

London Borough of Lambeth

**Gambling Act 2005  
Statement of Principles**

2016-2019

Licensing Section  
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## Contents

<b>About this document</b> .....	2
<b>Part 1 – General Principles</b> .....	4
The Licensing Objectives .....	4
Responsible Authorities.....	4
Interested Parties .....	4
Licensing Authority Functions .....	5
Delegation of Functions.....	7
Exchange of Information.....	8
Enforcement.....	8
Gaming Machines.....	8
<b>Part 2 - Premises Licences</b> .....	10
Conditions.....	11
Location of Premises.....	12
Division of Premises and Primary Usage.....	13
Door Supervisors .....	15
Provisional Statements .....	15
Reviews.....	16
Categories of Premises Licence .....	17
Casino Premises Licences .....	17
Adult Gaming Centre Premises Licences.....	17
Betting (Other) Premises Licences.....	17
Betting (Track) Premises Licences.....	18
Bingo Premises Licences .....	19
Family Entertainment Centre Premises Licences .....	19
<b>Part 3 – Permits and Notices</b> .....	20
Licensed Premises Gaming Machine Permits & Notifications .....	20
Club Gaming Permits & Club Machine Permits.....	21
Family Entertainment Centre Gaming Machine Permits .....	21
Prize Gaming Permits .....	22
Temporary Use Notices .....	23
Occasional Use Notices .....	23
Travelling Fairs.....	23
<b>Part 4 – Lotteries</b> .....	25
Free Prize Draws & Skill Competitions .....	25
<b>Appendix A – Map of Lambeth</b> .....	27
<b>Appendix B – Consultation</b> .....	28
<b>Appendix C – Contact Details</b> .....	29

## **About Lambeth**<sup>1</sup>

Nearly a third of a million people live in Lambeth – at least 310,000. Lambeth is in south London, between Wandsworth and Southwark, and has one of the largest geographic areas of any inner London borough. It has several distinctive neighbourhoods including Waterloo, Brixton, Clapham, Streatham and Norwood. There are some predominantly commercial areas with a higher concentration of commercial and entertainment premises, including parts of Streatham, Clapham, Brixton, Vauxhall and Waterloo.

Largely residential, it is one of the most densely populated places in the country, with over 100 people living in each hectare, more than twice the London population density. It has a complex social and ethnic mix, with large African and Portuguese populations, and is an important focus for the black Caribbean population.

Lambeth has a relatively young age profile. Although it is a largely residential borough, it is a destination for young working age people, rather than families. If trends continue, Lambeth's population is projected to grow by just over 1% per year for the next five years, and the borough will continue to have a majority of young working age people (20-44).

Like many London boroughs, Lambeth has areas of affluence and areas of deprivation, often side by side. The latest deprivation data (2015) ranks Lambeth as the 8th most deprived borough in London and 22nd most deprived in England.

A map showing the main areas of Lambeth is provided at Appendix A.

## **About this document**

This document is the Statement of Principles for the London Borough of Lambeth.

Licensing authorities are required by section 349 of the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions relating to the regulation of most gambling activities. This statement must be published on at least one occasion prior to every successive three-year period. The statement may also be reviewed from "time to time" and any proposed revisions made subject to consultation, prior to publication.

This is the fourth version of Lambeth's statement, and will have effect from 20 June 2016 to 20 June 2019.

In producing the final Statement of Principles, the licensing authority has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses received from those consulted upon the policy. The London Borough of Lambeth consulted widely upon this statement before finalising and publishing it. A list of those persons and organisations consulted is provided at Appendix B.

The policy was approved at a meeting of the Council on the 18 May 2016 and was published via our website at [www.lambeth.gov.uk/licensing](http://www.lambeth.gov.uk/licensing).

All references within this document to the Gambling Commission's guidance to licensing authorities refer to the statutory document published by the Commission under section 25 of the Act, which is available from [www.gamblingcommission.gov.uk/licensing\\_authorities.aspx](http://www.gamblingcommission.gov.uk/licensing_authorities.aspx)

<sup>1</sup> Lambeth's 'State of the Borough' report provides further information on Lambeth and the demographics of its population - [www.lambeth.gov.uk/elections-and-council/residents-survey-and-state-of-the-borough/](http://www.lambeth.gov.uk/elections-and-council/residents-survey-and-state-of-the-borough/)

Note: At a meeting of Full Council on 18 May 2016 it was agreed to extend this statement of principles beyond the scheduled renewal date, with only minor amendment for inaccuracies, in order to give sufficient time for the content of the revised Gambling Commission Guidance (September 2015) to be considered in advance of a full review of this statement.

## **Part 1 – General Principles**

1.1 In carrying out their functions under the Gambling Act 2005 ('the Act'), particularly with regard to premises licences and temporary use notices, all licensing authorities must aim to permit the use of premises for gambling so long as 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 principles

1.2 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act. The sole exception to this rule is for Casino premises licences – as Lambeth has adopted a 'no-casino' resolution, the authority will not consider any application for a new casino premises licence.

### **The Licensing Objectives**

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 1 of the Act. The licensing objectives are:

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

1.4 The objectives do not include considerations in relation to public safety or public nuisance, while the requirement in relation to children and vulnerable persons is explicitly to protect them from being harmed or exploited by gambling, rather than from more general forms of harm or exploitation. In its guidance to licensing authorities, the Commission advises that this will involve "preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, excepting Category D gaming machines.

