

Westminster City Council

Statement of Principles under Section 349 of the
Gambling Act 2005.

Effective from 31 January 2013

CITY OF WESTMINSTER
STATEMENT OF PRINCIPLES
Under Section 349 of the Gambling Act 2005
Effective: 31 January 2013

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All references to Guidance refer to the Gambling Commission's Guidance to Local Authorities 4th Edition dated September 2012.

1. Introduction

- 1.1 Under section 349 of the Gambling Act 2005 (the Act) the council is required to publish a statement of principles which it proposes to apply when exercising its functions under the Act. The form of the statement of principles is set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities contains further detail on the form of the council's statement of principles.
- 1.2 The council's statement of principles is intended to promote the three licensing objectives set out in the Act. These objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 At a hearing of the full council on the 24 January 2007 the first statement of principles was agreed. This followed formal consultation on the draft statement of principles where the council consulted widely on the new document. The agreed statement of principles came into effect on the 31 January 2007 for a period of three years. Since then, licences for 137 gambling premises have been converted. These include casino licences granted by the Magistrates under the previous licensing regime and that were applied for under the previous legalisation. Nineteen of these have had their hours increased from the default hours. Applications have been granted for 23 new betting shops and 22 have been varied. The statement of principles was reviewed in 2009 and a revised Statement came into effect on 31 January 2010. From mid 2012 the council began a second formal review and consultation of its Statement resulting in this Statement of Principles, which was published on 3 January 2013 and which has effect from 31 January 2013.
- 1.4 The Act requires that the following people and bodies be consulted in the revision of the statement:
- The Chief Officer of Police;
 - People and bodies representing the interests of persons in gambling businesses in the area;
 - People and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 1.5 The council consulted widely upon the revised statement of principles from 23rd July to 14th September 2012. A list of those consulted on the revision of the statement of principles is attached at Appendix 1.
- 1.6 It should be noted that this policy statement will not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Act.

3. Declaration

- 3.1 In reviewing this Statement of Principles, the council has had regard to the licensing objectives of the Act, and Guidance to licensing authorities issued by the Gambling Commission and has had regard to the responses arising from consultation.

4. Responsible Authorities

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

The principles are:

- the need for the body to be responsible for an area covering the whole of the council's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In common with its practice under the Licensing Act 2003, the council designates the Area Child Committee to advise on the protection of children from harm. The Responsible Authorities are therefore:
- The council's Licensing Service (as licensing authority)
 - The Gambling Commission
 - The Metropolitan Commissioner of Police
 - The London Fire and Emergency Planning Authority
 - The council's Planning Department (as planning authority)
 - The council's Environmental Health Consultation Team (as the authority minimising or preventing the risk of environmental pollution and/or harm to human health)
 - The Area Child Committee
 - H.M. Revenue and Customs
- 4.3 The Secretary of State has not, as yet, prescribed any further Responsible Authorities. The contact details of all the Responsible Authorities under the Act are available via the Council's website at: www.westminster.gov.uk

5. Interested parties

- 5.2 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in s158 of the Act as follows: "For the purposes of this Part a person is an interested party in relation to a premises licence or 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 applications 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)"

- 5.3 When determining whether a person is an interested party for the purposes of the Act the council will not apply rigid rules but will apply the principle that 'each case will be decided upon its merits.'

- 5.4 In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account
- The size of the premises.
 - The nature of the premises
 - The distance of the premises from the habitual residence or workplace of the person making the representation.
 - The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
 - The circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
- 5.5 In determining whether a person or organisation "has business interests" the authority will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.
- 5.6 The council will regard bodies such as trade associations, trade unions, residents' and tenants' associations, and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The council will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
- 5.7 In principle, the council will allow any person to represent an interested party but it may seek to have it confirmed that the person genuinely represents the interested party. The council will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' someone. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.
- 5.8 If individuals wish to approach Councillors to ask them to represent their views then those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Service for advice.

6. Exchange of Information

- 6.1 The council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 1998 will not be contravened. The council will also have regard to Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

7. Enforcement

- 7.1 The principles to be applied by the council in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified, are stated below:
- 7.2 The council will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to Commission Guidance and will

endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: only intervening when necessary: Remedies will be appropriate to the risk posed, and costs identified and minimised;
- Accountable: able to justify its decisions, and be subject to public scrutiny;
- Consistent: implementing rules and standards fairly in a joined-up way;
- Transparent: open, and keep conditions placed on premises licences simple and user friendly; and
- Targeted: focusing on the problems, and aiming to minimise the side effects.

7.3 The main enforcement and compliance role for the council is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the council, but the council will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

8. The council's functions

8.1 Licensing authorities are required under the Act to:

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

8.2 Licensable activities are described in the Glossary at Appendix 2. It should be noted that local licensing authorities are not involved in licensing remote gambling at all. The licensing of remote gambling is the responsibility of the Gambling Commission via operating licences.

9 Duplication with other regulatory regimes

9.1 The council will seek to avoid any duplication with other statutory and regulatory

systems where possible, including planning. The licensing authority will not consider whether an application for a premises licence, permit or other permission is for a premises that has been or is likely to be awarded planning permission or building regulations approval, in its own consideration of it. Nor will it regard the granting of a licence, permit or permission as fettering the council's ability to consider planning applications independently on their planning merits.

