

PART ONE - PUBLIC

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**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE

**Date:** Tuesday 25 September 2018

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** DRAFT STATEMENT OF PRINCIPLES FOR GAMBLING  
2019- 2022

**Contact Officer:** Steve Phillips Team Leader Licencing: Public Protection  
Tel: 020 8313 4659 [E-mail:  
steve.phillips@bromley.gov.uk](mailto:steve.phillips@bromley.gov.uk)

**Chief Officer:** Executive Director of Environment & Community Services **Ward:**  
  
(All Wards);

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1. Reason for report

To present Members with the results of public consultation on the draft gambling policy and recommend the approval of the draft policy for adoption by Council on 9<sup>th</sup> October 2018

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2. **RECOMMENDATION(S)**

**Members are asked to:**

**Note and comment on the response to public consultation and recommended the Statement of Gambling Policy under the Gambling Act 2005 for adoption by full Council on 9<sup>th</sup> October 2018 to have effect from 31 January 2019.**

## Impact on Vulnerable Adults and Children

1. Summary of Impact: This policy is required under section 349 of the Gambling Act 2005, and the Act promotes safer practice at premises where gambling activities take place. Under the legislation, licensees and their operators have a legal responsibility to 'protect children and other vulnerable persons from being harmed or exploited by gambling'.
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## Corporate Policy

1. Policy Status: Existing Policy: Statement of Gambling Policy 2016-2019
  2. BBB Priority: Children and Young People Excellent Council Quality Environment Safe Bromley Vibrant, Thriving Town Centres:
- 

## Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Public Protection and Safety Portfolio Budget
  4. Total current budget for this head: £2.103m
  5. Source of funding: Existing controllable revenue budgets 2018/19
- 

## Personnel

1. Number of staff (current and additional): 51 FTE
  2. If from existing staff resources, number of staff hours: N/A
- 

## Legal

1. Legal Requirement: Statutory Requirement: Section 349 Gambling Act 2005 requires the Council to prepare and publish a statement of the principles they propose to apply in exercising their functions under the Act. Each statement of policy lasts for 3 years. The next three year period is from 31 January 2019 to 30 Jan 2022.
  2. Call-in: Not Applicable:
- 

## Procurement

1. Summary of Procurement Implications: Not Applicable
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 150 licensed premises and all residents and businesses living and trading in the vicinity of licensed premises
- 

## Ward Councillor Views

1. Have Ward Councilors been asked for comments? YES
2. Summary of Ward Councilors comments: No comments have been received in response to consultation on the draft statement of Gambling policy.

### 3. COMMENTARY

- 3.1 The Gambling Act 2005 replaced most of the existing law about gambling in Britain save that it does not include, within its scope, the National Lottery.
- 3.2 The Council is the 'Licensing Authority' under the Gambling Act 2005 and must prepare and publish a statement of its licensing policy for periods of three years (Section 349). The policy must be reviewed from time to time and before each three year period.
- 3.3 The current policy was reviewed by Members on 26 September 2015 and adopted by Full Council on 12 November and came into effect on 31 January 2016.
- 3.4 The General Purposes and Licensing Committee prepares and recommends to full Council the adoption of the Councils Statement of Gambling policy which is required by the Gambling Act 2005
- 3.5 At its meeting on 25 July 2018 Members approved a draft Statement of Gambling Policy (2019- 2022) for public consultation
- 3.6 The draft policy has been published on the Council's website and all licence holders have been written to advising them of the draft policy, highlighting the most significant changes and seeking their views. In addition the draft policy has been drawn to the attention of the statutory Responsible Authorities and a wide range of other bodies and organisations as listed on page 5 of the draft policy
- 3.7 A total of two responses have been received
1. Ms Elizabeth Speed General Council for Novomatic UK on Behalf of Talarius Limited. Identifying some inconsistencies and grammatical errors from the Gambling Act 2005. Shown at appendix 1
  2. Ms Janet Marron from Excise Processing Team HM Revenue and customs identifying an incorrect address for their contact as a responsible authority. Shown at appendix 2
- 3.8 In light of the responses to the consultation, a suggested final version of the policy is attached which Members are asked to recommend for adoption by full Council on 19 October 2015, subject to any changes agreed following public consultation. Shown at appendix 3
- 3.9 Local authorities have responsibility for publishing a three-year Statement of Gambling Licensing Policy and next revised policy must be published by 31 January 2019.
- 3.10 The consultation and adoption time table is presented in Table 1:

Table 1

Report to General Purpose 7 Licensing Committee	25 July 2018
Public Consultation	27 July - 16 September 2018
Consideration of policy in response to consultation GP&L	26 September 2018
Adoption of policy by Full Council	8 October 2018
Publication (statutory publication date)	31 January 2019

#### 4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

This policy is required under section 349 of the Gambling Act 2005, and the Act promotes safer practice at premises where gambling activities take place. Under the legislation, licensees and their operators have a legal responsibility to 'protect children and other vulnerable persons from being harmed or exploited by gambling'.