### **Responsible Authorities**

1.5 Responsible authorities are bodies that must be notified of applications, and that are entitled to make representations in relation to applications for, and in relation to premises licences. The responsible authorities are:

- the licensing authority in whose area the premises is situated
- the Gambling Commission
- the Metropolitan Police
- the London Fire Brigade
- London Borough of Lambeth Planning
- HM Revenue and Customs.

The Licensing Authority designates Lambeth Children's Services as competent to advise about the protection of children from harm.

### **Interested Parties**

1.6 Interested parties are people or businesses who can make representations about most premises licence applications, or apply for a review of an existing licence. They are defined as:

- a person who lives sufficiently close to premises that are the subject of either an application for a licence, or an existing licence, to be likely to be affected by the authorised or proposed gambling activities there,
- a person who has business interests that might be affected by the authorised gambling activities at premises that are the subject of either an application for a licence, or an existing licence, or
- a person who represents other persons in either of these categories who could be a local councillor, MP, residents or tenants associations.

1.7 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. In Lambeth, each case will be decided upon its merits, and the licensing authority will not apply a rigid rule to its decision making. It will consider the examples of relevant factors provided in the Gambling Commission's guidance to licensing authorities.

1.8 The Commission suggest that when considering what "sufficiently close to the premises" means the following factors may be relevant:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant that may be relevant to the distance from the premises.

1.9 For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

1.10 When determining whether a person has business interests that be may be affected the Commission suggest that factors that are likely to be relevant are;

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

1.11 It will also consider the Gambling Commission's guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. Trade associations, trade unions, residents and tenants' associations will normally only be viewed as interested parties if they have a member who can be classed as an interested party – i.e. who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

1.12 Persons whose business interests are within the same gambling sector as the subject of their representation (or review application) will be expected to satisfy the licensing authority that their representation (or application) is not made with the intent of limiting competition to their own business, particularly given that the Act does not replicate the previous requirement for satisfaction of a 'demand test'. The licensing authority will disregard representations that are thought to be vexatious, frivolous, or that will not influence the determination of the application.

1.13 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than these however,

this authority will generally require written evidence that a person/body (e.g. an advocate or relative) 'represents' someone who is an interested party. Members who are asked by an interested party to represent them should not sit on the Sub-Committee considering that application.

## Licensing Authority Functions

1.14 Licensing authorities have responsibilities under the Act for:

- the licensing of premises where gambling activities are to take place, through the issue of Premises Licences;
- the preliminary approval of proposed premises for gambling activities, through the issue of Provisional Statements;
- the regulation of members' clubs, commercial clubs and miners' welfare institutes who wish to undertake certain gaming activities, through Club Gaming Permits and/or Club Machine Permits;
- the receipt of notifications and the issue of permits for the provision of gaming machines at premises licensed to supply alcohol for consumption on the premises, under the Licensing Act 2003;
- the regulation of family entertainment centre premises providing gaming machines;
- the regulation of prize gaming through the issue of permits;
- the receipt and endorsement of Temporary Use Notices, for infrequent gaming activities;
- the receipt of Occasional Use Notices, for infrequent betting activities;
- the registration of non-commercial societies for the provision of small society lotteries;
- the exchange of information with the Gambling Commission regarding details of licences, permits and notices and enforcement issues (see section below on 'exchange of information'); and the maintenance of registers of the applications, licences, permits and notices received and issued by the authority
- Maintain registers of the permits and licences that are issued under these functions

1.15 The licensing authority will not involve itself in any matters relating to the regulation of remote gambling (for example, telephone betting or internet casino gaming), responsibility for which lies with the Gambling Commission.

1.16 Duplication of other regulatory regimes, such as health and safety or fire safety, will be avoided in so far as is possible. This authority will not consider whether a premise that is the subject of a licensing application is likely to be awarded planning permission or building regulations approval, in its consideration of that application. This authority will though, listen to, and consider carefully, any concerns about conditions that are not able to be met by applicants or licence- holders due to planning restrictions, should such a situation arise.

## Delegation of Functions

1.17 The licensing authority will delegate its functions in accordance with the Act, as summarised below:

<b>Matter to be dealt with</b>	<b>Council</b>	<b>Licensing (Sub-) Committee</b>	<b>Officers</b>
Final approval of statement of principles	✓		
Resolution not to issue casino licences	✓		
Fee setting (where appropriate)			✓
Application for a provisional statement		Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application for a premises licence		Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application for variation of a premises licence		Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application for transfer of a premises licence		Where representations have been received from the relevant responsible authorities	Where representations were not received or have all been withdrawn
Application for reinstatement of a premises licence		Where representations have been received from the relevant responsible authorities	Where representations were not received or have all been withdrawn
Consideration of application for review of a premises licence		✓	
Initiation of review of a premises licence by licensing authority			✓
Application for club gaming / club machine permits		Where objections have been made and not withdrawn	Where objections were not made or have all been withdrawn
Cancellation of club gaming / club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice		Where objections have been made and not withdrawn	Where objections were not made or have all been withdrawn
Acknowledgment of occasional use notice			✓
Registration of non-commercial societies for small society lotteries			✓
Revocation or cancellation of small society lottery registrations			✓



## Exchange of Information

1.18 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 to licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

1.19 Should any protocols be established with regard to information exchange with other bodies then they will be made available.

1.20 Where required by law applicants will receive copies of any representations made in respect of their application, although sensitive or personal information not required to be disclosed will be redacted.