10 Gambling Prevalence and Problem Gambling

- 10.1 NatCen's 2007 British Gambling Prevalence Survey shows 68% of the population, had participated in some form of gambling in the past year with 48% of the population, having participated in some form of gambling other than the National Lottery. The most popular activity was the National Lottery (57%), followed by National Lottery scratch cards (20%), betting on horse races (17%), and playing slot machines (14%). Only a small proportion of people (3%) gambled online or placed bets by internet (4%), 3% used Fixed Odds Betting Terminals and 4% gambled in a casino. National Lottery, spread betting and gambling outside the England and Wales, such as internet based operations are not regulated by the Gambling Act 2005.
- 10.2 Men were more likely to gamble than women (71% compared with 65%). People in higher income households were more likely to gamble; 72% in the highest income households; 61% in the lowest income households. Those with higher levels of education were less likely to gamble; 61% of those with a degree gambled compared with 73% who were educated to GCSE/O level equivalent.
- 10.3 Two measures of problem gambling showed rates of problem gambling in the general population of 0.6% and 0.5%. A significant association was found between problem gambling and being male with regular parental gambling. It was also associated with poor health, and being single. The highest prevalence of problem gambling was found among those who participated in spread betting (14.7%), Fixed Odds Betting Terminals (FOBTs) (11.2%) and betting exchanges (9.8%). Of these, only FOBTs are regulated under the Gambling Act 2005.
- 10.4 The GamCare annual report shows that there had been a 25% increase in the total number of inbound calls made to their Help Line in 2007, to 37,806. Amongst telephone callers, betting and FOBTs found in betting shops and the slot machines were the forms of gambling identified by problem gamblers seeking advice. However amongst the internet inquirers, who are generally younger, table games such as poker and roulette were identified as the most common gambling activity.
- 10.5 GamCare's assessment is that when gambling becomes a problem it can have devastating repercussions on a person's everyday life and functioning. For many clients who come to GamCare for counselling, this may mean the breakdown or near breakdown of their relationships, damage to their physical and psychological health and substantial financial loss and debt.

LICENSING OBJECTIVES AND LOCATION

11 Policies supporting each of the licensing objectives

- 11.1 As mentioned above the Act contains three licensing objectives (section 1) which underpin the functions of the licensing authority. These objectives are:
- Preventing gambling from being a source of crime or disorder, being

- associated with crime or disorder, or being used to support crime,
 - Ensuring that gambling is conducted in a fair and open way,
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 11.2 In reviewing its first statement of principles it was identified that the council should attempt to assist the applicants by setting out the criteria and considerations that they should have in mind when preparing an application under this Act. The policies have been developed with reference to the licensing objectives and in consultation with the responsible authorities. Section 153 of the Act states that in exercising its functions under the Act the licensing authority shall aim to permit gambling in so far as it thinks it is: in accordance with the Commission's codes and guidance to local authorities; reasonably consistent with the licensing objectives and in accordance with the licensing authority's statement of principles. The authority intends to assist applicants, responsible authorities and interested parties by detailing the criteria that it will consider as being reasonably consistent with each of the objectives when considering applications.
- 11.3 Included in its review of its second statement of principles the council identified 4 issues relating to the licensing of betting shops which have given rise to concern in Westminster. These issues related to
- The concentration (or density) of betting shops in an area
 - The extension of opening hours for betting shops
 - The association with crime and disorder in the vicinity of betting shops
 - The primary use of betting shops and provision of gaming machines
- 11.4 The council has considered in detail all the responses to the public consultation, and has taken detailed advice in respect of the Gambling Act and associated guidance and advice issued by the Commission.
- 11.5 The consultation responses include a wide range of views, and on each of the issues, offer conflicting opinions. The conclusion the council has reached at the time of publishing this Statement is that it recognises that there is a significant concern amongst residents and some businesses, in respect of each of the issues relating to betting shops which were identified in the consultation, whilst recognising limitations in the councils powers and discretion to effectively address these concerns using the provisions of the Gambling Act 2005.
- 11.6 The council also accepts that the determination of any application under the Gambling Act, whether for the grant, variation or the review of a licence, should be made on the individual circumstances of the application and based on cogent evidence to justify the decision reached. The council accepts that in regard to the issues raised in paragraph 11.3 above, whilst there is potential in each case for the licensing objectives and/or commission guidance to be undermined, there is currently insufficient evidence for the council to be prescriptive in this Statement of policy about the general application of these issues to individual applications.
- 11.7 The council will however continue to monitor evidence, if and when it becomes available, and will take into account such evidence where it is relevant and appropriate to do so, in discharging its duties under the Act.
- 11.8 The council has therefore decided that the Statement does not need significant revision at this time, other than to update the policy generally to reflect changes in the law which have occurred since it was last reviewed, and to take into account

revised guidance and advice.

- 11.9 The council will continue to review this Statement and will revise it further as appropriate in response to changing circumstances.

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

Policy OBJ1

To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

12.1 Criteria:

12.1.1 Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.

Considerations:

12.1.2 Where an area is known for high levels of crime the council will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.

12.1.3 Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime

12.1.4 Whilst issues of nuisance are not included specifically in the gambling objectives, the council may consider, when making decisions on the applications for premises licenses, that extreme instances of public nuisance and persistent public nuisance may constitute disorder and criminal offences.

12.1.5 Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.

12.1.6 Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

12.2 Reasons for Policy OBJ1

Applicants for premises licences will have to hold an operators licence from the Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a

premises licence. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's Guidance, codes or practice and this statement of principles.

- 12.3 The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will promote this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The council will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out. The operator must meet the Commission's requirements to obtain and hold an operators licence, whilst the Licensing Authority's concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.
- 12.4 The council is aware that the police have experienced difficulty in certain areas of the City in dispersing people involved in drug related activity and on occasions prostitution who use licensed gambling premises as 'cover' to conceal their activities. The council, when considering any applications in such a location that has been identified by the police as having a problem with anti-social behaviour, particularly involving groups who loiter will expect applicants or licensees to demonstrate that they have sufficient measures in place to prevent or deter people involved in unlawful activities from using their premises to support crime or to avoid apprehension.

13 Ensuring that gambling is conducted in a fair and open way.

Policy OBJ2

To ensure that gambling is conducted in a fair and open way, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

13.1 Criteria:

13.1.1 Whether the premises will operate with such measures that will ensure that the gambling activity is conducted in a fair and open way.

Considerations:

13.1.2 Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.

13.1.3 Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.

13.1.4 Whether the management and operation of the premises is open and transparent.

13.1.5 Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.