#### 5. POLICY IMPLICATIONS

The Council is obliged to adopt and publish a Statement of its Gambling Policy. It is also under a duty to keep the policy under review and to revise it when appropriate. Before adopting a revised policy there needs to be a process of public consultation including specified bodies.

#### 6. LEGAL IMPLICATIONS

The Council, as the Licensing Authority has a requirement under section 349 of the Gambling Act 2005 to prepare and publish a statement of principles for gambling. 7.2 Section 349(1) requires the Licensing Authority to prepare and publish a Statement of Principles before each successive period of three years.

<b>Non-Applicable Sections:</b>	Financial, Personnel, procurement
Background Documents: (Access via Contact Officer)	Gambling Act 2005. Guidance issued by the Gambling Commission 5th Edition. Bromley's Gambling Policy 2016-2019

# Appendix 1

**From:** elizabeth speed [<mailto:espeed@novomatic.co.uk>]

**Sent:** 08 August 2018 15:53

**To:** Phillips, Steve

**Cc:** Tracey Rose

**Subject:** Gambling Act 2005 - London Borough of Bromley Statement of Principles Consultation

Dear Sirs

### **Gambling Act 2005 – Statement of Principles Consultation**

Thank you for the opportunity to make comments on the above consultation. On behalf of Talarius Limited, I make the following comments in relation to the consultation draft (the "Draft"): -

1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act") it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally, under the Code, when designing and reviewing policies, the Authority must among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We suggest that the general applicability of the Code is confirmed in the Draft.
2. Para B3: page 12 – We note the first bullet point on the left hand side of the page. While staff training is essential for matters of Social Responsibility, including on customer interaction, the reference to "signs of excessive gambling" is, we suggest, too vague and is a subjective a concept. What might seem "excessive" to one person could be perfectly acceptable to another and asking staff to make judgement calls on the parameters is inappropriate. More pertinent, is training of staff on noting signs of distress, aggression etc. associated with the customer's gambling.
3. Para B3 3: page 14 - As the Authority appreciates, children are legally permitted to take part in limited types of gambling (Category D machines). Plainly in such instances, children should not be prevented from playing those machines nor should advertising be prohibited in relation to them. We suggest that the wording in the paragraph is adjusted.
4. Para B.9: page 16 – the 5<sup>th</sup> bullet point refers to "physical separation of areas" as an appropriate measure for AGCs. As these premises are for adults only, we cannot see how that could be justified and assume it has been included in error.
5. Para B.10: page 16 - with reference to the 7<sup>th</sup> main paragraph, we support the need to protect children and other vulnerable people from harm or exploitation generally. However, as the Authority appreciates in this section, the licensing objective in question as set out in the Act, is to protect children and other vulnerable persons from being harmed or exploited by gambling. As such, whilst issues of protection from harm generally are important they are not, with respect, a matter for the Statement of Principles under the Act. To proceed otherwise would be to stray into other regulatory regimes. We suggest that this para is amended.
6. Para B.10: page 16 - with reference to the 10<sup>th</sup> bullet point: no betting machines are permitted in FECs. We suspect this reference might have been included in error.
7. Para B.10: page 16 - with reference to the 12<sup>th</sup> bullet point, the suggestion that children must be accompanied by adults is contrary to the Act which allows children to play Category D games. It is a legal and licensed activity and the licensee is obligated through law to prevent children accessing machines in any adult only areas. To suggest a condition/measure such as this would be contrary to the Act and the Code.
8. Para B.10 – page 17 – The penultimate paragraph of the section refers to operating licence conditions covering the way in which areas with Category C machines should be delineated. With respect, operating licences contain no such conditions. Rather they are covered in the

Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007. Many of the points in those Regulations are already picked up in the Draft which is duplicatory (for example, some of the measures listed at B.10)

9. Paras B.12 and B.13: page 17 – We note that the list of possible measures and conditions set out for AGCs and FECs are not repeated for Bingo or Betting premises, despite the fact that the bets/stakes/prizes at such premises can be considerably higher than in AGCs and FECs. We suggest that this unjustified inconsistency be remedied.
10. Para B.16: page 19 - We note the reference to premises needing to be “finished” to apply for a premises licence – that is not a requirement. We refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then current Guidance issued by the Commission was wrong and the Guidance was subsequently amended. We suggest that the position be corrected. The premises do not have to be constructed before an application for a premises licence can be made. In fact, applications for provisional statements have been very rare since the above mentioned case was heard.
11. Appendix B: the named Responsible Authorities do not match the bodies identified by the Act at section 157. For example, HSE and Weights and Measure (trading standard ) are not RAs under the Act.

We hope that the above proves useful. If you have any questions, please do not hesitate to contact us.