## Enforcement

1.21 The licensing authority's enforcement principles are that it will be guided by the Gambling Commission's guidance to licensing authorities in respect of the inspection of premises and the powers to institute criminal proceedings. The licensing authority will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly;
- Targeted: regulation should be focused on the problem, and minimise side effects
- Within the principles of the Regulators Code issued by the Better Regulation Delivery Office of the Department for Business Innovation and Skills

1.22 Lambeth's enforcement policy for the Gambling Act 2005 is available via our website, at [www.lambeth.gov.uk/licensing/](http://www.lambeth.gov.uk/licensing/)

1.23 The licensing authority may arrange for the inspection of premises, both licensed or otherwise, in response to specific complaints about those premises and the provision of unauthorised gambling activities therein. Should officers witness offences or breaches of an authorisation, appropriate action will be taken in accordance with our enforcement policy.

1.24 The main enforcement and compliance role for this licensing authority in terms of the Act will be to ensure compliance with the premises licences and the other permissions that it issues. The Gambling Commission will be the lead enforcement body for operating and personal licences. It is also noted that all issues relating to forms of remote gambling, as well as issues relating to the manufacture, supply or repair of gaming machines, will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

1.25 This licensing authority will also keep itself informed of developments regarding the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.

## Gaming Machines

1.26 Throughout this document, references are made to gaming machines as being within Categories A, B, C or D, or in some cases, sub-categories such as B1, B2, B3 or B4.

1.27 Gaming machines are categorised according to the nature of their operation, the maximum charge to use and the maximum prize available, and the legislation sets out the categories and

sub-categories of machines that may be made available under each type of licence or permit. The Secretary of State is responsible for establishing the applicable values of each category and sub-category by way of statutory instrument.

1.28 As the values applicable to each category may be changed at relatively short notice, it is not considered appropriate to include a list of the characteristics and values of each category within this document. However, a separate document containing the current values is available from our website, at [www.lambeth.gov.uk/licensing](http://www.lambeth.gov.uk/licensing)

## **Part 2 – Premises Licences**

2.1 The licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

2.2 It is appreciated that, in accordance with the Gambling Commission's guidance, moral objections to gambling are not a valid reason to reject applications for premises licences, and also that unmet demand is not a criterion for a licensing authority to consider.

2.3 The licensing authority expects applicants to take appropriate measures to promote the licensing objectives, which may include such issues as proof of age schemes, supervision of entrances and gaming machine areas, CCTV, physical separation of areas, self-exclusion schemes, and provision of information leaflets / helpline numbers for organisations such as GamCare. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.4 The issue of a premises licence must be reasonably consistent with the promotion of the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's guidance to licensing authorities and some comments are made below.

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

2.5 This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, and that regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, which is the remit of the Licensing Authority. The Gambling Commission's guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area is known to have high levels of crime this authority will consider carefully whether gambling premises are suitable to be located there, taking into account such factors as,

- levels of recorded crime,
- the type of that crime,
- levels of ASB related complaints.

2.6 Applicants are advised to examine crime and ASB statistics that relate to the vicinity of their application. This will allow for the application to be tailored to the specific locality and to include any additional measures potentially required to support the objective to be set out in the application. This may also reduce the likelihood of objections being made to the application. Advice about accessing such data can be provided by the Licensing Authority.

2.7 This licensing authority accepts that issues of nuisance cannot be addressed via the Gambling Act provisions, although preventing gambling from being a source of disorder is a licensing objective. The Licensing Authority is also mindful that what starts as nuisance may subsequently escalate to disorder, and that such disorder can have a serious effect on the lives of local residents. If an application for licence review were to be made on the basis of disorder the authority will then distinguish between disorder and nuisance, considering factors such as,

- whether police assistance was required
- how threatening the behaviour was to those who could see it
- how frequently it is reported
- prevalence of persons loitering outside
- the times of day when disorder is reported
- the impact on residents

### **Ensuring that gambling is conducted in a fair and open way**

2.8 This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks that is explained in more detail in the 'tracks' section below.

### **Protecting children & other vulnerable persons from being harmed or exploited by gambling**

2.9 This licensing authority has noted the Gambling Commission's guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The licensing authority will therefore consider, as suggested in the guidance, whether specific measures are required at particular premises, with regard to this licensing objective.

2.10 The licensing authority is also aware of the Codes of Practice that the Gambling Commission has issued in respect of this licensing objective, in relation to specific categories of premises.

2.11 With regard to the term "vulnerable persons" it is noted that the Gambling Commission has not sought to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider the promotion of this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

2.12 In a borough with both high alcohol and drug dependency the Licensing Authority are particularly concerned about both the health and social wellbeing of residents. Applicants are requested in their applications to demonstrate how they will protect vulnerable persons, possibly by providing information on how they operate exclusion schemes, the way in which they identify those gambling beyond their means and the measures they take to stop those suffering from any impairment from participating in gambling, and also the training provided to staff to support these aims.

## **Conditions**

2.13 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions that have been detailed in regulations issued by the Secretary of State.<sup>2</sup> The licensing authority, through the Licensing Sub-Committee, may also impose further conditions in response to specific issues, which will be decided on a case-by-case basis.

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<sup>2</sup> Statutory Instrument 2007 No. 1409 - The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007

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

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the category of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- reasonable in all other respects;
- aimed at promoting both the licensing objectives and the aspirations of the Licensing Authority where they relate to the licensing objectives and
- not duplicate other provisions.