13.1.6 Whether the Commissions Codes of Practice have been complied with.

13.2 Reasons for Policy OBJ2

The Gambling Commission is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way. The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operators licence. Track owners do not necessarily require an operators licence and any application made by such an unlicensed operator will be scrutinised to ensure that this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

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

Policy OBJ3

To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

14.1 Criteria:

14.1.1 Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

Considerations:

14.1.2 Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises.

14.1.3 If the premises is an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.

14.1.4 Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.

14.1.5 Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

14.1.6 Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.

14.2 Reasons for Policy OBJ3

The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The location of the premises may be a significant factor if for example the premises are located near a school,

hostel or other sensitive premises. Other policies specifically deal with location although the applicant will have to demonstrate that there are suitable control measures to promote this objective.

- 14.3 Persons under 18 cannot be admitted to many types of gambling premises. The council will only consider applications for new gambling premises that are in close proximity to schools or main routes to schools after very careful consideration of the potential for exposing children and young people to gambling. It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. This is the definition of vulnerable persons the council will use in its consideration of applications.

15. Location Policy

- 15.1. In considering the location of premises seeking premises licences, issues of demand cannot be considered either at a citywide or more local scale. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The council will pay particular attention to the suitability of a location for gambling activity in terms of the objective of the protection of children and vulnerable persons from being harmed or exploited by gambling, and the effect of crime and /or disorder on residents and on those working in and visiting the area.

Policy: LOC1

Applications will not be granted in sensitive locations unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met. Any application within close proximity or on a main route to a school, other educational institution, hostel or other sensitive locations where there is the potential for exposing children, young people or other vulnerable persons to gambling, must include detailed information as to how the proposals will promote the gambling objective of protecting children and other vulnerable persons from being harmed or exploited by gambling

15.2 Reason for Policy LOC1

Before an application is made to the Licensing Authority the applicant should establish if there are any sensitive premises or locations within close proximity to the proposed gambling premises. If the premises is located near a sensitive premises or location the applicant should, in addition to their application, submit information as to how they plan to promote the protecting children and other vulnerable persons from being harmed or exploited by gambling objective. The additional supporting information may contain the following information:

- how the premises operate will restrict access to children, young people or other vulnerable persons,
- whether a proof of age scheme is being used,
- will the appropriate number of security staff be employed at appropriate times ,
- will opening times be set so that the premises are not open during school start and finish times,

- what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc,

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

- 15.3 The applicant for a premises licence will have to specifically consider how the location of the premises will impact on the objectives. Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and propose ways that will reduce or remove any likely adverse impact on them.
- 15.4 The council will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives
- 15.5 The council considers that sensitive locations will include locations where there is a concentration of gambling premises in an area where children or other vulnerable persons are likely to be harmed or exploited.
- 15.6 It should be noted that this policy does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

PREMISES LICENCES

- 16.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.
- 16.2 Premises licences can authorise the provision of facilities on:
- (a) casino premises,
 - (b) bingo premises,
 - (c) betting premises including tracks and premises used by betting intermediaries,
 - (d) adult gaming centre premises, or
 - (e) family entertainment centre premises.
- 16.3 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the council's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.
- 16.4 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the council. The council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises are reasonably consistent with the licensing objectives, the Commission's codes of practice and/or local authority guidance, and this statement of principles.

17 Primary Gambling Activity

- 17.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:
- (a) casino premises
 - (b) bingo premises
 - (c) betting premises, including tracks and premises used by betting intermediaries
 - (d) adult gaming centre premises (for category C and D machines)
 - (e) family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

(See Appendix 2 for definitions of categories of gaming machines)

- 17.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity in both the Local Authority Guidance and Supplement 4 of the Licence Conditions and Codes of Practice which was published in 2009. This supplement sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. The Commission have since published advice relating to Primary Gambling Activity through Codes of Practice and other documents, including in November 2011 "Indicators of betting as primary gambling activity" and in August 2012 "Licensing authority bulletin Special edition – primary gambling activity." It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.
- 17.3 The council will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operators licence. The council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

18 Conditions

- 18.1 The majority of premises licences will have mandatory and/or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.
- 18.2 The Licensing Authority can attach conditions to any licence if it believes that the imposition of conditions will ensure that the premises promotes the licensing objectives. Any conditions attached to a licence 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;
- related to the scale and type of premises; and
- reasonable in all respects.

18.3 Certain matters are set out in the Act may not be the subject of conditions. These are

- conditions which make it impossible to comply with an operating licence.
- conditions as to gaming machines that contradict the provisions in the Act.
- conditions making activities, premises or parts of them operate as a membership club
- conditions on fees, winnings, stakes or prizes.

18.4 Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the council will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as: the supervision of entrances; separation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in premises not specifically for adult gambling; appropriate signage for adult only areas, etc. The council will expect the applicant to propose how the licensing objectives can be met effectively though the use of conditions.

18.5 The licensing authority will ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent any views of machines in category C or above and any access to them 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.

19 Buildings divided into more than one premises

19.1 Part 7 of the Commissions Guidance states that a building can, in principle, be divided into more than one premises, and 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. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The council will follow this guidance.

19.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the council will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.

19.3 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which will include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.

19.4 For the policy that relates to this section please see section 22 below.

20. Separation of premises within a single building

20.1 When considering proposals to divide a building into genuinely separate premises the council will also need to be satisfied that the form of separation between the premises is appropriate.

20.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The council would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.

20.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.

20.4 For the policy that relates to this section please see section 22 below.

21. Access to premises

21.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.

21.2 The relevant provisions of the regulations relating to access are set out in paragraph 7.25 of the Commission's Guidance. In a number of types of licensed premises provisions on access that prevent customers from being able to enter the premises directly from other licensed premises.

21.3 The Commission Guidance at paragraph 7.24 states "There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access."

21.4 The Licensing Authority has had a number of applications over the past three year period to divide buildings into separate premises, or locate licensed premises next to each other. The council has refined its opinion as to what would constitute direct access, and how access provision needs to be addressed in accordance with the Act and Regulations.

