



Statement of Principles for Premises Licensed for Gambling London Borough of Lewisham

Statement of Principles 2016 -19

Gambling Act 2005

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DRAFT VERSION

Licensing Authority
Crime, Enforcement & Regulation Service
Laurence House
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London
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Statement of Licensing Principles for Premises Licensed for Gambling London Borough of Lewisham

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This statement of Licensing Principles was approved by London Borough of Lewisham on xxxxxxxx
All references to the Guidance refer to the Gambling Commission's Guidance to Licensing
Authorities, 5th Edition, published September 2015.

PART A

1. Introduction

The London Borough of Lewisham's ('the Licensing Authority') Statement of Licensing Policy for premises licensed for gambling sets out the issues which the Licensing Authority will take into consideration when determining Premises Licenses and covers licensed premises throughout the Borough. When drawing up the Policy, the Licensing Authority has considered the wide range of premises that will be licensed, including casinos, amusement arcades, bingo halls, betting offices and alcohol-licensed premises.

This Policy will set out the general approach the Council will take when it considers applications for licenses. It will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any "interested party" or responsible authority to make representations on an application or seek a review of a licence where provision has been made to do so in the Act. However, the Council will disregard any representations, which are regarded as irrelevant, frivolous and/or vexatious.

This Policy has been prepared to assist the Council in reaching a decision on applications, setting out those matters that will normally be taken into account. However each case will be decided on its merits.

This Policy also seeks to provide clarity for applicants, objectors, residents and other occupiers of property.

The Licensing Authority recognises the potential impact of gambling on the community within the Borough of Lewisham. In adopting this Policy, the Licensing Authority will seek to address the needs of residents to ensure a safe and healthy environment in which to live and work, together with safe and well-run entertainment premises that will benefit the local economy. In drafting this Policy, the Licensing Authority has sought to achieve a proper balance between implementing a responsible and consistent standard of regulation with minimizing the impact of regulation on businesses.

The Gambling Act 2005 (also referred to as "The Act") seeks to strengthen consumer protection and modernise the old gambling legislation. The Licensing Authority has prepared the Gambling Licensing Policy with this in mind.

In preparing this Licensing Policy Statement, the Licensing Authority has followed the procedure set out within the Act and has no discretion to grant Premises Licenses in circumstances where that would mean departing from the Gambling Commission Guidance and Codes of Practice and the Licensing Authority's own Licensing Policy Statement.

2. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005 Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Act. The aim of the Policy is to secure the three fundamental licensing objectives, which are:

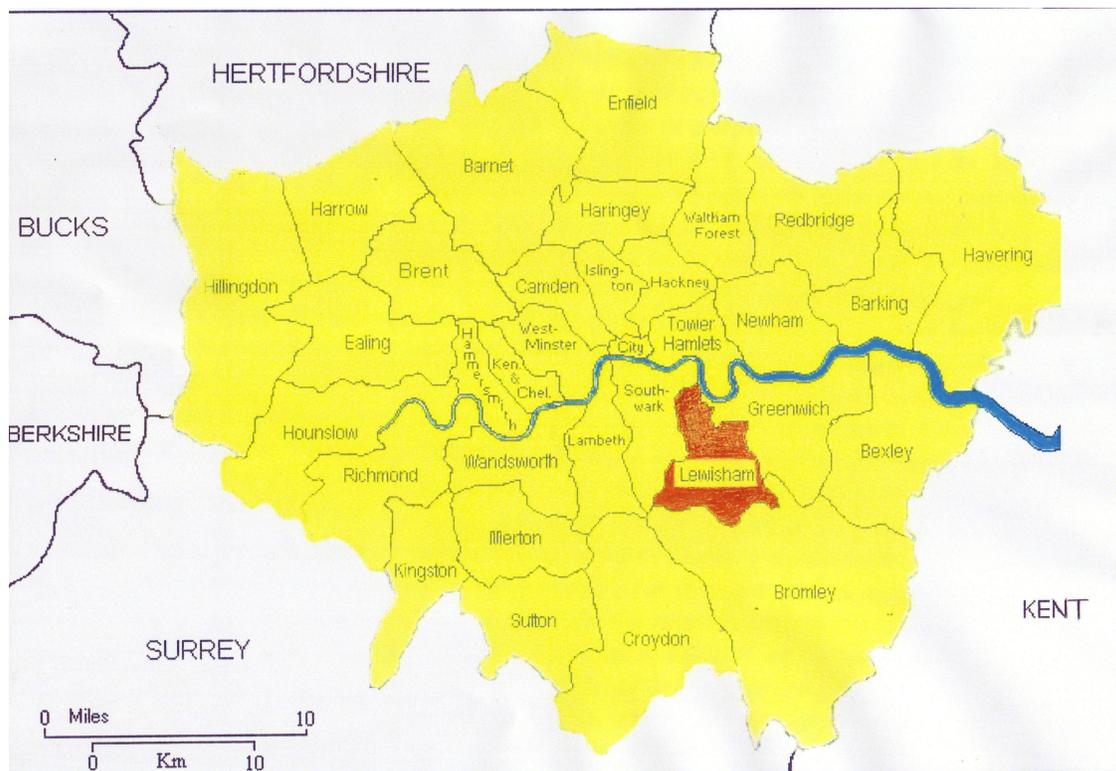
- To prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- To ensuring that gambling is conducted in a fair and open way
- To protect children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated that: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

3. Characteristics of the Borough

The London Borough of Lewisham is an Inner South East London Borough covering an area of 13.4 square miles. The population is 286,000. The Borough consists of 18 wards. An elected mayor with a cabinet of elected councillors selected by the mayor governs the business of the Council.