2.15 An applicant can request that default conditions are excluded from a licence, and in these circumstances the licensing authority may instead impose an appropriate condition that addresses a similar matter to the excluded condition (for example, if a default condition relating to permitted trading times is excluded, the licensing authority may attach a condition permitting longer trading hours). The licensing authority will give a full explanation of the rationale behind the decision to attach any additional condition, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

2.16 It is noted that there are conditions that the licensing authority cannot attach to premises licences these are:

- any condition on the premises licence that 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 Act specifically removed 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.

The Licensing Authority recognises that betting premises may only offer gambling facilities between the hours of 07.00 and 22.00, these being the default hours. The Licensing Authority would like applicants for new licences to consider if these hours are appropriate for the location subject to the application. The Authority is aware that in some areas early morning start times can cause ASB problems, especially from the street population and the Authority is keen to ensure that newly granted licences do not exacerbate existing problems.

## **Location of Premises**

2.17 The 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 can. Particular attention will be paid to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon regarding areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

2.18 The licensing 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;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

2.19 These considerations will apply to premises including buildings where multiple premises licences may have effect.

2.20 The Licensing Authority is aware that there is no process under the Gambling Act to limit the numbers of betting premises in an area, it is however aware that concentrations of betting premises in an area do become a concern to residents, particularly with regard to public nuisance and the potential for escalation to disorder. Applicants may wish to examine the number of other existing betting premises in the locality, if there are already other licenses in place they may wish to address this potential issue in their application for any new licence.

### **Division of Premises and Primary Usage**

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

2.22 This licensing authority takes particular note of the Gambling Commission's guidance which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activities identified on the premises licence.

2.23 The licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's guidance.

2.24 This licensing authority is also aware that an issue has arisen in some parts of the country, where operators have sought to sub-divide existing single licensed premises, and obtain further premises licences in respect of each sub-division. It has been observed that this practice has been used predominantly in respect of categories of premises licences which allow the operation of a



small, fixed number of high-value gaming machines – in effect, using multiple premises licences in respect of different areas of a single business to artificially increase the permitted number of category B machines that can be made available.

2.25 The licensing authority notes the Commission’s guidance that “in most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances.” When assessing whether premises can be regarded as separate, the licensing authority proposes to apply the following criteria:

- Does each premises have its own external entrance, or is accessed via another premises?
- Does each premise trade as a separate entity, or under a single banner?
- Are the premises subject to separate non-domestic rateable valuations?
- Is each premises operated by different persons, or the same proprietor?
- What is the quality of separation (i.e. if dividing barriers are to be used, are they temporary or permanent, floor-ceiling division or fixed height, transparent or opaque, etc)?
- Is there a genuine need to establish a division between premises, or is the division aimed solely at artificially increasing the permitted number of high-value gaming machines?

2.26 If it is proposed to utilise sterile, non-gambling areas to create sub-divisions, then the licensing authority will apply the following criteria to those areas:

- Is the area proposed for non-gambling activities a token separation?
- Is it genuinely an area which the public would go to for purposes other than gambling?
- Is it in effect a device to introduce artificial separation or genuinely a functionally separate area?
- Is there in effect direct access between the divisions or is there a place from which access can be gained to two premises?

2.27 The licensing authority also notes that any premises subject to multiple discrete premises licences must be able to comply with the mandatory conditions restricting access to each licensed premises, as follows:

<b>Premises type</b>	<b>Access restrictions</b>
Adult gaming centre	No direct access from any other licensed gambling premises, or from premises with a family entertainment centre gaming machine permit, a club gaming/machine permit, or an alcohol-licensed premises gaming machine permit
Betting (other)	Access from a street or another betting premises only. No direct access from any premises used for retail sale of goods or services
Betting (track)	No direct access from licensed casino or adult gaming centre premises
Bingo	No direct access from licensed casino, adult gaming centre or betting (other) premises
Family Entertainment Centre	No direct access from licensed casino, adult gaming centre or betting (other) premises

2.28 In the case of some divided premises, it appears that the intended primary use of a premises licence had not been offered, with operators solely making use of the additional machine

entitlement (for example, holding a Bingo premises licence but not making any facilities for playing bingo available). The Gambling Commission consulted on this issue in 2008<sup>3</sup>, and subsequently issued a revision to the Licence Conditions and Codes of Practice affecting Bingo, Betting and Casino operating licences. Holders of these licences are now mandated to provide suitable and sufficient facilities for their primary gambling activity in any of their associated premises.

## Door Supervisors

2.29 The Gambling Commission advises in its guidance that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to those premises are supervised, and impose a condition to that effect. Consideration must also be given to whether that supervisor needs to be licensed or not, as the statutory requirements vary by premises type. This licensing authority notes the contents of Part 33 of the Commission's guidance, which outlines a limited relaxation of the licensing requirement for door supervisors at licensed bingo and casino premises – however, operators are encouraged to use door supervisors who are licensed by the Security Industry Authority at these venues. Any other venue using door supervisors must use qualified staff registered with the Security Industry Authority.

## Provisional Statements

2.30 The 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.

2.31 Developers may wish to apply to this authority for a provisional statement before entering into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement, nor do they need to have a right to occupy the premises in respect of which the application is made.

