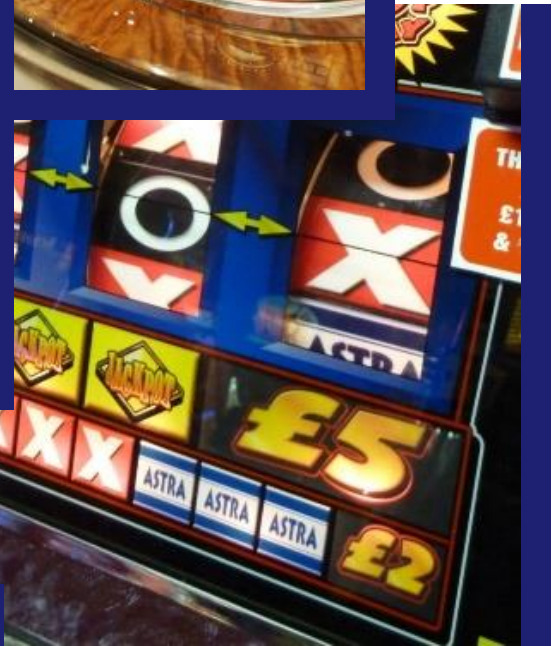




Statement of Gambling Licensing Principles



CONTENTS

| | |
|---|-----------|
| EXECUTIVE SUMMARY | 3 |
| PART A: GENERAL | 4 |
| CHAPTER 1 – The Licensing Objectives | 4 |
| CHAPTER 2 – Introduction..... | 5 |
| CHAPTER 3 – Responsible Authorities | 7 |
| CHAPTER 4 – Interested parties..... | 7 |
| CHAPTER 5 – Exchange of Information & Human Rights | 9 |
| CHAPTER 6 – Enforcement..... | 10 |
| CHAPTER 7 – Licensing Authority functions..... | 11 |
| CHAPTER 8 – Local Risk Assessment | 12 |
| CHAPTER 9 – Local Area Profile | 13 |
| PART B: PREMISES LICENCES | 14 |
| CHAPTER 10 – General Principles | 14 |
| CHAPTER 11 – Adult Gaming Centres..... | 20 |
| CHAPTER 12 – (Licensed) Family Entertainment Centres | 21 |
| CHAPTER 13 – Casinos..... | 22 |
| CHAPTER 14 – Bingo premises..... | 22 |
| CHAPTER 15 – Betting premises | 23 |
| CHAPTER 16 – Tracks | 23 |
| CHAPTER 17 – Travelling Fairs | 25 |
| CHAPTER 18 – Gaming Machines | 26 |
| CHAPTER 19 – Small Society Lotteries | 26 |
| CHAPTER 20 – Provisional Statements..... | 27 |
| CHAPTER 21 – Reviews | 28 |
| PART C: PERMITS/TEMPORARY & OCCASIONAL USE NOTICES | 29 |
| CHAPTER 22 – Unlicensed Family Entertainment Centre gaming machine permits..... | 29 |
| CHAPTER 23 – (Alcohol) Licensed premises gaming machine permits | 30 |

| | |
|---|-----------|
| CHAPTER 24 – Prize Gaming Permits | 32 |
| CHAPTER 25 – Club Gaming and Club Machines Permits | 32 |
| CHAPTER 26 – Temporary Use Notices | 33 |
| CHAPTER 27 – Occasional Use Notices..... | 34 |
| APPENDICES | 36 |
| APPENDIX 1 – Consultation Criteria..... | 36 |
| APPENDIX 2 – List of Stakeholders this Authority Consulted..... | 37 |
| APPENDIX 3 – Responsible Authorities | 40 |
| APPENDIX 4 – Council Delegation of Functions under the Gambling Act 2005 | 41 |
| APPENDIX 5 – Gaming machines by premises type | 43 |
| APPENDIX 6 - Relevant Government Legislation..... | 46 |

EXECUTIVE SUMMARY

Under the Gambling Act 2005, Bedford Borough Council has a range of responsibilities related to gambling. These include licensing any premises used for gambling, regulating the use of gaming machines and the playing of games such as poker in pubs and clubs, and granting permits to certain types of amusement arcades.

The Act provides for a unified regulator for gambling in Great Britain, the Gambling Commission, and a licensing regime for commercial gambling (to be conducted by the Commission or by licensing authorities, depending on the matter to be licensed). The Commission and licensing authorities share between them responsibility for all matters previously regulated by licensing justices.

There are major changes planned to the Gambling Act as part of “the government’s plans for modernising the regulation of the gambling sector”. It is not yet known what these changes will be and there are unlikely to be any changes (to the law or to the guidance) by January 2025.

With this in mind there will be a need to refresh this policy during the 3 year cycle after January 2025, once the Gambling Commission has updated its guidance.

Changes since the last policy:

- In April 2023, the Commission published a [Review of the Gambling Act](#), describing it as “a once-in-a-generation opportunity to deliver further substantial strengthening of the current regulatory framework”. There were recommendations regarding the harmonisation of casino regulations (section 9.35) and a relaxation of certain requirements to report to the Commission (section 9.45).