The northern part of the Borough contains most of the industrial and commercial areas although in general terms commercial and residential properties co-exist.





4. Consultation

Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement may also be reviewed from time to time and any amended parts re-consulted upon. The statement must be then re-published.

In preparing this Policy (or any revision thereafter), the Licensing Authority has (and will) consult with persons representing the interests of persons carrying on gambling businesses within the borough and with interested parties who represent the interest of persons who are likely to be affected by gambling.

Lewisham Council consulted widely upon this policy statement before finalising and publishing. A list of the persons we consulted is provided at the end of this policy.

The Gambling Act requires that 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

Our consultation took place between 9th July 2015 and 9th October 2015 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at <http://www.berr.gov.uk/files/file47158.pdf>

The full list of comments made and the consideration by the Council of those comments is available by request to: Licensing Services Laurence House 1 Catford Rd SE6 4RU or via the Council's website at: www.lewisham.gov.uk

The Policy was approved at a meeting of the Full Council on xxxxxxx and is available on our website. Copies are placed in the public libraries of the area as well as being available in the Town Hall.

5. Declaration

In determining the final licensing policy, the Licensing Authority will take into account the licensing objectives of the Gambling Act 2005, the contents of the Gambling Commission's Guidance and will give appropriate weight to the views of those it has consulted. The Licensing Authority will ensure that it considers the consultees' views carefully.

6. Responsible Authorities

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

- The need for the body to be responsible for an area covering the whole of the licensing authority's area
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc
- That this body is experienced in dealing with the protection of children.

In accordance with the Gambling Commission's Guidance for local authorities this Authority designates:

Childrens Services
London Borough of Lewisham
Laurence House
1 Catford Rd
SE6 4RU

For this purpose, this agency is considered appropriate as its objective is to co-ordinate and ensures the effectiveness of their member agencies in safeguarding the welfare of children.

The other responsible Authorities are:

The Gambling Commission
Chief Officer of Police for the area in which the premises is wholly are partly situated
The Fire and rescue authority for the same area
The local planning authority
Environmental Protection (local authority)
HM Revenue and Customs

It is worth noting that the requirement for operators to implement local risk assessments as a means of safeguarding the above specified licensing objectives and ensuring that operators acknowledge and subsequently mitigate risks identified by the licensing authority suggests that Public Health will be considered to have a greater input as a Responsible Authority. S.157(g) of the Gambling Act 2005 identifies the following as a responsible authority:

“an authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated”

Whilst the authority responsible for minimising or preventing the risk of pollution of the environment has been highlighted above as the local authority’s Environmental Protection department, with regard to harm to human health in an area this would translate as the local public health authority.

The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Council’s website at: www.lewisham.gov.uk

7. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005.

A person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person-

- 1) Lives sufficiently close to premises to be likely to be affected by the authorised activities; or
- 2) Has business interests that might be affected by the authorised activities; or
- 3) Represent persons in either of the above two groups.

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. There are five guiding principles as to the Authority's approach:

- i) Each case will be decided upon its merits.
- ii) This Authority will not apply a rigid rule to its decision-making.
- iii) This Authority will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities at 8.11 to 8.18.
- iv) Although the Gambling Commission has recommended that Licensing Authorities states that interested parties will include trade associations and trade unions, and residents' and tenants' associations; this Authority has decided that it will not generally view these bodies as interested parties unless they have a member who can be classed as such under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- v) Interested parties can be persons who are democratically elected such as Councillors and MPs. Other than these persons, this Authority will require written evidence that a person represents someone who either lives sufficiently close to the premises to be likely to be affected by the activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken to ensure that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Authority.

Factors to be considered

The Licensing Authority will take into account the following factors when interpreting 'sufficiently close':

- Size of the premises
- Nature of the premises
- Distance of the premises from the location of the person making the representation
- Potential impact of the premises, i.e. number of customers, routes likely to be taken by those visiting the establishment; and
- Circumstances of the complainant, i.e. interests

The Licensing Authority recognizes that the phrase 'sufficiently close to be likely to be affected' could have a different meaning for, for instance, a private resident, a residential school for children with problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its own merit.

The Licensing Authority will take into account the following factors when determining whether an individual is a person with a 'business interest that might be affected':

- 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.
- Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation.

This list is not exhaustive.