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

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

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

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<sup>3</sup> See

[www.gamblingcommission.gov.uk/research\\_consultations/consultations/closed\\_consultations\\_with\\_resp/sp\\_lit\\_premises\\_and\\_primary\\_gam.aspx](http://www.gamblingcommission.gov.uk/research_consultations/consultations/closed_consultations_with_resp/sp_lit_premises_and_primary_gam.aspx) for details of this consultation



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

2.35 If a developer has already acquired a premise and has a right of occupation, and holds an appropriate operating licence, there is no requirement for them to obtain a provisional statement prior to making an application for a premises licence – this will simply be a matter of choice. However, where premises are likely to require construction or development work prior to being ready for use for gambling (and as such are not in a state where they can be inspected during the application process), the licensing authority may seek to attach the following additional conditions to any licence granted:

- The premises are to be constructed in accordance with the deposited plans and shall not trade until such time as they have been inspected and approved by officers of the licensing authority.
- The licence is to be offered for surrender should the premises not have been completed in accordance with the deposited plans within the period of 12/18/24 months starting on the day that the licence first takes effect.

## Reviews

2.36 Applications for a review of a premises licence can be made at any time by interested parties or responsible authorities. The Licensing Authority must grant an application for review, unless it considers that the grounds on which the review is sought:

- Raise issues that are not relevant to Gambling Commission Guidance/codes of practice, the Licensing Authorities Statement of Policy or the licensing objectives.
- Are frivolous
- Are vexatious
- will certainly not cause this authority to wish to alter/revoke/suspend the licence
- are substantially the same as grounds cited in a previous application relating to the same premises
- are substantially the same as representations made at the time of the application for the premises licence was considered.

2.37 The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate. In particular, the licensing authority may 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.

2.38 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28-day period, that will begin 7 days after receipt of the application. The licensing authority will publish notice of the application within this initial 7-day period.

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

2.40 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:-

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

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

2.42 Following the completion of the review, the licensing authority will notify its decision in writing to the licence holder, the applicant for review (if any), any person who made representations in respect of the review, and the responsible authorities designated in regulations made under the Act.

## **Categories of Premises Licence**

### **Casino Premises Licences**

2.43 The London Borough of Lambeth has resolved, under section 166 of the Act, not to issue any Casino premises licences. This resolution shall have effect from 20 June 2016 until 20 June 2019, unless revoked prior to this date.

2.44 Identical resolutions had effect from 2007 to 2010, 2010 to 2013 and 2013 to 2016.

2.45 At present, the Act only allows for a fixed number of 'regional', 'large' and 'small' casinos to be licensed nationally. Licensing authorities must be expressly authorised by the Secretary of State to issue new licences for any of these categories, to ensure that the national limits are not exceeded. Lambeth is not amongst the authorities that have been so authorised.

### **Adult Gaming Centre Premises Licences**

2.46 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, for example, ensure that under 18 year olds do not have access to the premises.

### **Betting (Other) Premises Licences**

2.47 The authority notes the difference between betting terminals, which are designed to receive bets on real events, and gaming machines such as fixed odds betting terminals (FOBTs), which are reliant upon the outcome of a virtual event. It is further noted that betting premises are entitled to offer up to four gaming machines in total, which may include category B2 (FOBT) machines. There are no statutory limits on the number of betting terminals that may be made available in betting premises, although the licensing authority notes that it may attach a condition to a licence limiting the number if concerns exist over the availability of machines to children or vulnerable persons which cannot be satisfied through alternative means.

2.48 This licensing authority will, as per the Commission's guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of betting terminals by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature and circumstances of betting terminals an operator wants to offer.

### **Betting (Track) Premises Licences**

2.49 The licensing authority is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas which they are not permitted to enter.

2.50 The authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse-racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

2.51 Parliament has recently amended section 55 of the Act, to allow the employment of persons under the age of 18 years at track premises, in functions not associated with gambling (for example, as ticket checkers, concession kiosk staff, litter collectors, and so on). However, the offence under section 51, prohibiting the employment of children and young persons to provide facilities for gambling, is unaffected. Proprietors of track premises must ensure that any persons under the age of 18 employed at their premises are not called upon to assist with the operation of betting facilities.

2.52 The entitlement to make up to four gaming machines available for use at the track premises may only be utilised if the holder of the premises licence also holds a pool betting operating licence. In situations where this is the case and it is proposed to make gaming machines available for use, any gaming machines (other than category D machines) should be located in areas from which children are excluded. If the track premises is licensed for the sale of alcohol, a further two gaming machines may be made available by way of the automatic entitlement for alcohol-licensed premises, upon payment of the appropriate notification fee.

2.53 Betting terminals may also be made available for use at track premises, and this licensing authority proposes to apply the same principles as set out in the Betting (other) Premises Licence section, above, to track premises.

2.54 A condition to track premises licences is that the track operator is to ensure that the terms for placing bets 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.

2.55 Applicants are required to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

2.56 Some tracks may be situated on open land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to

premises. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

2.57 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

### **Bingo Premises Licences**

2.58 This licensing authority notes the Commission's guidance, that licensing authorities will need to satisfy themselves that it is possible for bingo to be played in any premises for which they issue a bingo premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence and/or apply for new licences, as discussed in the Division of Premises and Primary Usage section, above.

2.59 If children are allowed to enter premises licensed for bingo they are not permitted to participate in the bingo, nor may they make use of any category of gaming machine, other than those in category D. Where category B or C machines are made available in premises to which children are admitted it is expected that:

- all such machines will be located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults will be admitted to the area where the machines are located;
- access to the area where the machines are located will be 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.

### **Family Entertainment Centre Premises Licences**

2.60 The 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.

2.61 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website and make itself aware of any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

## **Part 3 – Permits and Notices**

3.1 While the proprietors of dedicated, high-value gambling outlets will generally be required to complete a comprehensive application process to obtain Premises and Operating Licences, the Act also makes provision for simpler process for incidental and low-value gambling opportunities, such as gaming machines in pubs, bars and clubs, and small-stakes prize gaming. This part of the statement outlines the principles that we will apply to applications for gaming and gaming machine permits, and notifications of temporary or occasional gambling usage.