Yours faithfully,

Elizabeth Speed  
Group General Counsel  
**Novomatic UK**

Direct +44 (0) 191 497 8222  
Mobile +44 (0) 7808 571 588  
[espeed@novomatic.co.uk](mailto:espeed@novomatic.co.uk)

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# Appendix 2

-----Original Message-----

From: NRUBetting&Gaming@hmrc.gsi.gov.uk  
[mailto:NRUBetting&Gaming@hmrc.gsi.gov.uk]

Sent: 03 August 2018 09:30

To: Phillips, Steve

Subject: London Borough of Bromley Revised Statement of Gambling Policy  
2019/22

Dear Colleague

As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address to:-

HM Revenue and Customs  
Excise Processing Teams  
BX9 1GL  
United Kingdom

Our contact telephone number is now 0300 322 7072 Option 7.

Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk

Kind Regards

Janet (Marron)  
Excise Processing Team  
HM Revenue & Customs  
BX9 1GL  
United Kingdom  
0300 322 77072 Option 7

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# Appendix 3

London Borough of Bromley

**LONDON BOROUGH OF BROMLEY**  
**GAMBLING ACT 2005**  
**DRAFT STATEMENT OF**  
**GAMBLING POLICY**  
**2019 – 2022**

**Statement of Principles - Gambling Act 2005  
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### **Appendices**

- Appendix A - Map of London Borough of Bromley
- Appendix B - Responsible Authorities details

## **PART A - GENERAL**

### **A.1. Summary of the Gambling Act 2005**

The Gambling Act 2005 establishes a system of licences and permits for a wide range of gambling activities.

The Gambling Act 2005 (the “Act”) requires this Licensing Authority to draft, consult on and publish a Statement of Licensing Policy in relation to its responsibilities under the Act. Once published, this Policy Statement, called the Statement of Gambling Policy, will be kept under constant review and, in any case, will be re-published after every three years. Before any revision of the Statement of Gambling Policy is published this Authority will carry out a full consultation exercise on the relevant sections.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

This latest draft revision of the Statement of Gambling Policy is for the period 2019 – 2022. It sets out how the Licensing Authority intends to exercise its functions under the Act, for the next three years, and has been prepared having regard to the Act, secondary regulations, and the Commission’s Guidance to Local Licensing Authorities (5th Edition published September 2015 with parts 17, 18 and 19 updated September 2016).

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

For the purposes of the Gambling Act 2005 the London Borough of Bromley is the

Licensing Authority.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives which 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**

The licensing authority will make decisions about premises licences, permits and temporary use notices with reference to the following documents and guidance:

- The relevant guidance issued by the Gambling Commission
- The relevant Licence Conditions and Code of Practice issued by the Gambling Commission
- that are reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises and travelling fairs.

The council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

[The Gambling Commission issues Licence Conditions and Codes of Practice for gambling operators. Social Responsibility Codes have the force of a licence condition. The Gambling Commission also issue Ordinary Codes, which set out best industry practice. They are not licence conditions, but operators are expected to follow them unless they have alternative arrangements in place which they can demonstrate are equally as effective.](#)

London Borough of Bromley

The Licensing Authority, when carrying out inspections of gambling operators, reserves the right to assess compliance with such matters set out in the Gambling Commission's Licence Conditions and Codes of Practice as it sees fit, and will share intelligence with the Gambling Commission about any issues of non-compliance in this respect.

## **A.2. Introduction**

The London Borough of Bromley is situated on the borders of South East London and Kent. Geographically it is the largest of the London boroughs with an area of approximately 58 Sq. miles. The borough has a population of approximately 300,000.

The central and northern parts of the borough are urban and densely populated with the main residential centres being:

- Penge/Anerley
- Beckenham
- West Wickham
- Bromley
- Chislehurst / Mottingham
- Orpington / Farnborough
- St Paul's Cray / St Mary Cray

The Southern part of the Borough is rural with Biggin Hill as its main residential and commercial centre. See Map of Borough in **Appendix A**

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose to apply when exercising their functions.

This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

The licensing authority is consulting widely upon this statement before finalising and publishing.

A list of those persons consulted is provided below. It should be noted that unsolicited comments may be received from other persons.

List of persons this authority consulted:

- All Councillors
- The Metropolitan Police – Bromley Police Station
- The London Fire Brigade
- Planning Department of the London Borough of Bromley
- Public Health Complaints Team
- The Director for Childrens Services
- All known premises with AWP Machines
- All known operators of licensed Betting Offices
- All known operators of licensed bingo halls
- All known registered Society Lotteries
- All known Residents Associations
- All known faith groups
- Other adjoining Councils

The consultation took place between 26<sup>th</sup> July 2018 and the 16<sup>th</sup> Sept 2018 The full list of comments made and the consideration of those comments is available by request from the:

Licensing Team Public  
Protection Civic Centre

Stockwell Close  
Bromley BR1 3UH

Tel 020 8313 4218 or via the council's website at: [www.bromley.gov.uk](http://www.bromley.gov.uk)

The final policy approved by Full Council will be published on the council's website at: [www.bromley.gov.uk](http://www.bromley.gov.uk).