With regard to persons representing persons living sufficiently close and persons having business interests that may be affected, the Licensing Authority will take into account trade associations, trade unions, residents and tenants' associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

8. Local Risk Assessments

The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) were revised and published in February 2015 formalising a need for all non-remote licensees' to consider local risks. The production of local risk assessments assessing risks potentially undermining the adherence of the licensing objectives specified within the Gambling Act 2005 are required to take into account matters identified in the licensing authority's statement of policy or via a separate local area profile. The Social Responsibility Code 10.1.1 requires that from 6th April 2016 each premises providing gambling facilities (both existing premises and new premises) must devise an assessment, which mitigates the risks posed within the licensing authorities local area profile. This new requirement is a social responsibility code provision and therefore constitutes a mandatory requirement for licensees

Licensees are required to undertake a local risk assessment when applying for a new premises licence, ordinary code provision 10.12 comes into force in April 2016 and ensures that licensees should share their risk assessment when applying for a premises licence or applying for a variation to an existing licensed premises. Their risk assessment must also be updated:

- To take account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

9. Local Area Profile

The Commission's guidance to local authorities has recently referred to licensing authorities formulating local area profiles as a means of mapping out key characteristics of the local area (as defined in 6.47), which can be reviewed and updated to reflect changes to the local landscape, this in turn will shape the formation of operators risk assessments as a means of ensuring that key licensing objectives are safeguarded and continue to be complied with.

However, it is for the Licensing Authority to determine whether a local area profile is included within the body of the statement of policy or elsewhere. It has been agreed that in order to appropriately

assess area based vulnerability to gambling related harm and to ensure the adherence of key licensing objectives, the Authority's area profile will be located separately from the statement of policy. Additionally the Authority seeks to make reference to the local area profile in order for the profile to be reviewed and updated without the need for full consultation.

Nonetheless, the profile will include reference to:

- Schools, sixth form colleges, youth centres etc, with reference to the potential risk of under age gambling
- Hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among those groups
- Religious buildings
- Any known information about issues with problem gambling
- The surrounding night time economy and possible interaction with gambling premises
- Patterns of crime or anti social behaviour in the area, specifically linked to gambling premises
- The socio-economic makeup of the area
- The density of different types of gambling premises in certain locations
- Specific types of gambling premises in the local area

However, whilst Part 6 of the Guidance to Local Authorities specifies that there is no mandatory requirement for a local authority to have a local area profile it is evident that there are clear advantages in establishing such a procedure:

- It enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it
- Greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
- It enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge
- It encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

10. Exchange of information

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

For the purposes of the first licensing policy statement, this Licensing Authority confirms that it will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation. The Licensing Authority will have a key role in providing

information to the Gambling Commission and will provide information to the Commission to assist it in carrying out its functions. The Licensing Authority recognises the need to work closely with the Gambling Commission in exchanging information as and when required.

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. This Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Also considerations referred to within the Freedom of Information Act and Data Protection Act.

<http://www.lewisham.gov.uk/CouncilAndDemocracy/DataProtectionAndFreedomOfInformation/FreedomOfInformationAct.htm>

This may include seeking information about numbers of self excluded gamblers to help the authority develop understanding about the risk of problem gambling within the borough as a means of assessing area based vulnerability to gambling related harm and to ensure the authority's local profile is updated and reflective to changes to the local environment.

Where possible as a means of targeting enforcement activity and resources the local authority where possible and subject to the terms of primary authority agreements and where further guidance is provided by the commission seek to exchange information regarding test purchasing results and sporadic incidents that have occurred within licensed premises which have subsequently been reported to head office.

11. Enforcement

In respect of compliance the Licensing Authority will take the lead in ensuring compliance with the licence and any relevant Codes of Practice. The Gambling Commission will be the enforcement body for the Operator and Personal Licenses and illegal gambling. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but information will be passed on to the Gambling Commission where such concerns are found.

Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:

- i) Article 1, Protocol 1 – peaceful enjoyment of possessions.
- ii) Article 6 – right to a fair hearing
- iii) Article 8 – respect for private and family life
- iv) Article 10 – right to freedom of expression

Any decision to instigate legal proceedings and the subsequent management of our criminal cases will take account of the criteria set down in the Code for Crown Prosecutors and Attorney General Guidelines.

This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and therefore will endeavour to be:

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

As per the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. This assessment will be made in consultation with the responsible authorities and will include such factors as size and location of premises along with the type of activities offered and level of complaints or representations received.

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which is authorised. The Gambling Commission is the enforcement body for the Operator and Personal Licenses. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission. This Authority also understands that the Gambling Commission will be responsible for compliance as regards unlicensed premises.

The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual and whom the authority will contact first should any compliance queries or issues arise'

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation executive in its consideration of the regulatory functions of local authorities.

The authority recognises that the formation of a local risk assessment mitigating potential measures the authority has identified as possibly undermining key licensing objectives may simultaneously diminish the likelihood of the authority having to seek reviews or seek the addition of further conditions to a premises licence.

With regard to anti social behaviour, licensing authorities have the option under the Act to review, vary or impose conditions on a premises licence, nonetheless, in practice tools specifically designed to reduce anti social behaviour such as Community Protection Notices, Civil Injunctions, Dispersal Powers and in less circumstances the Public Space Protection Orders may have more of an impact and may be used in the first instance as a means of working alongside operators to reduce the impact of crime and disorder.

12. Licensing Authority functions

Licensing Authorities are required under the Act to:

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

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via Operator Licences.

PART B

PREMISES LICENCES

1. General Principles

Premises Licences authorise the provision of gambling facilities on the following:

- Adult Gaming Centres (for Category B3, B4, C and D machines)
- Family Entertainment Centres (for Category C and D machines). The Licensing Authority may also issue Family Entertainment Centres Gaming Machine Permits that authorise the use of Category D machines only).
- Casino Premises
- Bingo Premises
- Betting Premises, including race tracks used by betting intermediaries

Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be issued to people with the relevant Operating Licences.

Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Licensing Authority when considering applications will not take into account whether or not there is an unfulfilled demand for gambling facilities within the borough of Lewisham. Every application for a Premises Licence to the Licensing Authority will be considered on its merits and will be treated fairly and objectively in accordance with the three Licensing Objectives. The Licensing Authority will consult with responsible authorities on all applications.

In considering applications and in making any decisions, the Licensing Authority will take into account the Human Rights Act, in particular Articles 1, 6, 8 and 10.

The Licensing Authority recognises that the responsibility for an individual's gambling is his or her own and that the responsibility to exercise a duty of care is that of the Site Operator. However, the Licensing Authority recommend applicants for Adult Gaming and Family Entertainment Centres to consider adopting BACTA's Code of Social Responsibility and Good Practice and where gaming machines are concerned, applicants are recommended to adopt BACTA's Code of Practice for AWP's in Family Entertainment Centres and Adult Gaming Centres. These codes can be obtained at www.bacta.org.uk. The Licensing Authority will welcome and support the development of a unified Code of Practice.

The Licensing Authority will not consider representations that amount to moral objections to gambling per se, because such representations do not relate to the three Licensing Objectives and are therefore not valid reasons for rejecting applications. Where the Licensing Authority rejects an application for a Premises Licence it will rely on reasons that demonstrate that the Licensing

Objectives are not being met. The Gambling Commission's Guidance to Local Authorities also states that "moral objections to gambling are not a valid reason to reject applications for premises licenses"

This Licensing Authority is aware that in making decisions about premises licenses 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

Where there are age restrictions on entry to certain premises, the Licensing Authority recommends applicants consider and adopt BACTA's and GamCare's joint training initiative on a Site Age-of-Entry Control Policy.

The Licensing Authority recognises that most customers are able to enjoy and control their gambling, however, where there are those who are unable to control gambling, the Licensing Authority recommends that applicants adopt BACTA's and GamCare's Site Self-Exclusion Policy for those particular clients to request their exclusion for a fixed period.

Premises are defined in the Act as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Gambling Commission states in its Guidance for local authorities, it "will always be a question of fact in the circumstances." The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, but that does not mean that the single building/plot cannot be the subject of separate premises licenses for the basement and ground floor if they are configured acceptably. Whether different parts of the building can be properly regarded as being separate premises will depend on the circumstances. The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

This Licensing Authority takes particular note of the Gambling Commission's Guidance for local authorities which states that in considering applications for multiple licenses for a building or those for a specific part of the building to be licensed, "entrances and exits from parts of a building covered by one or more licenses should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area."

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include

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

This Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).”

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

Casinos

- The principal entrance to the premises must be from a street (as defined at 19.13 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per para 19.13 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo premises

- No customer must be able to access the premise directly from
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 9 of the Gambling Commission’s Guidance to Licensing Authorities contains further Guidance on this issue, which this Authority will also take into account in its decision-making.

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

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

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process, firstly whether the premises sought to be permitted to be used for gambling, and secondly whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state which they ought to be before gambling takes place.

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

This Licensing Authority will seek to avoid any duplication with statutory / regulatory systems, where possible, that already place obligations on employers and operators, for example, the Disability Discrimination legislation, Health and Safety at Work, etc. Act 1974, The Environmental Protection Act 1990 and the Fire Safety Regulatory Reform Order 2005. However, the Licensing Authority would require that prior to submission of a premises licence application (except in the case of tracks), the appropriate operator's licence be obtained. This Licensing Authority will also seek to avoid any duplication with planning laws. However section 210 of the 2005 Act prevents Licensing Authorities having regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building, when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building. However, it will listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Consideration of applications

When determining the location of proposed gambling facilities, the Licensing Authority in appropriate circumstances, will consider very carefully the following factors when considering applications for Premises Licences, permits and other permissions:

- Proximity of premises to local schools
- Proximity of premises to centres that pose a high risk to vulnerable and young persons
- Proximity of premises to residential areas where there is a high concentration of children and young people
- Proximity of premises to places of worship, particularly where Sunday Schools are in operation
- Mitigating measures contained within the applicants risk assessment

This list is not exhaustive and each case will be determined on its merits, if an applicant can show that they can overcome licensing objective concerns this must be taken into account

Premises licenses granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Local Authorities.

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

It should be noted that the Gambling Act does not include a specific licensing objective as the prevention of public nuisance. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police or ambulance assistance was required and how threatening the behaviour was to those who could see it or hear it. Crime is considered as being serious organised crime with relation to the premises. Concerns with regard to the integrity or criminal activities of an operator would be a matter for the Gambling Commission with regard to the personal and operators licenses..

Ensuring gambling is conducted in a fair and open way

This Licensing Authority has noted that the Gambling Commission in its Guidance for Local Authorities has stated that "Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.

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

This Licensing Authority has noted the Gambling Commission Guidance to Local Authorities states that: "The objective talks of protecting children from being harmed or exploited by gambling, but in practice that often means preventing them from taking part in or being in close proximity to gambling".