### **Licensed Premises Gaming Machine Permits & Notifications**

3.2 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically make 2 gaming machines, of categories C and/or D, available for use. The holder of the premises licence merely needs to notify the licensing authority that they intend to make use of this entitlement, and make payment of the prescribed notification fee. 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 (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

3.3 If a premises wishes to make 3 or more gaming machines available for use, then an application must be made for a licensed premises gaming machine permit. When considering that application, the licensing authority must have regard to the licensing objectives and any guidance issued by the Gambling Commission. The licensing authority may also consider “such other matters as they think relevant.”

3.4 This licensing authority will decide upon the interpretation of “such other matters” 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. The licensing authority 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 (category C). Examples of measures to satisfy the authority may include the gaming machines being positioned in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also assist. Regarding the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

3.5 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be made for, and dealt with as, an Adult Gaming Centre premises licence.

3.6 It should be noted that the licensing authority can decide to grant the application for a smaller number of machines and/or a different category of machines than that applied for. Although licensing authorities cannot attach any further conditions beyond these matters, permit holders are obliged to operate any gaming machines in compliance with the Commission’s ‘Gaming Machine Permits Code of Practice’, which imposes binding requirements for the supervision of gaming machines and for their positioning away from ATM’s, as well as offering a number of examples of best practice in respect of the prevention of underage gambling and the protection of vulnerable persons.

## Club Gaming Permits & Club Machine Permits

3.7 Members clubs and miners' welfare institutes may apply for a Club Gaming Permit or a Club Machine Permit, while commercial clubs may apply for a Club Machine Permit only. A Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D) only.

3.8 The Commission's guidance states: "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. The Secretary of State has made such regulations and these cover bridge and whist clubs<sup>4</sup>. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

3.9 The Commission's guidance also notes that licensing authorities may only refuse an application on the grounds that:

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

3.10 There is also a 'fast-track' procedure available under the Act for qualifying clubs 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 Commission or the police, and the grounds upon which an authority can refuse a permit are reduced to:

- the club is established primarily for gaming, other than gaming prescribed by regulations made under section 266 of the Act;
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

3.11 There are statutory conditions on club gaming permits that no child may use 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.

## Family Entertainment Centre Gaming Machine Permits

3.12 The proprietor of a family entertainment centre premises, who wishes to make only category D gaming machines available for use, can do so in reliance upon a Family Entertainment Centre Gaming Machine Permit. This category of permit provides an alternative to the Family Entertainment Centre Premises Licences available under the Act, which allow the operation of higher-value gaming machines but are subject to more rigorous application procedures.

3.13 Any application for a permit will be considered with regard to the licensing objectives and to any relevant guidance issued by the Commission. Particular weight will be given to child protection

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<sup>4</sup> Statutory Instrument 2007 No. 1942 – The Gambling Act 2005 (Gaming in Clubs) Regulations 2007



issues.

3.14 The 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, however, they may include appropriate measures / training for staff as regarding suspected truant school children on the premises, 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. This licensing authority will also expect, as per Gambling Commission guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant (or company directors if the applicant is a limited company) has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

3.15 Applicants will also be asked to supply a plan of the internal layout of the family entertainment centre, drawn to an appropriate scale, that shows the location of the area(s) where category D gaming machine will be made available for use.

3.16 An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

3.17 It is noted that a licensing authority cannot attach conditions to this type of permit.

3.18 This licensing authority has produced a Family Entertainment Centre gaming machine permit application form, but, so long as the required information is provided, will not require applications to be made exclusively in this format. The form can be downloaded from our website, at [www.lambeth.gov.uk/licensing/](http://www.lambeth.gov.uk/licensing/)

## Prize Gaming Permits

3.19 In any application for a prize gaming permit the applicant should set out the types of gaming that he or she is intending to offer, and should also be able to demonstrate:

- that they understand the limits on stakes and prizes that are set out in Regulations<sup>5</sup>;
- that the gaming offered is within the law; and
- that appropriate measures will be taken to ensure that children are protected from being harmed or exploited by gambling – in particular, the measures that will be taken to ensure that children cannot participate in the gambling offered.

3.20 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.

3.21 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the licensing authority cannot attach further conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if

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<sup>5</sup> Statutory Instrument 2009 No. 1272 – The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2009

- 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.

## Temporary Use Notices

3.22 Temporary Use Notices allow a gambling operator to make infrequent use of unlicensed premises, to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, may include hotels, conference centres and sporting venues.

3.23 The licensing authority can only accept a Temporary Use Notice from a person or company holding a relevant non-remote operating licence.

3.24 The types of gambling activities that may be authorised by a Temporary Use Notice are set out by the Secretary of State in regulations made under the Act<sup>6</sup>. Currently, the only permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include gaming tournaments with such games as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

3.25 Temporary Use Notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. 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 considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.

3.26 This licensing 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, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## Occasional Use Notices

3.27 Occasional Use Notices may be used to authorise infrequent betting at track premises, on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g. gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by a licensing authority.

3.28 The licensing authority notes that the definition of track premises is not restricted to permanent premises, but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the notice is an occupier of the track, or is responsible for the administration of events at the track.

3.29 It is further noted that Occasional Use Notices do not relieve any person accepting bets at the track premises from the requirement to hold an appropriate Betting operating licence, nor from the requirements of any conditions imposed upon that licence.