Should you have any comments regarding this policy statement please send them via e-mail or letter to the following contact:

Steve Phillips

Licensing Team  
Public Protection  
Civic Centre  
Stockwell Close  
Bromley BR1 3UH  
Tel: 020 8313 4216  
e-mail: [steve.phillips@bromley.gov.uk](mailto:steve.phillips@bromley.gov.uk)

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 according to the statutory requirements of the Gambling Act 2005.

### A.3. Declaration

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

### A.4. Licensing Authority Delegation under the Gambling Act

X depicts the lowest levels to which decisions can be made

Matter to be dealt with	Full Council	Licensing Sub-Committee	Officers
Final approval of the Licensing Authority Policy Statement	X		
Gambling Policy not to permit casinos	X		
Fee setting (Where appropriate)		X If delegated	

		<b>by full council</b>	
Applications for new grant or variation of a premises licences where representations have been received and not withdrawn.		<b>X</b>	
Applications for new grant or variation of a premises licences where no representations have been made, or where any representations made have been withdrawn.			<b>X</b>
Application for the transfer of a premises licence where representations have been received from the Commission or responsible authority.		<b>X</b>	
Application for the transfer of a premises licence where no representations received from the Commission or responsible authority			<b>X</b>
Application for a provisional statement where representations have been received and not withdrawn.		<b>X</b>	
Application for a provisional statement where no representations have been made, or where any representations made have been withdrawn.			<b>X</b>
Review of a premises licence.		<b>X</b>	
Application for club gaming/club machine permits where objections have been received and not withdrawn.		<b>X</b>	
Application for club gaming/club machine permits where no objections have been received or where any objections made have been withdrawn.			<b>X</b>
Cancellation of club gaming/club machine permits and licensed premises gaming machine permits.		<b>X</b>	
Applications for other permits.			<b>X</b>

Consideration of temporary use notice.			<b>X</b>
Decision to give a counter notice to a temporary use notice.		<b>X</b>	

### A.5. Responsible Authorities

When an application is received for a premises licence or permit, there will be a requirement to consult with a number of responsible authorities. It will be the responsibility of the applicant to send copies of their applications to the authorities listed below:

- London Borough of Bromley Licensing Authority
- The Gambling Commission
- The Metropolitan Police: Bromley Police Station
- The London Fire Brigade
- Planning Department of the London Borough of Bromley
- Public Health Complaints Team
- London Borough of Bromley Local Safeguarding Children Boards (LBCBs)
- HM Commissioners of Customs and Excise

Under the Children Act 2004, as amended by the Children and Social Work Act 2017, Local Safeguarding Children Boards, set up by local authorities, will be replaced. Under the new legislation, the three safeguarding partners (local authorities, chief officers of police, and clinical commissioning groups) must make arrangements to work together with relevant agencies (as they consider appropriate) to safeguard and protect the welfare of children in the area. At the latest the new safeguarding arrangements must be in place by 29 September 2019. Bromley safeguarding partners have agreed to maintain the existing Bromley Safeguarding Children Board arrangements at this time.

Bromley Safeguarding Children Board meets quarterly but applications relating to Gambling Licences require any comments from the 'responsible authorities' within 28 days. Therefore, it would clearly not be appropriate to designate the BSCB as the 'responsible authority' in this area. The policy of the Licensing Authority is that the 'responsible authority' in relation to the protection of children from harm will be the Council's Children's Social Care Department and, in particular, the BSCB Manager in that Department.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are set out in **Appendix B** of this policy and are also available via the Council's website at: [www.bromley.gov.uk](http://www.bromley.gov.uk)

Each responsible authority will consider an application and may make representations to the licensing authority in accordance with the 3 licensing

objectives.

### **A.6. Interested parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Gambling Act 2005. An Interested Person is someone, who in the opinion of the licensing authority:

- Lives sufficiently close to the premises to be affected by the authorised activities taking place.
- Has a business interest that might be affected.
- Represent a person of the above.

We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. We will not apply a rigid rule to our decision-making.
- We will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested Parties will include trade associations and trade unions, and residents and tenants associations. This authority will not however generally view these bodies as interested parties unless they have a member who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. 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, we will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter, email or fax from one of these persons requesting the representation is sufficient.

### **A.7. Exchange of Information**

We are required to ensure that we exchange information in accordance with the Act (without contravening the Data Protection Act 2018 and the General Data Protection Regulations ) with the following bodies:

- The Gambling Commission

- The Metropolitan Police
- HM Commissioners of Customs and Excise
- Gambling Appeal Tribunal
- National Lotteries Commission
- Secretary of State

London Borough of Bromley

### A.8. Information from Operators and Premises Licence Holders

We require operators/ premises licence holders to supply information to the licensing authority where relevant to the licensing objectives, Licensing Conditions and Code of Practice (LCCP) this will include the following on at least an annual bases

- Premises and local area risk assessment
- How many test purchase activities have been undertaken
- How many incidents of gambling refusals due to
  - Underage
  - **Problem** gambling where staff intervention has occurred
- How many self-excluded gamblers have registered at the premises

Deleted: Excessive

Information required as it occurs (notification via email, letter or phone)

- Incidents of failed age test purchases
- Incidents of crime and disorder (which required police notification or involvement)

### A.9. Inspection and Enforcement

Our main aim is to ensure compliance with Premises Licences and other permissions that we authorise..