- 21.5 In particular, where premises are not accessed from the street, the council has sought to define the nature of the area which must separate licensed premises and through which the premises are accessed, so as to prevent direct access between premises in order to comply with the provisions of the Act and regulations.
- 21.6 It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 21.7 The council does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs,
- 21.8 Where the council is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the council will expect applicants to ensure that:
- premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
 - entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers should be able to participate in the activity named on the premises licence.

This is not an exhaustive list and the council will consider other aspects based on the merits of the application.

- 21.9 For the policy that relates to this section please see section 22 below.

22. More than one licence and division of premises and access between premises policy

Policy: DAP1

Applications to have more than one licensed premises within a building, or divide and separate a building into different premises will be determined subject to other policies in this Statement of Principles and subject to the relevant criteria in Policies OBJ1, OBJ2 and OBJ3, and other policies in this statement, and it will need to be demonstrated that :

- (1) the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises**
- (2) separation between the premises is appropriate**
- (3) access between premises is restricted to prevent unlawful direct access by customers between licensed premises.**

22.1 Reason for Policy DAP1

The council has received applications that seek to create different premises within a building solely to increase the entitlement to gaming machines which are permitted within premises. The licensed premises and unlicensed areas which separate them were created artificially, and the building was to be operated by a single operator. In reality, such unlicensed areas are unlikely to be used by members of the public other than those attending the licensed premises.

22.2 The Act, regulations and the Commission's Guidance support the principle that different premises within a single building should not be artificially created, that separation between premises must be adequate, and direct access between certain licensed premises prohibited. Policy DAP1, in the context of this part of the statement of principles, seeks to compliment the statutory provisions.

22.3 Some applicants have attempted to create an unlicensed area accessed from the street which then leads into separate licensed premises, see figure 1. In such cases the premises are not clearly identifiable as separate premises and the unlicensed area is not likely to be used by the public other than by those using the gambling premises. Applications to place two licensed premises in one premises with a unlicensed area separating them, (see figure 2) will also not meet this Policy because of the artificial nature of the premises, access, and likely use issues which arise.

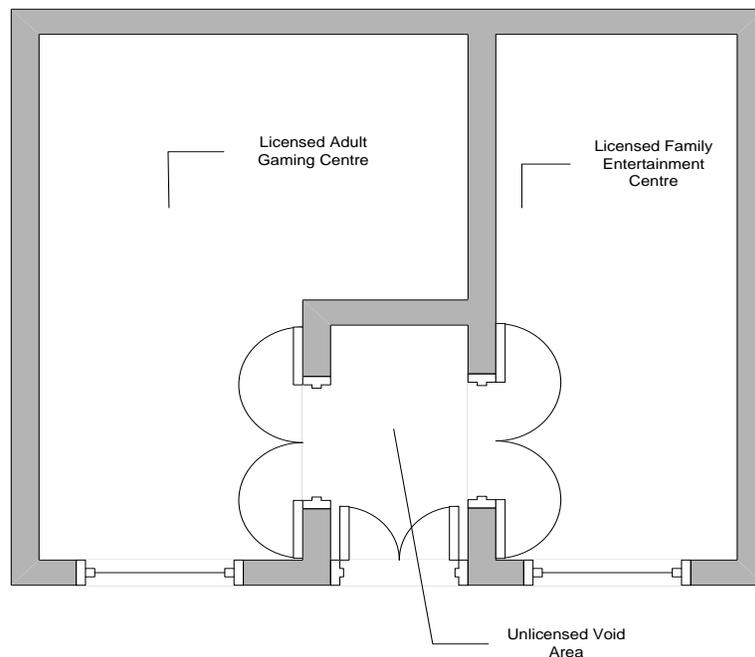


Figure 1.

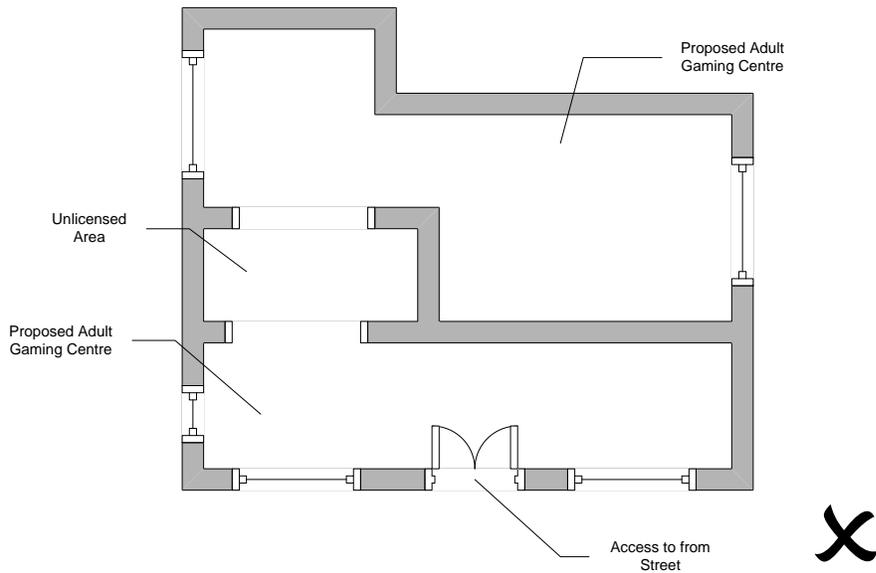


Figure 2.

- 22.4 It is possible to have a foyer area or passage way which separates one licensed premises from another. However, such a foyer or passage way must be accessible and generally used by members of the public other than those using the gambling premises. An example of this would be a hotel lobby which has an entrance to a casino and an adult gaming centre off it. The foyer itself will be used by hotel guests and visitors who may have no intention of using either licensed premises.
- 22.5 It may also be acceptable if a premises is separated by another non-licensed premises that has access to both licensed premises from it. An example of this could be in the form of a coffee shop which has a main entrance to the street. The coffee shop may have access to an Adult Gaming Centre on one side and an entrance Family Entertainment Centre on the other side, see figure 3. Where a member of the public not using the gambling premises is likely to use the coffee shop it may be considered that there is no direct access between the two licensed premises. If any such unlicensed area is used to separate licensed premises then it must genuinely, in the authority's opinion, be likely to be used by members of the public not using the gambling premises.