3.30 This licensing authority has produced a template form, suitable for giving an Occasional Use Notice, but will not require notifications to be given exclusively in this format. The template form can be downloaded from [www.lambeth.gov.uk/licensing/](http://www.lambeth.gov.uk/licensing/)

## Travelling Fairs

3.31 It will fall to this licensing authority to decide whether, at travelling fairs where category D

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<sup>6</sup> Statutory Instrument 2007 No. 3157 - The Gambling Act 2005 (Temporary Use Notices) Regulations 2007



machines are to be made available for use and / or equal chance prize gaming without a permit is offered, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

3.32 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

3.33 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **Part 4 – Lotteries**

4.1 The Gambling Act 2005 regulates all forms of fund-raising lotteries promoted in the UK. With the exception of the National Lottery, which is not regulated under this Act, it is illegal to promote a lottery for private or commercial gain.

4.2 While the term 'lottery' is used within the legislation, these provisions are also likely to apply to raffles, prize draws, tombola's, sweepstakes, scratch-card sales, and so on – in short, any arrangement in which a ticket is sold for a random chance of winning a prize. For the sake of simplicity, 'lottery' is used to define all of these.

4.3 Broadly speaking, there are two categories of lottery established under the Act –

- **Licensed lotteries** include those run by societies that aim to raise more than £20,000 in a single draw, or £250,000 in a calendar year, as well as any lotteries promoted by a local authority. An operating licence must be held by the promoter(s) of these lotteries.
- **Exempt lotteries** fall into one of four sub-categories, each with its own limits on the amounts that can be raised, the purposes for which it can be promoted, and the manner in which it must be run. These sub-categories comprise Incidental Non-Commercial Lotteries, Customer Lotteries, Private Lotteries, and Small Society Lotteries.

4.4 The administration and enforcement of licensed lotteries is carried out solely by the Gambling Commission, although local authorities may provide information and intelligence to assist in these processes. Of the four sub-categories of exempt lotteries, only Small Society Lotteries require registration with a local authority – no authorisation is required for the other three categories. Both the Commission and local authorities may carry out enforcement checks to ensure that any exempt lotteries are carried on in accordance with the relevant legal restrictions.

4.5 Should a society registered with a licensing authority for the promotion of small society lotteries promote a lottery which causes either on the statutory limits on proceeds to be exceeded, then any subsequent lotteries promoted by that society in the current calendar year or any of the following three calendar years will be deemed to be large society lotteries, and will require the society to obtain a relevant operating licence from the Gambling Commission. The registration with the licensing authority will remain in force, but will not serve to authorise any lottery schemes during this period – it is open to the society as to whether to cancel the registration.

### **Free Prize Draws & Skill Competitions**

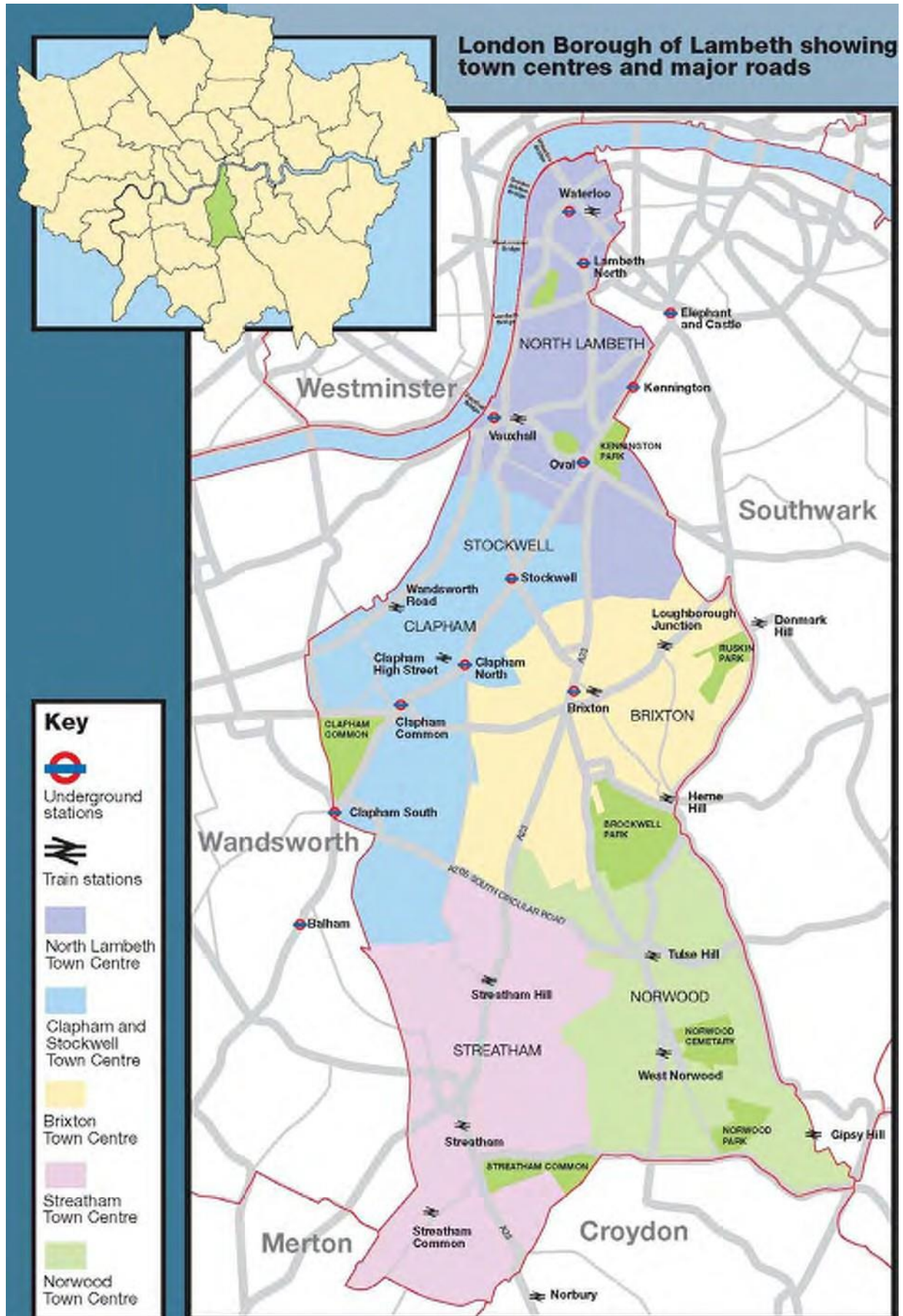
4.6 The Gambling Act 2005 does not include any measures to regulate prize draws where there is no charge to enter, nor any competition where the outcome relies significantly upon a participant's skill, judgement or knowledge. Generally, the licensing authority will be unable to become involved in any matters relating to these schemes.