In accordance with our functions under the Gambling Act 2005 we will endeavour to be:

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

Where inspections are undertaken the licensing authority will endeavour to be consistent with the guidance given by the Gambling Commission and where appropriate will have regard to the inspection templates they have produced. We will endeavour to avoid duplication with other regulatory regimes.

## Enforcement

Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2005 Act. We will support businesses to comply with the law but view offences and breaches of licence conditions seriously.

The Licensing Authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this. The Licensing Authority will work closely with the Police to establish protocols to ensure an efficient deployment of Police and Licensing Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that High-risk premises receive the highest priority.

The enforcement action will be:

- Targeted toward those premises presenting the highest risk
- Proportional, to the nature and seriousness of the risk those premises present
- Consistent, so that we take similar approaches in similar situations
- Transparent, so those who are subject to enforcement action know what to expect
- Accountable, so that we take responsibility for our actions.

The Licensing Authority has instructed its officers to adopt a zero tolerance approach to offences and breaches of licence conditions. In practice this means that licensing officers will investigate significant complaints alleging breaches of the Act or licence conditions and act on all sources of reliable intelligence (including local residents and businesses) with a view to establishing if offences have been committed.

Such matters may include:

- Unauthorised licensable activities or breach of licence conditions
- Allowing disorderly conduct on licensed premises
- Allowing illegal Gambling to occur
- Allowing children to gamble or have access to age restricted premises or locations
- Allowing a person to gamble who is knowingly drunk

Where licensing officers have such evidence they have a range of enforcement options including:

- Offering advice /guidance (verbal or written)
- Informal written warnings
- Formal cautions
- Prosecutions
- Review of Premises Licences
- Closure of premises that are experiencing or are likely to experience crime and disorder or public nuisance.

The Licensing Authority encourages a graduated approach to enforcement as set out in the Environmental Health & Trading Standards generic enforcement policy however in the cases of offences relating to :-

1. The deliberate and persistent provision of unlicensed activities
2. The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives
3. Persistent underage gambling or access
4. The use of licensed premises in connection with organised criminal activity
5. Allowing disorderly conduct on licensed premises

#### **A.10. Licensing Authority functions**

We are required 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) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- 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 the licensing authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences.

## **Part B**

### **PREMISES LICENCES**

#### **B.1. General Principles**

The licensing authority is responsible for administering applications for premises licences and permits. The premises licences will be subject to the requirements of the Act and its regulations.

The licensing authority may issue specific mandatory and default conditions, but it will also have the discretion to exclude default conditions and attach others, where it believes it to be appropriate.

Decisions about premises will be made:

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

Moral objections or demand for gambling are not a valid reason to reject applications for premises licences.

#### **B.2. Definition of premises**

Premises are defined in the Act as "any place".

A premise can only hold one premises licence. A building can hold a number of premises licences if it contains a number of distinct premises within it. The question of whether different parts of the premises are separate will be considered at the time of application however the Gambling Commission does not believe that buildings that have been made temporarily or artificially separate are able to be considered as different premises.

We will ensure that when considering applications for multiple licences in a building that those areas that are used for non-gambling purposes are kept

separate from the gambling areas. In particular we will be aware that entrances and exits from parts of a building covered by one or more licences 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.

We will also ensure that applications where access to the licensed premises is through other premises are carefully considered. We will be looking at the issues of whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. We want to ensure that the combination of the premises within the building will not allow an arrangement that would otherwise be prohibited under the Act.

An applicant for a premises licence may not obtain a full premises licence until the premises is constructed. We will ensure that the premises are sufficiently complete to enable a full inspection to be carried out by us and other responsible authorities where necessary.

### **B.3. Location of premises**

When considering applications 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. 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 showing how potential concerns can be overcome.

The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council 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.

With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area.

The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.

From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.

In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertakes a local risk assessment when applying for a new premises licence.

The council will expect the local risk assessment to consider as a minimum:

- The specifics of any "Local Area Profile" so specified for the area of the premises
- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of **problem** gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- A detailed scale plan showing the layout of the premises showing sight lines so that staff have an unobstructed view of all persons using the premises
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

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Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

#### **B.4. Local Area Profiles**

Each locality has its own character and challenges.

Where there is an issue in a local area which impacts on how an applicant should complete their own risk assessment, the council will publish Local Area Profiles.

These profiles will be approved by the Licensing Committee and will be published Councils Web site.

As at July 2018 No Local Area Profiles have been published.

Where Local Area Profiles are published the applicant should give it careful consideration when making an application.

Applicants may be asked to attend a meeting with licensing officers to discuss the measures suggested in the guidance and how they might be relevant to their application. The Local Area Profiles will be presented to any subsequent Licensing subcommittee when they determine an application that has received representations.