- Later in April 2023, the government published its White Paper [High Stakes: gambling reform for the digital age](#), building on the advice from the Commission and from local authorities. This includes potential changes to the 'aim to permit' at s153 (to avoid grants of licences even where harms or risks have been identified) and the introduction of cumulative impact areas, discussed below.
- In [April 2024](#) the government said that the Commission "will soon publish its response to its [summer 2023 consultation](#)" – which focused on digital and remote gaming.

The Gambling Commission stated in its December 2023 [LA Bulletin](#): *"it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement"* – going on to advise local authorities to complete the January 2025 cycle with a view to refreshing it once the Commission has published its refreshed Guidance.

Cumulative Impact Policies

Significantly, the 2023 Review above recommended (at section 9.40 and Annex I paragraphs 41-45) the institution of "*cumulative impact policies and assessments*" – a concept borrowed from the Licensing Act 2003 – to tackle problems of density of gambling venues in a locality. This was taken forward into the White Paper at section 6.5 citing experience in the City of Westminster (which has introduced its own 'Gambling Vulnerability Zones'), with the government recommending that local authorities "*update their policy statements using a wide range of data and analysis, including making use of spatial tools and public health data to identify vulnerable areas and to state their position on additional gambling premises in these areas*" seemingly ahead of planned legislative change to reconcile such policies with the 'aim to permit' at s153.

There are no particularly problematic areas and we will keep this under review.

This document has been divided into three main parts and sets out the functions of Bedford Borough Council and how it intends to meet the objectives of the 2005 Act in the three year period from January 2025.

Part A deals with background information to the 2005 Act, including the licensing objectives, functions of licensing authorities, responsible authorities and enforcement.

Part B provides some detail on premises licences for a range of facilities, including family entertainment centres, casinos, bingo and betting premises, travelling fairs and reviews of premises licences.

Part C provides information on permits/temporary and occasional use notices, unlicensed family entertainment centres and prizes.

The 2005 Act lists a number of offences. For example, gambling is unlawful in Great Britain unless permitted by:

- measures contained in the 2005 Act; or
- measures contained in the National Lottery etc. Act 1993, or pursuant to the Financial Services and Markets Act 2000.

Bedford Borough Council aims to permit the use of premises for gambling.

Applications should be granted if they:

- Are reasonably consistent with the licensing objectives;
- Accord with the Gambling Commission's Guidance and Codes of Practice; and
- Accord with Bedford Borough's Statement of Gambling Principles.

It should be noted that there is no time limit on a premises licence, however they may be surrendered or subject to review. Any interested party or responsible authority may apply to have a premises licence reviewed, and if this happens there will be a hearing unless the licensing authority decides the application for review is vexatious or frivolous. If a party is dissatisfied with the result of the hearing, they can appeal.

Responsible authorities can also make representations on applications for a premises licence.

Bedford Borough Council is required under the 2005 Act to maintain a register of permits they issue, and this information is available for inspection by the public.

PART A: GENERAL

CHAPTER 1 – The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005 ('the 2005 Act'), licensing authorities must have regard to the licensing objectives as set out in section 1 of the 2005 Act. The licensing objectives are:

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

1.2 This licensing authority is aware that, as per Section 153 of the 2005 Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives; and

- in accordance with the authority's approved Statement of Gambling Licensing Principles.

CHAPTER 2 – Introduction

2.1 Bedford Borough is centrally located about 50 miles (80km) north of London. The Borough is served by East Midlands and Thameslink train services. It is located between the M1 and A1 major trunk road with excellent link to the national road network. Luton international airport is around 20 miles from the centre of Bedford.

Bedford Borough includes the urban areas of Bedford and Kempston, surrounded by rural parishes. The Borough has an estimated population of 189,891.

2.4 Bedford Borough has a rich heritage and significant diversity with over 100 different community languages spoken. 12.5% of the population identify as Asian or Asian British (mostly Indian Pakistani and Bangladeshi), 11.6% as White non British and 5.2% as Black or Black British.

2.6 there are 11,510 people in Bedford Borough who are disabled under the Equality Act and whose day-to-day activities are limited a lot. This is 6.21% of the working population, which is lower than the East of England (6.64%) and lower than England (7.33%).

2.7 Unemployment, as measured by those claiming Universal Credit and Jobseeker's Allowance, was 4,890 (June 2024) or 4.15 %, compared to 3.20% for the East of England and 4.04% Nationally.

2.9 Bedford borough has an index of Multiple Deprivation score of 18.93. this means that Bedford has higher levels of deprivation compared to East of England (17.46) and lower levels of deprivation to compared England as a whole (21.76).

2.12 A higher proportion of people in Bedford Borough work in the private sector (81.91%) than the public sector (18.09%). People are less likely to be part time employed in Bedford (30.00%) than in the East of England (31.54%) and equally likely than in England (30.82%).