4.7 However, on some occasions, schemes that are presented as skill competitions will actually fall under the definition of lotteries, or prize (chance) gaming, and would therefore need to comply with the statutory requirements. Alongside the Gambling Commission, licensing authorities are obliged to monitor the boundaries between lotteries and skill competitions, and will provide advice and assistance to ensure that any competitions are run in compliance with the relevant laws. This licensing authority notes the criteria set out in section 14 of the Act relating to the characteristics of a skill competition, and, when called upon to assess a particular scheme, will seek to ensure that the competition includes a suitable challenge of skill, judgement or knowledge that will:

- prevent a significant proportion of people who wish to participate from doing so; or

- prevent a significant proportion of people who participate from receiving a prize.

## Appendix A – Map of Lambeth



## **Appendix B – Consultation**

The Gambling Act 2005 requires that, when preparing the statement of principles, the following parties be consulted by licensing authorities:

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

In accordance with the statutory requirements, this authority consulted with the following:

- The Metropolitan Police (Lambeth Borough Commander and Lambeth Licensing Unit)
- The individuals and organisations who hold Premises Licences issued by this licensing authority under this Act
- The organisations who have applied for or hold gaming machine permits for multiple or high-profile premises within the borough
- Representative bodies within the gambling and leisure industry, including:
  - Association of British Bookmakers
  - British Beer and Pub Association
  - British Association of Leisure Parks, Piers and Attractions
  - The Bingo Association
  - British Amusement Catering Trade Association
  - Business in Sport and Leisure
  - National Casino Industry Forum (formerly the British Casino Association)
- All elected ward councillors
- The responsible authorities identified under the Act, including the Gambling Commission, HM Revenues & Customs, the London Fire Brigade, and Lambeth's Planning, Neighbourhood Enforcement, Health and Safety, Community Safety and Children's Services

Details of the consultation and the draft statement were also made available on Lambeth's website throughout the consultation period, accessible via [www.lambeth.gov.uk/gamblingpolicy](http://www.lambeth.gov.uk/gamblingpolicy)

## **Appendix C – Contact Details**

For information on this statement of principles, or for informal advice on making an application or whether a particular gambling activity is likely to require authorisation, please contact:

**Licensing Section**  
London Borough of Lambeth  
3rd Floor Civic Centre  
London, SW2 1EG

Tel: 020 7926 5000

Email: [licensing@lambeth.gov.uk](mailto:licensing@lambeth.gov.uk)  
Web: [www.lambeth.gov.uk/licensing/](http://www.lambeth.gov.uk/licensing/)

The following bodies are designated as Responsible Authorities under this legislation:

### **The Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6666  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

### **Metropolitan Police (Lambeth Licensing Unit)**

3rd Floor Civic Centre  
London, SW2 1EG

Tel: 020 8649 2089  
Email: [Licensing-LX@met.police.uk](mailto:Licensing-LX@met.police.uk)

### **London Fire Brigade**

Fire Safety Regulation: South West Area 4  
169 Union Street  
London  
SE1 0LL

Tel: 020 8555 1200 ext 37639  
Email: [FSRSW@london-fire.gov.uk](mailto:FSRSW@london-fire.gov.uk)

### **HM Revenue and Customs**

National Registration Unit  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ

Tel: 0141 555 3633  
Email: [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

### **Planning Department**

London Borough of Lambeth  
3rd Floor Civic Centre  
London, SW2 1EG

Tel: 020 7926 1180  
Email: [planning@lambeth.gov.uk](mailto:planning@lambeth.gov.uk)

### **Community Safety**

London Borough of Lambeth  
3rd Floor Civic Centre  
London, SW2 1EG

Tel: 020 7926 5000  
Email: [noise@lambeth.gov.uk](mailto:noise@lambeth.gov.uk)

### **Health & Safety**

London Borough of Lambeth  
3rd Floor Civic Centre  
London, SW2 1EG

Tel: 020 7926 6110  
Email: [healthandsafety@lambeth.gov.uk](mailto:healthandsafety@lambeth.gov.uk)

### **Children's Services**

London Borough of Lambeth  
1st Floor Civic Centre  
London, SW2 1EG

Tel: 020 7926 5555

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Further authorities have been designated in respect of any gambling taking place aboard vessels.