This Licensing Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective in relation to specific premises such as casinos. It is understood that a Code for casinos must:

- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino do not enter the gambling area;
- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person ("the supervisor") who is responsible for compliance with the code of practice; and
- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

The Licensing Authority will consider whether or not specific measures are needed to protect children and vulnerable persons at particular premises. Such measures may include:

- requirements to provide supervision at entrances;
- steps taken to segregate gambling from non-gambling areas frequented by children;
- the supervision of gaming machines in non adult gambling specific premises;
- appropriate signage;
- location of machines;
- numbers of staff on duty.

These measures will be particularly relevant on mixed use premises, tracks where children have freedom of movement in betting areas on race days and in particular to the non-gambling areas of casinos.

Where there are age restrictions on entry to certain premises, the Licensing Authority recommends applicants consider and adopt BACTA's and GamCare's joint training initiative on a Site Age-of-Entry Control Policy.

Restrictions may also be necessary in relation to advertising gambling products that are aimed at children or advertised in such a way that makes them attractive to children.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking 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 are gambling 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 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.

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

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. 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.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate'

It is noted that there are conditions, which the Licensing Authority cannot attach to premises licenses which are:

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

The Gambling Commission advises in its Guidance for Local Authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Security Industry Act and that door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority, However if this Licensing Authority deem it appropriate to impose a condition requiring door supervision for casinos or bingo premises then they may do so and require door supervisors to have undergone similar accredited training to that required by the Security Industry Authority. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

2. Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

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

This list is not exhaustive.

As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of provision of information leaflets / helpline numbers for organisations such as GamCare.

3. (Licensed) Family Entertainment Centres:

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

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

This list is not exhaustive.

This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licenses covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by Full Council.

This Licensing Authority is aware that, as explained in the Gambling Commission's Guidance for local authorities: Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons."

This Licensing Authority has noted that the Gambling Commission has stated in its Guidance for Local Authorities that “section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on a premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

5. Bingo premises

This Licensing Authority notes that the Gambling Commission’s Guidance states:

18.4 Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted. The percentage of category B machines must not exceed 20% of the total number of gaming machines in each licensed area

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

It has also been noted that the Gambling Commission Guidance states: section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on a premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

It is also understood that the Gambling Commission will be placing restrictions and requirements on Operating Licences for betting premises as regards credit and this Licensing Authority will consider the guidance when it is available.

6. Betting premises

It is noted that the Gambling Commission’s Guidance for Local Authorities states: Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the

casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons. While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter'

7. Tracks

The London Borough of Lewisham currently has no racetracks, however Millwall FC do hold a 'betting track licence'. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.

There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided. As regards betting machines, this Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons, or vulnerable people when considering the proposals of the operator.

8. Travelling Fairs

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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 which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

This Licensing Authority notes the Guidance for the Gambling Commission which states that It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority can inspect it fully”.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which is in the authority’s opinion reflect a change in the operator’s circumstances.

This Authority has noted the Gambling Commission’s Guidance that “A Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”

The Licensing Authority will only take into account relevant representations related to gambling and the three Licensing Objectives. The obtaining of planning permission and building regulation approval is considered irrelevant these matters should be dealt with under planning control and building regulation powers.

However, an applicant can only obtain a full Premises Licence to offer gambling once the building has been constructed and is ready to be used for gambling thus enabling the Licensing Authority to inspect the premises fully to ensure compliance of legal requirements.

10. Reviews:

Interested parties or responsible authorities can both make requests for a review of a premises licence, however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- 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

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

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:

- A. Add, remove or amend a licence condition imposed by the licensing authority
- B. Exclude a default condition imposed by the Secretary of State or Scottish Ministers (eg. opening hours) or remove such an exclusion
- C. Suspend the premises licence for a period not exceeding three months; and
- D. Revoke the premises licence

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

11. Appeals

There is a right of appeal by the applicant, should the Licensing Authority reject an application, similarly there is a right of appeal by a person who made representations or the applicant should the authority grant an application This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to the Magistrates' Court.

The Magistrates' Court will take into account the Licensing Authority's Licensing Policy, Gambling Commission's Guidance, any relevant Codes of Practice and the Licensing Objectives.

PART C
Permits / Temporary & Occasional Use Notice

Forms of authorisations other than Premises Licenses are as follows:

Unlicensed Family Entertainment Centres
Gaming machines on alcohol-licensed premises
Prize Gaming
Club Gaming
Club Gaming Machines

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 Para 7)

Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year Licensing Policy Statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits. Licensing Authorities will want to give weight to child protection issues. The principles will be as to whether the applicant is considered by this authority to be 'Fit and Proper' to carry on such a business. Factors such as a history of poor management or lack of control in such premises will be considered.

The Guidance also states that 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. Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre and the suitability of the premises in relation to their location and issues about disorder.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit and that the statement of principles only applies to initial applications and not to renewals (paragraph 18(4)).

2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. 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 Gambling 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 has been committed on the premises

If a premises wishes to have more than 2 machines, then it needs to apply for a permit. There would be an assumption to grant if the application was in accordance with the Gambling Commission Code of Practice, however the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being 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 be **required**. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

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 as an Adult Entertainment Centre premises licence.

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

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has not prepared such a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.

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.

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

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

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The 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 forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance for local authorities 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. 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 and clubs with political affiliations."