CHAPTER 3 – Responsible Authorities

3.1 The responsible authorities under the Gambling Act 2005 are listed in Appendix 3 of this statement. They will also be available with contact details on the Council's website.

3.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the 2005 Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance to licensing authorities, this authority designates Bedford Borough Council Children's Services for this purpose.

CHAPTER 4 – Interested Parties

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

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) has business interests that might be affected by the authorised activities,*
or
- c) represents persons who satisfy paragraph (a) or (b)”*

4.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the 2005 Act to determine whether a person is an interested party.

4.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to licensing authorities at 8.9 to 8.17. It 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.

4.4 The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance to licensing authorities 6.21). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the 2005 Act i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

4.5 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. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority 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 from one of these persons, requesting the representation is sufficient.

4.6 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Democratic and Registration Services Group at (01234) 276934 or e-mail licensing@bedford.gov.uk.

4.7 Representations are only admissible if they are made by a responsible authority or an interested party. An admissible representation is only relevant if it raises issues arising from s153 of the 2005 Act, namely: (1) Codes prescribed by the Secretary of State; (2) Guidance issued by the Gambling Commission; (3) the three licensing objectives; or (4) the Statement published by the local authority.

4.8 The application will only be refused on the grounds that it fails to satisfy the requirements in s153 of the Act (as above) that it is not reasonably consistent with the licensing objectives and accord with the Guidance; Codes; and Statement of the Local Authority.

In the event that an applicant or person who made representations is unhappy with the outcome, they can appeal to the Magistrates Court. Details on the appeals process is found in Part 12 of the Guidance to Licensing Authorities issued by the Gambling Commission, and in s206-9 of the 2005 Act.

CHAPTER 5 – Exchange of Information

5.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the 2005 Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the 2005 Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the 2005 Act.

5.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the 2005 Act in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The licensing authority will also have regard to the Gambling Commission Guidance to licensing authorities (Part 13 Information Exchange, as well as any relevant regulations issued by the Secretary of State under the powers provided in the 2005 Act.

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

5.4 Within the above guidelines, if there are persistent or serious problems at premises that an operator could or should do more to prevent and are relevant to the overall gambling licensing regime, the Authority will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold a licence from the Commission.

Human Rights and Equal Opportunities

5.5 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the Council will have due regard to the Convention.

5.6 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

5.7 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

5.8 The Council has a range of equality policies and these have been taken into account when drafting this policy.

CHAPTER 6 – Enforcement

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

6.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to licensing authorities (Part 36: Compliance and enforcement matters) and will endeavour to be:

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

friendly; and

- Targeted: regulation should be focused on the problem, and minimise side effects.

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/gla-part-36-compliance-and-enforcement-matters>

It will also exercise its powers with due regard to the Regulators' Code (6 April 2014).

6.3 As per the Gambling Commission's Guidance to licensing authorities, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

6.4 This licensing authority will also, as recommended in the Gambling Commission's Guidance to licensing authorities, adopt a risk-based inspection programme. This will be based on the licensing objectives, relevant codes of practice, guidance issued by the Gambling Commission, the principles set out in this Statement of Principles and any other information provided by the Commission, the Police and other responsible authorities to target agreed problems or high risk premises.

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

6.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

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

CHAPTER 7 – Licensing Authority functions

7.1 Licensing Authorities are required under the 2005 Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
- Issue *Provisional Statements*;
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed*

Family Entertainment Centres;

- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) 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 chapter 5 above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions

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

7.3 The Gambling Commission has recommended that licensing authorities include a list of licensable activities in their policy statements.

CHAPTER 8 – Local Risk Assessment

8.1 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) last updated in October 2020 require gambling premises 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.

8.2 The LCCP also requires licensees to review (and update as necessary) their local risk assessments:

- a) to take account of significant changes in local circumstance, including those identified in this statement;
- 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, undertake a local risk assessment when applying for a new premises licence.

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

- 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

8.4 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 excessive 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.
- The layout of the premises so that staff have an unobstructed view of 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 be 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.

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

The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover both the interior and the entrance and comply with the latest ICO Guidance on CCTV, together with the need for registration as a data controller, privacy notices and a data protection impact assessment
- The CCTV system should meet the requirements of Bedfordshire Police and the local authority.
- The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

8.6 The Licensing Authority will expect that appropriate research findings are addressed in individual local risk assessments prepared by operators taking account of the business plan for the premises and the profile of the area in which the premises is (to be) situated. The Licensing Authority will consider the available information to better inform the decision making process on individual applications.

CHAPTER 9 – Local Area Profile

9.1 Having consulted with others, in particular, the police and community safety, no particular areas of concern have been identified in regard to local risks associated with gambling. However, this will be kept under review, and if any particular risks are identified, this section of the statement will be amended to reflect changes in the local landscape.

PART B: PREMISES LICENCES

General Principles

10.1 In carrying out its functions, Bedford Borough Council will regulate gambling in the public interest and will have regard to the guidance issued under section 25 of the Act. With the exception of premises licensing and temporary use notices, this authority may use its discretion where there are strong and defensible reasons for departing from the guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.