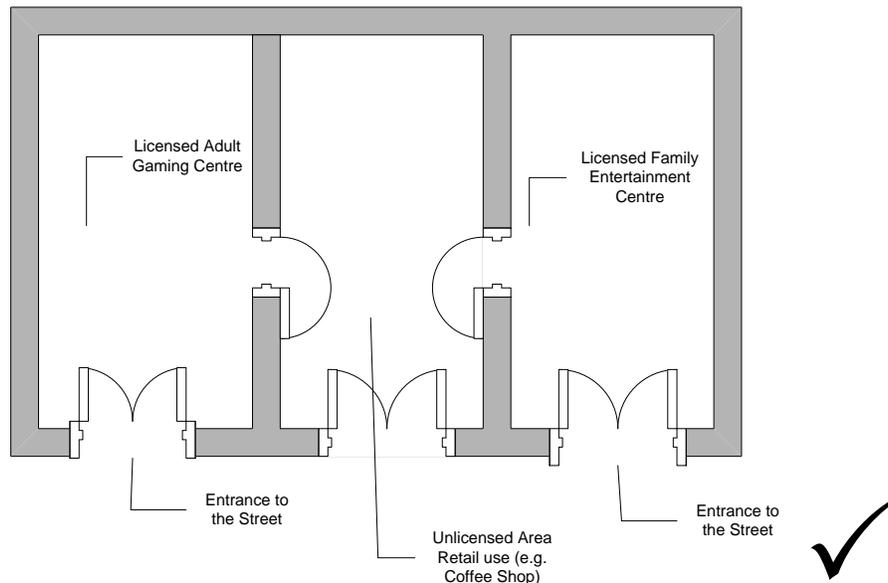


Figure 3.

23 Casinos

- 23.1 Westminster did not qualify to be recommended to the Secretary of State as a location for any of the initial 17 casinos permitted under the Act. Although the council was not successful in its bid for two new casino licences the Authority has continued to convert casino premises licences granted by the magistrates
- 23.2 The authority cannot grant any new casino premises licences but an existing converted casino premises licence can be varied to increase or decrease the permitted gambling area, vary the default conditions, or any conditions imposed by the council. Unlike other types of licences, they can be varied to move them from one premises to another. See 23.3 below.

Policy: CAS1

Applications to vary premises licence will generally be granted subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3, LOC 1 and other policies within this statement of principles.

23.3 Reason for Policy CAS1

The council does not qualify to issue new casino licences so this policy will only relate to variation applications. In addition to the standard variation applications (e.g. to remove a default condition, increase the licensable area of the premises, etc) an existing converted casino premises licence can be varied under paragraph 65 Part 7, Schedule 4 of The Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006 (2006 Order) to relocate the licence to another premises. These converted casinos have the special provisions under the 2006 Order to ensure that if for any reason the premises cannot continue to operate at their existing premises they will not then lose their licence rights.

- 23.4 The council in considering any applications will consider whether it will meet the Licensing Objectives policies and any other relevant policy within this statement.

For variations to relocate an existing licence, Location Policy LOC 1 will be a significant consideration in addition to the objective policies.

24. Bingo

- 24.1 This policy applies to applications for a bingo premises licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo premises licence will be able to offer bingo in all its forms. Westminster had no bingo licences to be converted.
- 24.2 The holder of a bingo premises licence may make available for use up to eight category B machines (restricted to sub-category B3 or B4 machines) and any number of category C or D machines
- 24.3 Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

Policy: BGO1
Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.

24.4 Reasons for Policy BGO1

To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo can be played in any premises for which a premises licence is issued. Particular consideration will be given when the operator of an existing bingo premises applies to vary the premises licence to exclude an area of the existing premises and then applies for a new licence for the excluded area. See 17 above.

- 24.5 Given that children and young persons are permitted in bingo premises, the appropriate weight will be given to OBJ3. In addition, young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The licensing authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.

25. Betting (Other)

- 25.1 This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop, and includes an entitlement to operate up to four gaming machines of category B2, B3, B4, C or D, and any number of betting machines.

Policy: BET1
Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.

25.2 Reasons for Policy BET1

The council takes note of the Gambling Commission suggestion that licensing authorities will want to consider restricting the number and location of betting machines in respect of applications for betting premises licences. The council when considering the number/ nature/ circumstances of betting machines an operator wants to offer will follow the Gambling Commission's Guidance and 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.

25.3 The licensing authority must be satisfied that the primary use of the premises is to operate as a betting premises in accordance with the principles outlined in paragraph 17 of this Statement. The applicant will be expected to demonstrate that they can offer sufficient facilities for betting and, unless it does so, should not be making gaming machines available on the premises.

25.4 In determining whether the application meets the criteria in OBJ1, OBJ2, OBJ3 or other policies consideration will be given to appropriate measures/licensing conditions to address the matters listed below.

- Proof of age schemes
- CCTV
- Entry control system
- 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

This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives:

26. Betting Tracks including other sporting venues

26.1 There are major indoor and outdoor venues in the City where a variety of sporting events take place. Under section 353 of the Act, "tracks" includes premises where a race or other sporting event takes place or is intended to take place. These may be subject to one or more than one premises licence, provided each licence relates to a specified area of the "track". The Commission Guidance, identifies that operators of track betting premises will not necessarily hold an operators licence issued by the Commission. The council will have particular regard to proposals and measures to ensure that the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

26.2 The council will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct and that children are excluded from gambling areas where they are not permitted to enter.

26.3 The possibility of multiple licences at tracks is noted in Part 20 of the Commission Guidance. The council will expect the applicant for a premises licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. (Children and young persons are not prohibited from playing category D machines on a track.)