The Guidance also makes it clear that before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

This Licensing Authority is aware that they may only refuse an application on the grounds that:

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

It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. As the Gambling Commission's Guidance for local authorities states: "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 the Authority can refuse a permit are reduced and the grounds on which an application under the process may be refused are:

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

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The Licensing Authority can only grant them to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a set of premises where Temporary Use Notices are received relating to the same building / site.

6. Occasional Use Notices:

The London Borough of Lewisham currently has no racetracks, however The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need to consider the definition of a track and whether the applicant is permitted to avail him/herself of the notice.

Provided that the notice will not result in betting facilities being available for more than 8 days in a calendar year there is no provision for counter notices or objections to be submitted ‘

PART D

Applications / Register / Delegations

Premises licence fees will be set via a series of bands, with a prescribed maximum in each band. The authority will select precise fees from within the bands, limited to cost recovery.

Applications

Applications must be made in the prescribed form as laid out in Regulations. They should be made with all prescribed documents and fee to Licencing Authority, Crime, Enforcement & Regulation Service, Laurence House, 1 Catford Road, SE6 4RU. Tel No 020 8314 6400 All the responsible authorities must receive copies at the same time. Application and guidance packs are available from the above address.

Register to be maintained in the prescribed form

Delegation

The Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. The powers under the Act also allow for delegation of power/functions to Licensing Sub-Committees or to one or more officers.

Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Council has taken advantage of these powers and has established a Licensing Committee/Sub-Committees.

Many of the decisions and functions are largely administrative in nature such as the grant of non-contentious applications, including for example those licenses and certificates where no representations have been made. These will be delegated to Council officers. All such matters dealt with by officers will be reported for information to the next Licensing Committee meeting. Applications where there are relevant representations will be dealt with by the Licensing Committee/Sub-Committee, unless such representations are considered irrelevant, frivolous or vexatious or unless the Council, the applicant and everyone who has made representations agree that a hearing is not necessary (usually after successful mediation).

The agreed delegation of decisions and functions of the Licensing Committee, Sub-Committees and officers are as follows. The various delegations include delegation to impose appropriate conditions.

Delegation of Functions

Matter to be dealt with	Full Council	Licensing Committee	Officers
Full approval of three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee setting (when appropriate)		Within Statutory brackets	
Application for premises licence		Where a relevant representation has been made and not withdrawn	If no relevant representations made / or have been withdrawn
Application for a variation to a Licence		Where a relevant representation has been made and not withdrawn	If no relevant representations made / or have been withdrawn
Application for transfer of a Licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received from the Commission	Where no representations have been received from the Commission
Review of premises licence		All cases	
Application for club gaming / club machine permits		Where representations have been received from the Commission	Where no representations have been received from the Commission
Cancellation of club gaming / club machine permits		All cases	
Application for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of Temporary Use Notice			All cases
Decision to give counter notice to a Temporary Use Notice		All cases	

This scheme of delegations is without prejudice to the right of relevant parties to refer an application to a Licensing Sub-Committee or the full Licensing Committee if considers appropriate in the circumstances of any particular case.

Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or any of its Sub-Committees to meet in public, although Members can retire into private session to consider their decision.

List of Consultees

Borough Commander
Lewisham Police Station
43 Lewisham High Street
London
SE13 5JZ

Inspector (Licensing)
Lewisham Police Station
43 Lewisham High Street
London
SE13 5JZ

Fire Safety Regulation: South East 3
London Fire Brigade
169 Union Street
London
SE1 0LL

Association Of British Bookmakers
Regency House
1-4 Warwick Street
London
W1B 5LT

Poppleston Allen
37 Stoney Street
The Lace Market
Nottingham
NG1 1LS

The Blackheath Society
Chapman House
10 Blackheath Village
London
SE3 9LE

Glebe Residents Association
9 The Glebe
London
SE3 9TQ

Adelaide Avenue Action Group
81 Adelaide Avenue
Brockley
SE4 1JY

Blackheath Village Traders
23 Tranquil Vale
London
SE3 0BU

Brockley Cross Action Group
66 Geoffrey Road
London
SE4 1NT

Honor Oak Neighbourhood Association
50 Turnham Road
London
SE4

Culverley Green & Penderley Cross Residents
Association
52 Bargery Road
London
SE6

Goldsmiths Community Association
Castillion Road
Catford
London
SE6

Lewisham & Deptford Trade Council
20 Holbeach Road
London
SE6 4QX

Alliance Tenants Association
48 Albury Street
Deptford
London
SE8

Gosterwood Residents & Tenants
24 Citrus House
Alverton St
London
SE8 5NP

Baring Community Group
72 Ronver Road
London
SE12

Grove Park Community Group
306 Baring Road
Grove Park
SE12

Leegate Trading Tenants Association
7 Leegate Centre
London
SE12 8SS

Hither Green Residents Group
22 Littlewood
Hither Green
SE13

Community Project
170 New Cross Road
London
SE14 5AA

Lewisham Business Association
Suite 101 Astra House
Arklow Rd
SE14 6EB

Forest Hill Steering Group
1 Sydenham Park Road
Sydenham
SE26 4DY

Perry Fields Residents Association
1 Perry Rise
SE23 2QX

Forest Hill Traders Association
31 Brampton Road
London
SE23 2BG

Sydenham Park Residents Association
20 Sydenham Park
London
SE26

Sydenham Traders Association
People & Planet
80 Sydenham Road
SE26 5JX

Downham Estate Tenants & Residents
Association
Downham Estate Community Centre
50 Shoffold Street
BR1 5PE