10.2 This statement of principles does not override the right of any person to make an application under the Act and to have that application considered on its individual merits. Additionally, this statement of principles does not undermine the right of any person to make representations on an application or to seek a review of a licence where there are existing Statutory rights to do so.

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

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

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

10.5 It is appreciated that as per the Gambling Commission's Guidance to licensing authorities *"moral or ethical objections to gambling are not a valid reason to reject applications for premises licences"* (except as regards any 'no casino resolution' - see section on Casinos below – chapter 13) and also that unmet demand is not a criterion for a licensing authority.

10.6 Definition of “premises” - Premises is defined in the 2005 Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

10.7 This licensing authority takes particular note of the Gambling Commission's

Guidance to licensing authorities which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes.

In particular, they should be aware 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. The plan of the premises should clearly denote entrances and exits. (GLA 7.26)

10.8 The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

10.9 The Guidance also outlines that licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the 2005 Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the 2005 Act.

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

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

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

Premises "ready for gambling"

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

premises are brought into use.

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

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- First, whether the premises ought to be permitted to be used for Gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

10.13 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

10.14 Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

10.15 Planning approval - It is expected that applicants will have consulted with the planning authority where necessary to ensure advice has been sought in respect of any planning requirements as to the proposed use of a premises.

10.16 Duplication with other regulatory regimes - This licensing authority 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 are not able to be met by licensees due to planning restrictions, should such a situation arise.

10.17 Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

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

authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.

The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the 2005 Act provisions.

10.19 Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to deal with issues of fairness and openness frequently. These issues will be addressed via operating and personal licences.

10.20 Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance to licensing authorities states (in respect of premises licensing) that this objective means preventing children from taking part in gambling.

It also generally states that there be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, excepting Category D gaming machines.

Persons operating premises must adhere to social responsibility and ensure social responsibility at all times when reasonable. Persons operating premises must have regard to best practice issued by organisations that represent the interests of vulnerable people.

The licensing authority 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.

When filling in application forms to show how they will fulfil the objective of protecting children and vulnerable people, the applicant should show they have policies and procedures in place to protect children from harm. It is insufficient to say 'to comply with the Gambling Act 2005' or 'as per licence conditions' or 'as per previous application'. The applicant should also send evidence of their policies/ procedures together with their applications.

10.21 This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

10.22 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

10.23 Conditions - 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. The authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the authority may consider attaching individual conditions related to the licensing objectives.

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

10.25 Conditions will not normally duplicate protection which is already imposed by regulation from the Commission. Before any condition is imposed the Authority will identify the following: (1) which of the licensing objectives is threatened; (2) actual evidence of such threat; (3) reasons why the proposed condition would be effective to address such threat; and (4) reasons why such threat is not already addressed by existing regulation in the form of operators’ licence conditions, premises licence mandatory conditions and Gambling Commission codes of practice.

10.26 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.

10.27 To assist operators, responsible authorities, interested parties and the Licensing Authority a pool of model conditions has been prepared and approved. Operators and others are encouraged to refer to these in relation to applications and the general operation of premises subject to an authorisation under the Gambling Act 2005.

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

Conditions in relation to children

10.29 This authority will carefully consider the configuration of buildings in relation to the protection of children, particularly in multi-purpose developments. In particular, this authority will look for measures that:

- prevent children from participating in gambling, or being invited to gamble where this is not permitted by law;
- prevent children from having accidental access to, or to closely observe, gambling; and
- ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that the separation of different premises is not compromised.

10.30 Where category C or above machines are available in premises to which children are admitted, this authority will ensure that:

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

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

10.32 It is noted that the Act sets out certain matters that may not be subject of conditions:

- S.169(4) prohibits a licensing authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition
- S.172 (10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation (does not extend to fees for admission to a track)
- S.170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removed the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)

- S.171 prevents a licensing authority imposing conditions in relation to stakes, fees, winnings or prizes.

10.33 Door Supervisors - The Gambling Commission advises in its Guidance to licensing authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime (and disorder). It is noted though that in house door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority (SIA). This licensing authority will consider the need for door supervisors and the training accreditation and deployment of them on a case by case basis. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

10.34 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases.

CHAPTER 11 – Adult Gaming Centres

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

11.2 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;
- Display visible signs of age restriction inside premises as well as at the entrance;
- CCTV;
- Supervision of entrances / machine areas. For example, supervise areas to enforce age restrictions and verify age identification;
- Physical separation of areas;
- ATM (Automated Teller Machines) or cash terminals should be separate from gaming machines, so that clients have to leave the machine to get more funds;
- Display posters suggesting 'stay in control of your gambling' with details of the GamCare telephone number and website;
- All ATM/cash terminals should display stickers with GamCare helpline information positioned prominently on the machine; and
- Clearly display leaflets in a prominent place giving assistance to problem gambling. Also display leaflets in areas such as toilets where they will be more discreet, so as to provide anonymity.