Policy: BET2

Applications and reviews will be determined, subject to the relevant criteria in Policies OBJ1, OBJ2, OBJ3 and other policies within this statement.

26.4 Reasons for Policy BET2

In determining whether the application meets the criteria in OBJ1, OBJ2, OBJ3 or other policies consideration will be given to appropriate measures/licensing conditions to address the matters listed below.

- Proof of age schemes
- CCTV
- Entry control system
- 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

This list is not exhaustive, and is merely indicative of examples of measures the council will expect applicants to offer their own measures to meet the licensing objectives:

26.5 Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that the track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.

26.6 The council will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds or seeks a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.

26.7 The council will expect applicants to include detailed plans for the race track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the

track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. Any such plans must also contain the information prescribed by Regulations.

- 26.8 The council concurs with the Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

27. Adult Gaming Centres

- 27.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. They will be able to make up to 4 category B3 or B4 gaming machines, and an unlimited number of category C or D gaming machines available to their customers. Gaming machines are a form of gambling which is attractive to children and AGC's will contain machines of a similar format to the Category D machines on which children are allowed to play. However, no-one under the age of 18 is permitted to enter an AGC and applicants must be aware of the location of and entry to AGC's to minimise the opportunities for children to gain access.

Policy: AGC1

Applications and reviews will be determined, subject to the relevant criteria in policies OBJ1, OBJ2, OBJ3 and other policies within this statement.

- 27.2 Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and 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 are not attracted to, or gain access to, the premises.
- 27.3 The council 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
 - Entry control system
 - Supervision of entrances/ machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/ signage
 - Specific opening hours
 - Self-barring schemes for individuals to bar themselves from premises
 - Provision of information leaflets/ helpline numbers for organisations such as GamCare.

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

27.4 The council has created a Byelaw for Pleasure Fairs (Amusement Premises) in pursuance of section 75 of the Public Health Act 1961 (the 1961 Act) as amended by section 22 of the Local Government (Miscellaneous Provisions) Act 1976. These byelaws apply to Adult Gaming Centres as the premises are used to provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes. A copy of the Pleasure Fairs (Amusement Premises) byelaws is attached for information as Appendix 3.

28. Family Entertainment Centres (FEC):

28.1 Generally, FECs must be operated by a person or body having an operating licence from the Gambling Commission (the Act also provides that there is a class of unlicensed Family Entertainment Centres that may be run by individuals or bodies not holding an operators licence). Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission operator's licence or premises licence from the local licensing authority but do need to have a gaming machine permit as set out below. Gaming machines are a form of gambling which is attractive to children and FECs will contain both Category D machines on which they are allowed to play, and category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The council, in considering applications for FEC premises licences 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.

28.2 The council 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 for category C machines
- Location of entry
- Notices/ signage
- Specific opening hours
- Self-barring schemes for individuals to bar themselves from premises
- Provision of information leaflets/ helpline numbers for organisations such as GamCare
- Measures & training for dealing with children on the premises suspected of truanting.

This list is neither mandatory, nor exhaustive, and is merely indicative of example measures.

28.3 The council will have regard to the Gambling Commission's guidance on any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated but may require further measures on physical separation and controls on entry. The council must apply the mandatory conditions but will consider whether to exclude any of the default conditions that may be specified by regulation from the Secretary of State.

28.4 As with Adult Gaming Centres, Family Entertainment Centres will be subject to the councils Pleasure Fairs (Amusement Premises) byelaw which is attached at Appendix 3. Family Entertainment Centres will provide amusement with prizes machines (gaming machines) or entertainment machines which are used to play games where there are no chance of winning prizes. All Family Entertainment Licensed premises will have to comply with these byelaws.

29. Travelling Fairs

29.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.

29.2 It will fall to the council 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.

29.3 The council will also consider whether the applicant falls within the statutory definition of a travelling fair. The council notes the 27 day statutory maximum for the land being used as a fair each calendar year 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. The licensing authority will keep a record of any travelling fairs that take place in Westminster that offer gambling as an ancillary use to the fair. The authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

29.4 It should be noted that the council has adopted byelaws which apply to Travelling Fairs. These are attached as Appendix 3.

30. Door Supervisors

30.1 The Guidance advises that licensing authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered.

30.2 For betting offices and other premises other than casinos and bingo premises, the operator and/or the council may decide that supervision of entrances or machines is appropriate in particular cases. The authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

31. Provisional Statements

31.1 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.

32. Reviews

32.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the licensing authority. 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:

- any relevant code of practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives;
- the authority's statement of principles.

32.2 The licensing authority may reject an application for review if it thinks that the grounds on which the review is sought:

- (a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the licensing authority's statement of principles;
- (b) are frivolous;
- (c) are vexatious;
- (d) 'will certainly not' cause the licensing authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence;
- (e) are substantially the same as grounds cited in a previous application relating to the same premises (the licensing authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
- (f) are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence.

32.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

32.4 The licensing authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing 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, or to ensure that the principle of primary use is applied.

- 32.5 The licensing authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
- 32.6 A responsible authority or interested party may apply to the council to review a premises licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded, if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
- 32.7 As a review of a premises licence can lead to its revocation the council will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The council accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

PERMITS

- 33.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The council is responsible for issuing the following permits:

- (a) unlicensed family entertainment centre gaming machine permits;
- (b) alcohol-licensed premises gaming machine permits;
- (c) prize gaming permits;
- (d) club gaming permits and club machine permits.

- 33.2 The council can only grant or reject an application for a permit and cannot attach conditions. Therefore, the council will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

34. Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

- 34.1 This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres. UFECs are those that offer only category D machines and a permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that category D machines have no age restrictions, these premises will particularly appeal to children and young persons. Therefore, the council will give particular weight to matters relating to child protection issues.

Policy: UFEC1
Valid applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.

- 34.2 Reasons for Policy UFEC1

The council will grant an application for a permit only if it is satisfied that the premises will be used as an unlicensed FEC, and following consultation with the Chief of Police.