Aim For Business
5 Oakridge Road
Downham
BR1

Whitefoot Lane Ratepayers Association
304 Whitefoot Lane
BR1 5SG

Ladbrokes Betting & Gaming Ltd
Imperial House
Imperial Drive Raynors Lane
Harrow
Middlesex
HA2 7JW

John Humphreys Ltd
87 High Street
Orpington
BR6 2RA

Cashino Gaming Limited
Scala House
122 Abbey Street
Nuneaton
CV11 5BZ

RAL Ltd
Silbury Court
368 Silbury Boulevard
MK9 2AF

Connaught Leisure
Connaught House
32-34 Marine Parade
BN11 3QA

Blackheath Leisure
Silbury Court
368 Silbury Boulevard
MK9 2AF

Roger Etchells & Co
The Old Bank
Kilwardby Street
Ashby-de-la-Zouch
LE65 2FR

Gamestec Leisure Ltd
Low Lane
Horsforth
LS18 4ER

Leisure Link
3 The Maltings
Wetmore Road
Burton - On – Trent
DE14 1SE

Kossway
8 The Ridgeway
Iver
SL0 9HJ

TGC Acquisitions Ltd
Regus House
Windmill Hill Business Park
Whitehall Way
Swindon
SN5 6QR

Catford Crime Prevention Panel
Bonus Pastor School
Winlaton Road
Bromley

Family Welfare Association
219 Stanstead Road
Forest Hill
SE23 1HU

NSPCC South London
44 High Street
Penge
SE20 7HB

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Kath Nicholson
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Kevin Sheehan
Executive Director for Customer Services

Liz Dart
Head of Community & Neighbourhood
Development

Sara Williams
Executive Director Of Children & Young People

Barry Quirke
Chief Executive

Jennifer Taylor
Senior Town Centre Manager

Aileen Buckton
Executive Director of Community Services

Geeta Subramaniam
Head of Crime Reduction

Ian Smith
Director for Children's Social Care

Petra Der Mann
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Information and Governance Office

Lewisham Asian Association
75 Jerningham Road
London
SE14 1YA

West Indian and African Community Association
C/o North Lewisham Project
144 Evelyn Street
SE8

Lewisham Gay Alliance
C/o Voluntary Action Lewisham
120 Rushey Green
SE6

Indian Cultural Society
140 Eltham Road
London
SE12

Crofton Turkish Cultural Group
Newstead Road Community Centre
2 Birch Grove
SE12

Lewisham Disability Coalition
Tony Urquart
2 Catford Broadway
London
SE6 4SP

South East London SCOPE
12 Broadfield Road
London
SE6

Disabled Living Foundation
380-384 Harrow Road
W9 2NU

Deptford Action For the Elderly
71 Deptford High Street
London
SE8 4AA

The Chief Executive
LB Bromley
Bromley Civic Centre
Stockwell Close
Bromley
BR1 3UH

The Chief Executive
LB Southwark
Town Hall
Peckham Road
SE5 8BU

The Chief Executive
LB Greenwich
Town Hall
Wellington Street
Woolwich
SE18 6PW

Samaritans Lewisham
362 New Cross Road
London
SE14

St Andrews Youth Club
St Andrews Community Centre
Wickham Road
London
SE4 2SA

Wesley Halls Downham Community Association
2 Shroffold Road
Bromley
BR1 5PD

Youth Aid
17 Brownhill Road
London
SE6 2HG

Rev William Fransch
Brockley Baptist Church
60 Upper Brockley Road
Brockley
London
SE4 1LY

The Chief Executive
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Taverna House
Park Lane
Croydon
CR9 3JS

South East London Bangladesh Workers
St. Mary's Centre
Ladywell Road
London
SE13 7HU

Turkish Community Project
44 Campshill Road
London
SE13 6QT

Wesley Hall Sydenham Youth Community
211-213 Sydenham Road
London
SE26 5HF

Mr Temba Nguta
Assemblies Of God Full Gospel Church
1a Ringstead Road
Catford
London
SE6 1HW

Mr Matt Hebditch
Catford Community Church
58 Montacute Road
London
SE6 4JX

Rev. Dr Amit
Catford & Bromley Synagogue
6 Crantock Road
Catford
London
SE6

Pastor Sam Ansah-Okyei
Christian Life Fellowship
8 Larch Close
London
SE8 5HT

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Church Of Saint Saviour & St John the Baptist
R.C
175 Lewisham High Street
London
SE13 6AA

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Catford & Bromley Synagogue
6 Crantock Road
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Rev Steve Paige
Emmanuel Pentecostal Church
374-376 Lee High Road
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SE12 8RS

Mrs Patricia Van Graanbrun
Forest Hill Society of Friends
34 Sunderland Road
London
SE23 2QA

Major Mary Scott
Catford Salvation Army
23-25 Brownhill Road
London
SE6

Rev Patrick Aikens
Church Of St William Of York R.C
4 Brockley Park
Forest Hill
London
SE23 1PS