CHAPTER 12 – (Licensed) Family Entertainment Centres

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

12.2 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.
- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. Further details of specific concepts such as those identified above are set out in the licensing authority's adopted pool of model conditions.

12.3 In respect of Family Entertainment premises, it is a mandatory condition that under 18s should not have access to areas where category B and C gaming machines are located and this is further achieved through mandatory conditions that require the area to be:

- Separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- Supervised at all times to ensure that under 18s do not enter the area, and supervised by either:
 - a) One or more persons whose responsibilities include ensuring that under 18s do not enter the area
 - b) CCTV monitored by one or more persons whose responsibilities include ensuring that under 18s do not enter the areas
- Arranged in a way that ensures that all parts of the area can be observed

This authority will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This authority will also make itself aware of the mandatory or default conditions on these premises licences when published.

CHAPTER 13 – Casinos

13.1 At present there are no casinos within Bedford Borough.

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

CHAPTER 14 – Bingo Premises

14.1 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

14.2 Commercial bingo halls will require a bingo premises licence from this Authority.

14.3 Amusement arcades providing prize bingo will require a prize gaming permit from this Authority.

14.4 This licensing authority notes that the Gambling Commission's Guidance states:

- "18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social responsibility (SR) code 3.2.5(3) states "that licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises" in order to prevent underage gambling.

In addition, bingo premises are subject to a mandatory condition that under 18s should not have access to areas where category B and C gaming machines are located and this is further achieved through mandatory conditions that require the following:

Over 18 areas. Within bingo halls that admit under-18s must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.

14.5 A limited number of gaming machines may also be made available at bingo licensed premises.

14.6 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below £2,000 total in cash or prizes in any one week period, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission. Bingo is not permitted in Bridge or Whist clubs.

CHAPTER 15 – Betting Premises

15.1 Gaming machines - This licensing authority 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. Premises should ensure the odds are clearly displayed on machines such as FOBT's (Fixed Odds Betting Terminals).

15.2 The authority has the discretion as to the circumstances of the use of gaming machines. This authority will consider appropriate controls where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter. Neither the Commission nor licensing authorities have the power to set different limits or further expand or restrict the categories of machines that are permitted.

CHAPTER 16 – Tracks

16.1 Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

16.2 Bedford Borough Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. This authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that under 18s are excluded from gambling areas where they are not permitted to enter.

16.3 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place. Tracks will be required to have policies to ensure that that under 18s do not participate in gambling other than category D machines.

16.4 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
- 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 and debt advice organisations such as CAB, Credit Action

16.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures. Further details of specific concepts such as those identified above are set out in the Licensing authority's adopted pool of model conditions.

16.6 Gaming machines - track owners holding both a track premises licence *and* a pool betting operating licence issued by the Commission (in effect, greyhound tracks only), may site up to four gaming machines within categories B2 to D on the track.

Some tracks will also qualify for an alcohol licence and as such they will be automatically entitled under section 282 of the Act to two gaming machines of category C or D. This permission is activated by notifying the licensing authority and paying them the required fee.

If a track premises licence holder has both an alcohol licence and a pool betting operating licence, then they will be entitled to a total of six gaming machines (two via the alcohol licence and four via the operating licence).

Children and young persons are prohibited from playing category D gaming machines on a track. Gambling Commission mandatory conditions for operators and codes of practice for permit holders seek to ensure compliance with this prohibition.

16.7 Betting machines - Licensing authorities have a power under the Gambling Act 2005 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. This authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (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.

It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licensing.

16.8 Condition on rules being displayed - The Gambling Commission has advised in its Guidance to licensing authorities that licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are accessible to all customers. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

16.9 Applications and plans - Plans for tracks need not be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information

required by regulations. From the plans, the licensing authority will need to satisfy itself that the main areas where betting might take place are clearly identified.

16.10 A track may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point race tracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to the premises. Nothing in this policy amounts to a grant of planning permission or restrains the taking of enforcement action on planning grounds for tracks/ structures.

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

16.12 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.

16.13 Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For race courses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

CHAPTER 17 – Travelling Fairs

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

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

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

CHAPTER 18 – Gaming Machines

18.1 A gaming machine can cover all types of gambling activity which can take place on a machine, including betting on ‘virtual’ events.

18.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

18.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

18.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player’s skill. However, any element of ‘chance’ (where the element of skill is not involved) imparted by the action of the machine would cause it to be a gaming machine.

18.5 The Council will, where appropriate, seek to encourage permit and premises licence holders to adopt any codes of practice which may be introduced by the amusement industry from time to time.

CHAPTER 19 –Small Society Lotteries

19.1 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes;
- to enable participation in, or support of, sporting, athletic or cultural activities.

19.2 When societies who want to register in order to operate lotteries, they will need to refer to the Act’s definition of a small society lottery which falls into two distinct areas:

- Society status – the society in question must be ‘non-commercial’;
- Lottery size – defined monetary values on single lottery ticket values, and aggregate sales per calendar year.