- 34.3 The council will require applicants 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); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes (Guidance; paragraph 24.7)
- 34.4 The council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people 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:

- 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;
- measures / training covering how staff would deal with children causing perceived problems on or around the premises.
- Measures / training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

34.5 All premises that hold an Unlicensed Family Entertainment Centre gaming machine permits will be subject to the Pleasure Fairs (Amusement Premises) byelaw which has been adopted by the council. This byelaw is attached to this statement as Appendix 3. This byelaw will apply to premises that operate as an Unlicensed Family Entertainment Centre as they provide amusement with prizes machines (gaming machines) and also to entertainment machines which are used to play games where there are no opportunities for winning prizes.

35. Alcohol-Licensed Premises Gaming Machine Permits

35.1 Automatic entitlement to 2 gaming machines:

A premises licensed to sell alcohol under the Licensing Act 2003 is automatically entitled to 2 gaming machines of category C and/or D. The holder of the on-premises licence under the Licensing Act 2003 must notify the council of their intention to make the gaming machines available for use and must pay the prescribed fee.

35.2 The council will 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 provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the council, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

35.3 Permit for 3 or more gaming machines

This policy applies to those licensed premises that propose to have 3 or more gaming machines. A licensed premises wishing to have 3 or more gaming machines of category C or D must apply to the council for a permit.

Policy: LPGMP1
Applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to any relevant Codes of Practice produced by the Gambling Commission.

35.4 Reasons for Policy LPGMP1

As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council, on considering an application, will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to:

- the need to protect children and vulnerable people from harm or being exploited by gambling;
- measures taken by the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

35.5 The council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:

- the adult machines being in sight of the bar;
- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18;
- notices and signage;
- the provision of information leaflets or helpline numbers for organisations such as GamCare.

35.6 If it is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, the council will refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.

35.7 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.

35.8 The council may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
- (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
- (c) the premises are mainly use or to be used for making gaming machines available, or,
- (d) an offence under the Gambling Act 2005 has been committed on the premises.

35.9 Before the council cancels or varies a permit it will give the permit holder 21 days notice of its intention and allow him the opportunity to make a representation. If the permit holder requests a hearing the council will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

35.10 The Council when determining an application for an alcohol-licensed premises gaming machine permit will consider each application on their own merits.

35.11 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. e.g. hotels. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.

36. Prize Gaming Permits

36.1 This policy applies to applications for, or renewals of, prize gaming permits. Gaming is "prize gaming" if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

- 36.2 Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

Policy: PGP1

Applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.

- 36.3 Reasons for Policy PGP1

Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

- 36.4 The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- an understanding of the limits to stakes and prizes set out in regulations;
- That the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

- 36.5 The council will only grant a permit after consultation with the chief officer of police. This will enable the licensing authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

- 36.6 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the council cannot attach conditions. The conditions in the Act are:

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

37. Club Gaming and Club Machines Permits

- 37.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

- 37.2 A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members;
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
- It must be permanent in nature;
- It must not be established to make a commercial profit;
- It must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

37.3 The council 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.

37.4 There is also a "fast-track" procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which a council can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

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

37.5 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.

NOTICES

38. Temporary Use Notices

- 38.1 This policy applies to applications for Temporary Use Notices. Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
- 38.2 The licensing authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.
- 38.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

Policy: TUN1
Applications will be refused unless the relevant criteria in Policies OBJ1, OBJ2 and OBJ3 are met, and subject to the other policies in this Statement of Principles.

38.4 Reasons for Policy TUN1

The licensing authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the licensing authority will consider:

- the suitability of the premises;
- the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
- The CCTV coverage within the premises;
- The ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
- whether the premises or the holder of the operating licence have given the council any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this statement of principles.

39. Occasional Use Notices:

- 39.1 The council has very little discretion as regards Occasional Use Notices to accept bets at “tracks”, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a “track” and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the “track” or is an occupier, and therefore permitted to avail themselves of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Westminster. If notices are given for a single track which would permit betting to occur for more than 8 days per year the council has an obligation to issue a counter notice preventing such a breach occurring.

Appendix 1

List of Bodies consulted on review in 2012

British Amusement Catering Trade Association (BACTA)
Casino Operators' Association
British Casino Association
City of London Corporation
Gamble Aware
GamCare
Local Government Regulation
London Borough of Wandsworth
London Borough of Lambeth Council
London Borough of Camden Council
London Borough of Brent Council
London Fire and Emergency Planning Authority (LFEPA)
Members of Westminster's Entertainment Forum
Metropolitan Police
National Casino Industry Forum
Operators of Casinos in Westminster
Operators of Betting Premises in Westminster
Operators of Betting Tracks in Westminster
Operators of Adult Gaming Centres in Westminster
Operators of Family Entertainment Centres in Westminster
Operators of Bingo Premises in Westminster
Recognised Amenity Societies
The Royal Borough of Kensington and Chelsea
Chinese Information & Advice Centre
Westminster City Councillors

Appendix 2

Glossary

Adult Gaming Centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed family entertainment centres.

Betting

'Betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Casino

"An arrangement" whereby people can participate in one or more casino games.

Casino Games

Games of chance not being equal chance gaming. i.e. games in which players stake against a "bank".

Categories of Casinos

	Minimum number of gaming tables	Minimum table gaming area sq.ms Section 7 (5) Regulations	Additional gambling area sq.ms Section 7 (5) Regulations	Minimum non gambling areas Mandatory conditions	Highest Categories of gaming machines permitted	Maximum stake/prize for gaming machines	Max number gaming machines
Existing (Converted Casino)	One	None	None	10%of total gaming area	B1	£2/ £4000	20 B to D or unlimited C or D machines instead
Small	One	500	999 max	250 sq.ms	B1	£2/ £4000	80
Large	One	1000	500 min 2499 maximum	500 sq.ms	B1	£2/ £4000	150

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a “bank”. It is immaterial how the “bank” is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non commercial Gambling

Non commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- The profits will be for a purpose other than that for private gain;
- The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as either gaming, betting or participating in a lottery.