The council recognises that it cannot insist that applicants address the local area profiles when completing their risk assessments. However an applicant who decides to disregard the guidance may face additional representations and the expense of a hearing as a result

#### **B.5. Duplication with other regulatory regimes**

We will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

#### **B.6. Licensing objectives**

Premises licences granted must be reasonably consistent with the licensing objectives.

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

We acknowledge that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.

If during the course of considering a premises licence application or at any other time, we have cause to question the suitability of the applicant to hold an operating licence, we will contact the Gambling Commission as soon as possible.

We will pay particular attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of organised crime we will consider carefully whether it is a suitable location or whether conditions may be applied such as the provision of door supervisors.

We recognise that in the case of gambling premises, disorder is intended to mean activity that is more serious and disruptive than just nuisance. Factors to consider when determining whether a disturbance is serious enough to constitute disorder would include whether police assistance is required and how threatening the behaviour is to those who could see or hear it.

If the disorder is serious or persistent and the operator could do more to prevent it, then we will contact the Gambling Commission so that it can consider the continuing suitability of the operator to hold an operator's licence.

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

We have noted that the Gambling Commission has stated that it would generally 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.

## **3. Protecting children and other vulnerable persons from being harmed or exploited by gambling**

We have noted the Gambling Commission's Guidance for local authorities states 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). We will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

### **“Vulnerable persons”**

Is considered by the gambling commission to include “people who gamble more than they want to; people who 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.” We will consider this licensing objective on a case-by-case basis.

The Department of Health document “No Secrets” offers a definition of a vulnerable adult as a person:

“who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

Should a more practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

### **B.7. Conditions**

In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Licensing Conditions and Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gambling responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion
- Employment of children and young persons

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 type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures we will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. We will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures, which may be required for buildings, which 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.

We 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 (over 18) 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.

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

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

- 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 Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winnings or prizes.

### **B.8. Door Supervisors**

There is no requirement for SIA registered Door Supervisors for casinos or bingo premises. For all other premises where the Gambling Act applies there may be a need for SIA registration and this should be considered on an individual basis. This will be consistent with the Gambling Act Guidance to Local Authorities.

The council will consider whether there is a need for door supervision 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 Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority.

Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal record (Disclosure and Baring Service) check on potential staff and for such personnel to have attended industry recognised training

### **B.9. Adult Gaming Centres**

Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many city centres.

Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises

We will 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 in place

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- 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.

This Authority will expect operators to fully comply with the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP) and the Social Responsibility Codes in relation to access for children into Gambling

Deleted: <#>Physical separation of areas¶

premises and their policies and procedures designed to prevent underage gambling, and how they monitor the effectiveness of these. The LCCP Social Responsibility Codes, part of the Gambling Commission's LCCP, can be found on the Gambling Commission's website.

### **B.10. (Licensed) Family Entertainment Centres**

We 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.

Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.

Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located

Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
- only adults are admitted to the area where the machines (category C) are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff; 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.

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises.

The licensing authority will expect applicants 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.

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from **being harmed or exploited by gambling**. Harm in this context is not limited to harm from gambling but includes wider child protection considerations

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This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- proof of age schemes
- the manning of premises
- enhanced Disclosure and Baring Service checks of the applicant and/or staff
- support to persons with gambling addiction
- policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half terms and summer holidays
- policies to address the problems associated with truant children who may attempt to gain access to premises and gamble

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a reduction in the number of betting machines (betting premises)

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a requirement that children must be accompanied by an adult

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff needs to be Disclosure and Baring Service checked.

The licensing authority will refer to the **Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Reg 20107**, to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

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

## B.11. Casinos

This licensing authority has resolved not to issue casino premises licenses under Section 166 of the Gambling Act 2005 (Resolution made at the meeting of the Full Council on the 6<sup>th</sup> November 2006).

## B.12. Bingo premises

This policy applies to applications for a Bingo Premises Licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo Premises Licence will be able to offer bingo in all its forms.

Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any Category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.

To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.

In determining applications for bingo premises, the Licensing Authority shall consider the following:

- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- supervision of entrances/ machine areas
- whether children are permitted on the premises and, if so, how the operator intends to prevent them from playing bingo or being able to access adult only machine areas
- notices/ signage
- opening hours
- the times and frequency of which bingo is offered
- whether bingo is offered by a caller or only electronically
- whether the premises are clearly identifiable as being licensed for the purposes of offering bingo facilities

**Deleted:** Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood.¶

¶  
<#>cash bingo, where the stakes paid make up the cash prizes that are won¶  
<#>prize bingo, where various forms of prizes are won, not directly related to the stakes paid.¶

¶  
The game and rules of bingo have evolved to the point where, despite the absence of any formal industry standard, the way in which bingo is played is broadly similar throughout Great Britain. Bingo is equal chance gaming. The Commission has published its view of what bingo is and how it differs from other forms of gambling. This can be found in the advice note [What Constitutes Bingo](http://www.gamblingcommission.gov.uk/PDF/What_constitutes-bingo-advice-note.pdf). This advice was developed with the support of key stakeholders from the Bingo industry. (available at [http://www.gamblingcommission.gov.uk/PDF/What\\_constitutes-bingo-advice-note.pdf](http://www.gamblingcommission.gov.uk/PDF/What_constitutes-bingo-advice-note.pdf))¶

¶  
In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act¶

This licensing authority notes that the Gambling Commission's Guidance states: It is important that if children are allowed to enter premises licensed for bingo that¶

they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that¶

¶  
<#>All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.¶

¶  
<#>Only adults are admitted to the area where the machines are located.¶

¶  
<#>Access to the area where the machines are located is supervised.¶...