Rev Carol Bostridge
Crofton Park Baptist Church
12 Amyruth Road
Crofton Park
London
SE4 1HQ

Rev David Ashby
Deptford Methodist Mission
1 Creek Road
London
SE8 3BT

Rev Fred Esiri
Elim Pentecostal Church
8- 10 Allerford Road
London
SE6

Rev J Phillips
Grace Temple
Castillion Road
London
SE6

Rev Isaac Imhangbe
Healing House Assemblies of God
2 Brockley Cross
London
SE4 1BE

Mr Sellapa Yogarajah
Hindu Group
14 Gillian Street
Ladywell
London
SE13

The Minster
Ichthus Forest Hill
Greenwich Quay
Clarence Road
London
SE8 3EY

Mr Steve Tibbert
Kings Church
Catford Hill
London
SE6 4PS

Imam Shakeel Begg
Lewisham & Kent Islamic Centre
363-365 Lewisham High Street
London
SE13 6EZ

Rev A. Wesley Cooke
Lewisham Methodist Church
The Manse
44 Westmont Road
London
SE9 1JE

Rev Ashley Hills
Lewisham Unitarians
41 Bromley Road
London
SE13 5HA

Rev David Hope
Living Water Ministries
7 Mahoney House
Heald Street
London
SE14 6TX

The Minister
New Covenant Church
4 Deptford Bridge
London
SE8 4HH

Rev Deverton Douglas
New Testament church of God
Bawtree Road
London
SE14 6ET

Mr George Maslin
Shaftsbury Christian Centre
27 Henryson Road
London
SE4 1HL

Rev Barry Carter
St Andrews United Reformed Church
63 Gordonbrock Road
London
SE4 1JA

Rev Corrinne Tourney
St Peter Church
St Peters Vicarage
Wickham Road
London
SE4 1TL

James Jane Lane Group Ltd
Greenside House
50 Station Road
London
N22 4TP

James Lane Bookmaker
Stanley House
151 dale Street
Liverpool
L2 2JW

Tote Bookmakers Ltd
Tote House
74 Upper Richmond Road
London
SW15 2SU

Power Leisure Bookmakers
5th Floor Crowne House
56/58 Southwark Street
London
SE1 1UN

Done Brothers
Spectrum
56-58 Benson Road
Birchwood
Warrington
WA3 7PQ

College Racing Ltd
301 Upper Elmers End Road
Beckenham
Kent
BR3 3QP

Coral Racing Ltd
Glebe House
Vicarage Drive
Barking
Essex
IG11 7NS

E Coomes (Holdings) Ltd
Watercombe House
100 Anchor & Hope Lane
London
SE7 7SS

William Hill Organisation Ltd
Greenside House
50 Station Road
London
N22 4TP

Power Leisure Bookmakers
17 City Business Centre
Lower Road
SE16 2KB

Coral Racing
46 Station Road
Aldershot
Hants
GU11 1HT

Sports Bookmakers
23 Woodhall Parade
Welwyn Garden City
Herts
AL7 3PP

James Bertram McDonnell
14 The Glebe
Blackheath
SE3 9TG

Falconforce Trading Ltd
2 The Green
Hersham
Walton- On – Thames
KT12 4HW

CL Jennings Ltd
218b High Street
Epping
CM16 4BG

170 Community Project
170 New Cross Road
London
SE14 5AA

2000 Community Action Centre
199 – 201 Grove Street
London
SE8 3PG

Ackroyd Community Association
4 Ackroyd Road
London
SE23 1DL

Adventurous Gems Youth Project
Granville Youth Centre
Granville Park
London
SE13

Age Concern Lewisham
10 Catford Broadway
London
SE6 4SP

Forest Hill Youth Project/Platform
2 Devonshire Road
London
SE23 3TJ

Grove Park Community Group
Ringway Centre
268 Gillian Court
267 Baring Road
London
SE12 0DS

Lewisham Action on Meditation Project
Old Fire Station
340 Lewisham High Street
London
SE13 6LE

Citizens Advice Bureau
Lewisham CAB Service Ltd
Deptford Business Park, 8 Evelyn Court
Grinstead Road
London
SE8 5AD

Lewisham Disability Coalition
2 Catford Broadway
London
SE6 4SP

Lewisham Irish Community Centre
2a Davenport Road
London
SE6 2AY

Lewisham Pensioners Forum/Voluntary Action
Lewisham
120 Rushey Green
Catford
London
SE6 4HQ

Lewisham Victim Support Scheme
300 Sangley Road
London
SE6 2JT

Lewisham Young Women's Resources
308 Brownhill Road
London
SE6 1AU

Refuge
2-8 Maltravers Street
London
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Rockbourne Youth Club
41a Rockbourne Road
London
SE23 2DA

Blackheath Bookmakers Ltd
175 Deptford High Street
London
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Mr Rajas Rajasekar
96 Bellingham Road
London
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Betting Shop Services Ltd
4 Simon Champion Court
232-234 High Street
Epping
Essex
CM16 4AU

Joe Jennings Bookmakers Ltd
59/60 The Stow
Harlow
Essex
CM20 3AH

Mecca Bingo Ltd
Statesman House
Stafferton Way
Maidenhead
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SL6 1AY

Millwall Football Club
The Den
Zampa Road
London
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NCIF
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