19.3 This authority will adopt a risk based approach towards its enforcement

responsibilities for small society lotteries and considers the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns;
- breaches of the limits for small society lotteries.

19.4 The Council will maintain a register of small societies lotteries which it has registered.

CHAPTER 20 – Provisional Statements

20.1 A provisional statement is a statement of intent. A provisional statement does not require the applicant to have an operator's licence and/or the right to occupy the premises. This enables the applicant to carry out all the other aspects of applying for a Premises Licence whilst awaiting confirmation of these issues. A person may apply for a provisional statement in respect of premises:

- they expect to be constructed
- they expect to be altered or
- they expect to acquire a right to occupy

20.2 This licensing authority notes the Guidance to licensing authorities which states that "Requiring the building to be complete before trading commences would ensure that the authority could, if considered necessary, inspect it fully".

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

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

20.4 This authority has noted the Gambling Commission's Guidance that "...a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law."

CHAPTER 21 – Reviews

21.1 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,

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

21.2 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

21.3 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or request for review.

21.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

21.5 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. The distinct functions of acting as the licensing authority and responsible authority will be exercised by different officials to ensure a separation of responsibilities.

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

21.7 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are

- a) add, remove or amend a licence condition imposed by the licensing authority;
- b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (eg opening hours) or remove or amend such an exclusion;
- c) suspend the premises licence for a period not exceeding three months; and
- d) revoke the premises licence.

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

21.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

21.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- The licence holder
- The applicant for review (if any)
- The Commission
- Any person who made representations
- The Chief Officer of Police or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART C: PERMITS/NOTIFICATIONS/ TEMPORARY & OCCASIONAL USE NOTICES

CHAPTER 22 – Unlicensed Family Entertainment Centre gaming machine permits

22.1 Where a premises does not benefit from a premises licence but the operator wishes to provide category D gaming machines, it may apply to the licensing authority for a Family Entertainment Centre ('FEC') gaming machine 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 of the 2005 Act). If they are also used for other purposes the application is likely to be refused.

22.2 This 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.

22.3 The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures and training for staff to identify and address suspected truant school children on the premises, and to deal with unsupervised young children being on the premises or children causing perceived problems around the premises.

22.4 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking an applicant to demonstrate":

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

22.5 Statement of Principles: 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, by the Responsible Authority designated under section 157(h) of the 2005 Act as competent to advise on the protection of children from harm; being Bedford Borough Council Children's Social Care. In addition, if there are admissible and relevant representations then the licensing committee will be responsible for assessing the effectiveness of the policies and procedures in protecting children and other vulnerable people. Applicants will be expected to identify 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. This licensing authority will also expect, as per the Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the 2005 Act); and that staff are trained to have a full understanding of the maximum stakes and prizes. Applicants will also be expected to demonstrate that they have no relevant convictions (those set out in Schedule 7 to the 2005 Act).

22.6. Compliance with the relevant industry Code of Practice for FECs issued by BACTA or other trade associations may be taken by the licensing authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.

22.7 Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100 showing the exits/entrances to the premises, location of gaming machines and the location of safety equipment such as fire extinguishers.

CHAPTER 23 – (Alcohol) Licensed Premises Gaming Machine Permits

23.1 There is provision in the 2005 Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section

282 of the 2005 Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);

- the premises are mainly used for gaming; or
- an offence under the 2005 Act has been committed on the premises.

23.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the 2005 Act, and “*such matters as they think relevant*”.

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

Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare to demonstrate their responsibility in the protection of vulnerable persons.

23.3 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.

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

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

CHAPTER 24 – Prize Gaming Permits

24.1 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.

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

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

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

24.4 In making its decision on an application for this permit the licensing authority need not but may have regard to the licensing objectives but shall have regard to any Gambling Commission guidance.

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

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

CHAPTER 25 – Club Gaming and Club Machines Permits

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

25.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members, the majority of members being over 18. This authority will look for evidence that will include the constitution of the club, the club rules, the frequency of gaming, evidence of club membership, and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to bridge and whist. Members' clubs must be permanent in nature, but there is no need for a club to have an alcohol licence."

25.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

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

- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Commission or the police."

25.4 There is also a 'fast-track' procedure available under the 2005 Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).

As the Gambling Commission's Guidance to licensing authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds under which an authority can refuse a permit are reduced." and "The grounds on which an application under this process may be refused are that:

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

25.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

CHAPTER 26 – Temporary Use Notices

26.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.

26.2 Comprehensive planning of events is essential, particularly in the case of large outdoor events. Therefore, whilst the legal minimum notice period for service of Temporary Use Notices is 3 months, the Council will expect applicants to have consulted with responsible authorities prior to submitting a Temporary Use Notice.

26.3 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

26.4 Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants.

26.5 Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

26.6 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance notes that "The meaning of "premises" in part 8 of the 2005 Act is discussed in Part 7 and 14 of that guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given.