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**Comment [JB1]:** Suggestion only – amend to suit

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**Comment [JB2]:** This is a suggestion as there are some new forms of bingo around currently and there is also a GC requirement in s.9 of the Licence Conditions and Codes of Practice. However you should run this by your Legal Team to ensure this wording is ...

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- provision of responsible gambling information

**Comment [JB3]:** Amend if required

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

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Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

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Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff.

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### **B.13. Betting premises**

This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.

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The Licensing Authority must be satisfied that the primary use of the premises is to operate as betting premises. The applicant will be expected to demonstrate they are offering sufficient facilities for betting or otherwise should not make gaming machines available on the premises.

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In determining applications for betting premises, the Licensing Authority shall consider the following:

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- proof of age schemes
- CCTV
- entry control system
- staff numbers
- staff training
- counter layout
- supervision of entrances/ machine areas
- machine privacy screens
- notices/ signage
- opening hours
- provision of responsible gambling information

**Comment [JB4]:** Amend if required

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.

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Section 181 of the Gambling Act 2005 permits the Licensing Authority to restrict the number of SSBT’s, their nature and the circumstances in which they may be made available by attaching a relevant condition to a Premises Licence for a betting office. When considering whether to do so, the Licensing Authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

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The Licensing Authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will 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.

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**Comment [JB5]:** You can leave this in or delete it. The idea is to ensure people betting on SSBT’s can be monitored and also to ensure a betting licence is not obtained where the shop is comprised only of SSBT’s with no counter betting – this has been done in some areas to make use of the gaming machine entitlement

Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing Authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:

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- information on how to gamble responsibly and access the help referred to in the Gambling Commission’s Licence Conditions and Codes of Practice;
- the player’s guide to any game, bet or lottery under the provisions of the Gambling Commission’s Licence Conditions and Codes of Practice;
- the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder’s Operating Licence issued by the Gambling Commission.

**Deleted:** We will, as per the Gambling 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 the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.¶

### **B.14. Tracks**

#### **B.13.1. Betting machines in betting premises¶**

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalizer” or “tote”), and also general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self-contained

The council is aware that Section 181 of the Act 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.¶  
When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will 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.¶  
Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons.¶  
Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.¶

facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

Examples of tracks include:

- Horse racecourses
- Greyhound tracks
- Point to point meetings
- Football, cricket and rugby grounds
- Athletics stadia
- Golf courses
- Venues hosting darts, bowls or snooker tournaments
- Premises staging boxing matches
- Sections of river hosting fishing competitions
- Motor racing events

The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.

All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.

If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.

Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence

Children and young persons will be permitted to enter track areas where facilities

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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 and betting machines (other than category D machines) are provided.

The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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In determining applications for betting at tracks, consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

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- proof of age schemes such as Challenge 25
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- provision of responsible gambling information
- provision of policies and procedures in relation to social responsibility measures as set out below
- staffing levels
- staff training and records of staff training
- recording of incidents such as underage challenges, customer interactions for problem gambling, self-exclusions and complaints and disputes relating to gambling
- details of action to be taken where an on course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

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## B.15. Travelling Fairs

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A fair is defined in section 286 of the Act. A travelling fair must “wholly or principally” provide amusements. These criteria will have to be met before the licensing authority decides whether, category D machines and/or equal chance prize gaming without a permit are made available for use at travelling fairs. We will bear in mind the statutory requirement that the facilities for gambling shall amount to no more than an ancillary amusement. There is a 27-day maximum period that any land can be used by any travelling fair per calendar year.

We will work with neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

### **B.16. Provisional Statements**

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:

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

We have also noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

### **B.17. Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities; 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, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant licensing conditions and 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

**Deleted:** We have noted 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 could, if necessary, inspect it fully".¶

- In accordance with the authority's statement of licensing policy

We as the licensing authority can also initiate a review of a licence based on any reason we think appropriate.

## **PART C Permits, Temporary & Occasional Use Notices**

### **C.1. Unlicensed Family Entertainment Centre gaming machine permits**

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 term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premise is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

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."

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

The licensing authorities require applicants for a permit to demonstrate the following:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this section have been addressed through the application.

Applicants only need to address the issues when making their initial applications and not at renewal time.

## **C.2. (Alcohol) Licensed premises gaming machine permits**

### **C.2.1 Automatic Entitlement**

S.282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.

If the person ceases to be the holder of the relevant alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence would also need to apply under s.282(2).

