingcommission.gov.uk
Thames Valley Police	Chief Constable Thames Valley Police Headquarters Oxford Road Kidlington, OX5 2NX	01865 266109 licensingoxford@thamesvalley.police.uk www.thamesvalley.police.uk
Fire and Rescue Service	Fire & Rescue Service Oxfordshire County Council Rewley Road Fire Station Oxford OX1 2EH	01865 242223 fire.service@oxfordshire.gov.uk www.oxfordshire.gov.uk

Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board c/o Children, Young People & Families Directorate Oxfordshire County Council Macclesfield House New Road, Oxford , OX1 1NA	01865 810628 oscb@oxfordshire.gov.uk www.oxfordshire.gov.uk
Revenue and Customs	Her Majesty's Revenue and Customs	0845 010 9000 Not contactable by e-mail www.hmrc.gov.uk

Index of terms used in this policy

The following items referred to in the Policy have not already been defined.

Children and young persons

Children (defined in the Act as under 16s) and Young Persons (16-17s).

Summary of gaming machine categories

Category of Machine	Maximum stake (until June 2009)*	Maximum prize (until June 2009)*	Maximum stake (from June 2009)*	Maximum prize (from June 2009)*
A	Unlimited	Unlimited	Unlimited	Unlimited
B1	£2	£4,000	£2	£4,000
B2	£100 (in multiples of £10)	£500	£100 (in multiples of £10)	£500
B3A	£1	£500	£1	£500
B3	£1	£500	£1	£500
B4	£1	£250	£1	£250
C	50p	£35	£1	£70
<u>D – non-money prize (other than a crane grab machine)</u>	30p	£8	30p	£8
<u>D – non-money prize (crane grab machine)</u>	30p	£8	£1	£50
<u>D (money prize)</u>	10p	£5	10p	£5
<u>D – combined money and non-money prize (other than a coin pusher or penny falls machine)</u>	10p	£8 (of which no more than £5 may be a money prize)	10p	£8 (of which no more than £5 may be a money prize)
<u>D – combined money and non-money prize (coin pusher or penny falls machine)</u>	10p	£8 (of which no more than £5 may be a money prize)	10p	£15 (of which no more than £8 may be a money prize)

*Subject to EC Notification process

Premises type and machine category

	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead					
Betting premises and tracks occupied by Pool Betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 8 machines in category B3 or B4		No limit on category C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 or B4		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permit)				Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)						Number as category C or D machines as specified on permit	
Travelling Fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

*It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.