In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

CHAPTER 27 – Occasional Use Notices

27.1 Occasional Use Notices permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature.

27.2 The licensing authority will consider these notices ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

This licensing authority will also consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Chapter 28 - MISCELLANEOUS

28.1 A person ("the appellant") wishing to appeal against the Council's decision must give notice of appeal to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by this authority of the decision.

28.2 Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

Information

28.3 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Bedford Council website www.bedford.gov.uk or by contacting the licensing team by email (licensing@bedford.gov.uk), or by telephone on 01234 276943

- Register of premises licences issued by Bedford Council
- Fees
- Guidance on how to make an application
- List of responsible authorities and contact details
- Application forms, where appropriate
- Making representations
- Applying for a review of a licence

APPENDICES

APPENDIX 1 – Consultation Criteria

Bedford Borough Council consulted with the public and stakeholders on the draft version of this revised Statement during a 4 week period between 19 September and 17 October 2024. Bedford Borough Council followed the criteria below throughout the consultation process.

CONSULTATION CRITERIA

Our consultations will clearly state:

- The dates of the consultation;
- The ways in which people can take part (i.e. online, meeting etc.);
- The scope of the consultation;
- Different options that are available including the advantages and disadvantages of each;
- How and when decisions will be made, and how the consultation will inform the decision;
- How respondents and the wider public will receive feedback, and news on the decision itself. This can include any relevant possible means of appeal.

Bedford Borough Council's Consultations Strategy 2021 – 2025

<https://bbcdevwebfiles.blob.core.windows.net/webfiles/Your%20Council/Consultations/consultation-strategy-2021-2025.pdf>

APPENDIX 2 – List of Stakeholders this Authority Consulted

Bedford Borough Council consulted widely on this Statement. The 2005 Act required that the following parties should be consulted by Licensing Authorities:

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

Below is a list of stakeholder organisations who were consulted formally and those who received copies of the consultation document. However, community consultation is more than just making sure that certain classes of people are given the chance to comment on individual proposals. Effective consultation requires the entire community to be given the opportunity to influence policy development.

This authority consulted:

| Clerks to Parish Councils | | |
|---|---|---|
| Biddenham Bletsoe Bolnhurst & Keysoe Brickhill Bromham Cardington Carlton & Chellington Clapham Colmworth Cople Dean & Shelton Elstow Felmersham Great Barford Great Denham | Harrold Kempston Rural Kempston Town Knotting & Souldrop Little Staughton Melchbourne & Yelden Milton Ernest Oakley Odell Pavenham Pertenhall & Swineshead Podington Renhold Riseley | Sharnbrook Shortstown Stagsden Staploe Stevington Stewartby Thurleigh Turvey Wilden Willington Wilshamstead Wixams Wootton Wyboston, Chawston & Colesden Wymington |
| Neighbouring Principal Councils | | |
| Milton Keynes Council Central Beds Council North Northamptonshire Council | | |
| Licensees | | |
| Ladbrokes Coral Betfred Club2000 | Bgbet Limited Paddy Power Betfair Merkur Casino | |
| Responsible Authorities | | |
| Bedfordshire Police Fire Authority Environmental Health | Planning Trading Standards Childrens Services | HMRC |

| Local support for people affected By Gambling | | |
|--|-------------------------------|---|
| Citizen Advice Betknowmore UK | Gamblers Anonymous Gamcare | NHS East of England Gambling Service |
| The Public via | | |
| Bedford Borough Council webpage | | |
| Public Notice in the Times & Citizen 19 September 2024 | | |

APPENDIX 3 – Responsible Authorities

The responsible authorities are listed below:

- 1. Bedford Borough Council**
- 2. The Gambling Commission**
- 3. The Police**
- 4. The Fire Authority**
- 5. The Local Planning Authority within the meaning of Town & Country Planning Act 1990**
- 6. The Local Authority by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health**
- 7. Children’s Social Care, Bedford Borough Council for the purposes of section 157(h) of the 2005 Act**
- 8. Her Majesty’s Commissioners of Customs and Excise**

Contact details are available via the following link :

<https://www.bedford.gov.uk/files/list-responsible-authorities-ga2005-v9-09.21.pdf/download?inline>

If you are applying for a premises licence for a water vessel you should send copies of your application form to the following water authorities:

- 9. Navigation Authority**
- 10. Environment Agency**
- 11. British Waterways Board**
- 12. Maritime and Coastguard Agency**

APPENDIX 4 – Council Delegation of Functions under the Gambling Act 2005

Delegation of Functions

In the interests of speed and efficiency the council will, where possible, delegate licensing decisions and functions to licensing officers. However, if the matter to be decided is controversial in any way or the determination of the matter under delegated powers is precluded by law, then it will be decided by the Full Council or Licensing Committee, as appropriate. The recommended delegation of functions given in the guidance will be used as the basis for the council's Scheme of Delegation.