This is not an authorisation procedure. Licensing authorities have no discretion to

consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.

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 s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

### **C.2.2 More than two machines**

If a premise has more than 2 machines, then an application must be made for a permit and the licensing authority must consider the following:

- 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.*”

We consider 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 harmed 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 are appropriately positioned

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 most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority could 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 Licence Conditions and Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **C.3. Prize Gaming Permits –**

Prize gaming; S.288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences. A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

Prize gaming without a prize gaming permit. Some operators have an entitlement to permit prize gaming with certain restrictions they are;

- Casinos
- Bingo operators
- Adult gaming centres
- Licensed family entertainment centres
- Travelling fairs

The licensing authority expects the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

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);
- Participation in the gaming must not entitle the player to take part in any other gambling.

#### **C.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 B4, C or D),
- Equal chance gaming and games of chance as set out in forthcoming regulations.

A Club Gaming machines permit will:

- Enable the premises to provide gaming machines (3 machines of categories B4, C or D).

Commercial clubs may apply for a 'club machine permit' only.

Gambling Commission 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. 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."

Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.

These measures may include:

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Commission 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.

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under s.72 of the Licensing Act 2003 (Schedule 12). 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 ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B4 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.

### **C.5. Temporary Use Notices**

The definition of Temporary Use Notices is found within part 9 of the Act. It allows the use of premises for gambling where there is no premises licence but the applicant holds the relevant operator's licence.

Examples of premises that might be suitable for Temporary Use Notices are hotels, conference centres and sporting venues etc.

There are a number of statutory limits as regards temporary use notices.

Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed previously. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready 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."

Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might find a temporary use notice useful; would include hotels, conference centres and sporting venues.

Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.

A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice can be found on the Gambling Commission's web site on the following link:

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Part-14->

The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes “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 council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready 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.

### **C.6. Occasional Use Notices**

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

### **C.7. Small society lottery registrations**

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Bromley and want to run such lottery.

A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

To be ‘non-commercial’ a society must be established and conducted:

- for charitable purposes,
- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or

- for any other non-commercial purpose other than that of private gain.

The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council. Or the Gambling Commission via their website at: <http://www.gamblingcommission.gov.uk>

**Appendix A**

**Map of London Borough of Bromley Boundary**



## **Appendix B**

### **Contact details for “Responsible Authorities”**

<b>The Licensing Team</b>	<b>Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH</b>	<a href="mailto:licensing@bromley.gov.uk">licensing@bromley.gov.uk</a>  020 8313 4218
<b>Public Health Complaints Team</b>	<b>Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH</b>	ehts.customer@bromley.gov.uk  0300 300 8657
<b>Health and Safety Team (unless the premises are visited by HSE, see below)</b>	<b>Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH</b>	<a href="mailto:health.safety@bromley.gov.uk">health.safety@bromley.gov.uk</a>  0208 461 7912
<b>Chief Inspector of Weights and Measures</b>	<b>Public Protection North Block, Civic Centre, Stockwell Close, BR1 3UH</b>	<a href="mailto:trading.standards@bromley.gov.uk">trading.standards@bromley.gov.uk</a>  0300 303 8657
<b>Planning Department</b>	<b>Planning Enforcement North Block, Civic Centre, Stockwell Close, BR1 3UH</b>	<a href="mailto:planninginvestigations@bromley.gov.uk">planninginvestigations@bromley.gov.uk</a>  020 8461 7731

<b>Bromley Safe Guarding Children Board</b>	2nd Floor, Stockwell Building  Civic Centre, Stockwell Close, BR1 3UH	<a href="mailto:BSCB@bromley.gov.uk">BSCB@bromley.gov.uk</a>  020 8461 7816
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**Others**

<b>Metropolitan Police</b>	<b>Metropolitan Police Service Bromley Borough Police Station, High Street, BR1 1ER</b>	<a href="mailto:Licensing-PY@met.pnn.police.uk">Licensing-PY@met.pnn.police.uk</a>  020 8284 8743
<b>London Fire Brigade</b>	<b>Documents Management 169 Union Street London SE1 0LL</b>	<a href="mailto:FSR-AdminSupport@london-fire.gov.uk">FSR-AdminSupport@london-fire.gov.uk</a>  Telephone: 020 8555 1200

**[HM Revenue and Customs  
Excise Processing Teams  
BX9 1GL](#)**

**[0300 322 7072 option 7](tel:03003227072)**

**[NRUBetting&Gaming@hmrc.gsi.gov.uk](mailto:NRUBetting&Gaming@hmrc.gsi.gov.uk)**

<b>Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</b>
<b><a href="http://www.gamblingcommission.gov.uk">http://www.gamblingcommission.gov.uk</a></b>

**Deleted: HSE**  
Only if the premises are visited by the HSE and not the Council

**Deleted: HM Revenue and Customs**  
NRU Port Cullis House 21 India St  
Glasgow G2 4P2  
<https://www.gov.uk/government/organisations/hm-revenue-customs>

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