| Function | Full Council | (Sub)-Committee | Officer with delegated responsibility for Licensing |
|--|--------------|--|---|
| Final approval of the Licensing Authority's Statement of Gambling Licensing Principles | √ | | |
| Resolution not to permit casinos | √ | | |
| Setting fees (where appropriate) | | √ | |
| Applications for premises licences | | √ <i>If a representation is made and not withdrawn</i> | √ <i>If there are no representations or representations made are then withdrawn</i> |
| Applications for variation of a licence | | √ <i>If a representation is made and not withdrawn</i> | √ <i>If there are no representations or representations made are then withdrawn</i> |
| Applications to transfer a licence | | √ <i>If a representation is made by the Commission or responsible authority and not withdrawn</i> | √ <i>If there are no representations by the Commission or responsible authority or representations made are then withdrawn</i> |
| Applications for provisional statement | | √ <i>If a representation is made and not withdrawn</i> | √ <i>If there are no representations or representations made are then withdrawn</i> |
| Review of a premises licence | | √ | |

| | | | |
|--|--|---|--|
| Application for club gaming/club machine permits | | √ <i>If a representation is made and not withdrawn</i> | √ <i>If there are no representations or representations made are then withdrawn</i> |
| Cancellation of club gaming/club machine permits | | √ | |
| Applications for other permits | | | √ |
| Cancellation of licensed premises gaming machine permits | | | √ |
| Consideration of temporary use notice | | | √ |
| Decision to give a counter notice to a temporary use notice | | √ | |
| Receipt of notification of gaming machines on alcohol licensed premises | | | √ |
| Submission of representations in response to an application (as responsible authority) | | | √ |

APPENDIX 5 - Summary of gaming entitlements for clubs and alcohol-licensed premises

Gaming Machines by Premises Type

| TYPE | Gaming Tables (minimum) | Gaming Machines |
|---|------------------------------------|--|
| Large Casino (machine/table ratio of 5-1 up to maximum) <i>This premises licence type is not permitted in Bedford</i> | 1 | Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio) |
| Small Casino (machine/table ratio of 2-1 up to maximum) <i>This premises licence type is not permitted in Bedford</i> | 1 | Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio). |
| Pre – 2005 Act casino premises (no machine/table ratio) | N/A | Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead. |
| Bingo premises | N/A | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** and no limit on category C or D machines. |
| Betting premises and tracks occupied by pool betting. | N/A | Maximum of 4 machines categories B2 to D (except B3A machines) |
| Adult Gaming Centre | N/A | Maximum of 20% of the total number of gaming machines which are available |

| | | |
|---|------------|---|
| | | for use on the premises categories B3 or B4** and no limit on category C or D machines. |
| Family Entertainment Centre with premises licence | N/A | No limit on category C or D machines. |
| Family Entertainment Centre with permit Clubs or miners' welfare institute (with permits) | N/A | No limit on category D machines. n/a Maximum of 3 machines in categories B3A or B4 to D* |
| Qualifying alcohol licensed premises | N/A | 1 or 2 machines of category C or D automatic upon notification. |
| Qualifying alcohol licensed premises (with gaming machine permit). | N/A | Number of category C – D machines as specified on permit. |
| Travelling fairs | N/A | No limit on category D machines. |

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

Commercial clubs are entitled to a total of three machines in categories B4 to D. ** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only, but this does not include B3A machines.

Summary of gaming machine categories and entitlements

| Category of machine Maximum stake Maximum prize | Category of machine Maximum stake Maximum prize | Category of machine Maximum stake Maximum prize |
|--|---|--|
| A | Unlimited – No category A gaming machines are currently permitted | |
| B1 | £5 | £1000* |
| B2 | £100 (In multiples of £10) | £500 |
| B3A | £2 | £500 |
| B3 | £2 | £500 |
| B4 | £2 | £400 |
| C | £1 | £100 |
| D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine) | £1 | £50 |
| D – money prize (other than a coin pusher or penny falls machine) | 10P | £5 |
| D – combined money and non-money prize (other than a coin pusher or penny falls machine) | 10P | £5 |
| D – combined money and non-money prize (other than a coin pusher or penny falls machine) | | £8 (of which no more than £5 may be a money prize) |
| D – combined money and non-money prize (coin pusher or penny falls machine) | 20P | £20 (of which no more than £10 may be a money prize) |

**With the option of a maximum £20,000 linked progressive jackpot on a premises basis only.*

The above figures were accurate at the time this Statement of Principles was approved, but may be subject to change by The Gambling Commission

APPENDIX 6 – Relevant Government Legislation

This Statement of Gambling Licensing Principles makes reference to the Gambling Act 2005 ('the 2005 Act') that can be viewed at

<http://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Commission Guidance states that licensing authorities:

"should bear in mind that they are subject to the Human Rights Act and in particular:

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

When considering applications and enforcement action under the 2005 Act, the Bedford Borough Council will apply the Human Rights Act 1998 and provisions of the European Convention on Human Rights. The Human Rights Act 1998 is accessible at <http://www.legislation.gov.uk/ukpga/1998/42/contents> and the European Convention on Human Rights can be viewed at

<http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>