Games of chance

Includes games that involve both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants

Gaming

Gaming means playing a game of chance for a prize;

Gaming machines – Categories

This Table sets out the current proposals for the different categories with the maximum stakes and prizes that apply.

CATEGORY	MAXIMUM STAKE (from July 2011)	MAXIMUM PRIZE (from July 2011)
A	Unlimited – (Note: no category A gaming machines are currently permitted.)	
B1	£2	£4000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£2	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D – non-money prize (crane grab 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	£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)	10p	£15 (of which no more than £8 may be a money prize)

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 Westminster.</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 Westminster.</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	n/a	No limit on category D machines.
Clubs or miners' welfare institute (with permits)	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.

Guidance

The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.

Interested Parties

Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that 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
- (c) represents persons in either of these groups.

Interested parties can also be a councillor or an MP.

Licensed Family Entertainment Centres:

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

Operating Licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation.

Operating licences may be issued for the following forms of gambling:

- A casino operating licence
- A bingo operating licence
- A general betting operating licence
- A pool betting operating licence
- A betting intermediary operating licence
- A gaming machine general operating licence (for an adult gaming centre)
- A gaming machine general operating licence (for a family entertainment centre)
- A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- A gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- A lottery operating licence.

Premises Licence

A premises licence issued by a licensing authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Representations

In dealing with applications the council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.

Unlicensed Family Entertainment Centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

Appendix 3

BYELAWS:

PLEASURE FAIRS (AMUSEMENT PREMISES)

Byelaws for the regulation of hours during which amusement premises may be open to the public; for the securing of safe and adequate means of ingress to and egress from amusement premises; for the prevention and suppression of nuisances and for the preservation of sanitary conditions, cleanliness, order and public safety at amusement premises; for the prevention of outbreaks of fire which might endanger structures used or intended for use in connection with amusement premises, and for reducing the risk of, and the spread of fire from, such outbreaks; made by the Westminster City Council in pursuance of Section 75 of the Public Health Act 1961, as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976.

1. (a) These byelaws shall apply only to pleasure fairs within the meaning of Section 75(2) of the Public Health Act 1961 which are amusement premises:
 - (b) These byelaws shall not apply to premises licensed or registered under Part II of the Gaming Act 1968 or to members clubs and miners welfare institutes registered under Part III of that Act.
2. In these byelaws, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say:
 - (a) "Amusement premises" means any place used wholly or mainly to provide entertainments within the meaning of Section 75(3)(f) of the Public Health Act 1961, and shall include any stationary vehicle, vessel, stall, caravan, trailer or tent where the above applies.
 - (b) "The Council" means the Westminster City Council.
 - (c) "Manager" means the person having control of the entertainments provided within the meaning of Section 75(3)(f) at the amusement premises.

Regulation of opening hours

3. (1) The manager shall not keep the amusement premises open between the hours of 12 midnight and 9am.
 - (2) The Council, may by resolution, fix a later hour in substitution for the hour of 12 midnight in this byelaw for the closing of amusement premises or specified classes of amusement premises on specified dates or during specified periods or generally.
4. (1) The manager shall give to the proper officer of the Council at least 5 days prior notice in writing of the intention to use any amusement premises specifying therein the dates and place at which such amusement premises are to be used.
 - (2) The notice to be given under this byelaw shall be in addition to and not in substitution for any notice required to be given under any other enactment.

- (3) In this byelaw "proper officer" means an officer appointed for the purpose of the Council.

Provision for safe ingress and egress

5. (1) The manager shall take such steps as are reasonably practicable to ensure that there are provided such entrances and exits to the amusement premises as will enable persons using the amusement premises (including disabled persons) to be safe and free from risks to health and while such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.

(2) The manager shall cause to be exhibited over each exit from the amusement premises a notice bearing the word 'EXIT' in letters of sufficient size to ensure it is legible at the maximum viewing distance.
6. No person shall place or cause to be placed any obstruction in any exit or gangway provided in accordance with these byelaws while any persons are using the amusement premises.

Nuisances, sanitary conditions, cleanliness, order and public safety

7. The manager shall ensure that at all times when the amusement premises are open for business, there is in operation such lighting as is adequate to enable persons using the premises to be safe.
8. The manager shall ensure that the internal parts of the amusement premises are maintained in good repair and condition in order that persons using the premises shall be safe at all times when the premises are open for business.
9. The manager shall take such steps as are reasonably practicable to ensure that:-
 - (a) a sufficient number of unobstructed gangways are provided and maintained in the amusement premises;
 - (b) amusement machines, seats and other furnishings and structures are distributed in order that the amusement premises shall, at all times when they are open for business, be safe for persons using the premises (including disabled persons).
10. The manager shall ensure that all parts of the premises (including sanitary accommodation) are kept as clean as is reasonably practicable.
11. The manager shall take such steps as are reasonably practicable to ensure that every machine provided at the amusement premises is properly and safely installed.
12. The manager shall not knowingly permit:-
 - (a) the amusement premises to be used for soliciting for the purpose of prostitution nor as a habitual resort or place of meeting of reputed prostitutes but this does not prohibit the manager from permitting such persons to remain on the premises for the purpose of using the amusement

machines for such time as is necessary for that purpose.

- (b) any person who is drunk or disorderly to enter or remain on the amusement premises.
13. The manager shall take such steps as are reasonably practicable to ensure that the external doors to the amusement premises suppress noise emanating from those premises where by means of the doors being fitted with a device for automatic closure or by any other similar means.
14. The manager shall ensure that the amusement premises are under the supervision of at least one responsible person at all times when those premises are open for business.

Fire protection

15. (1) The manager shall:
- (a) Consult the fire authority regarding a means of fighting fire for use in the amusement premises; and
 - (b) Provide and maintain reasonable means of fighting fire having regard to all the circumstances including the size, nature and age of the amusement premises; and
 - (c) Keep the means for fighting fire in a place where it is readily available for use.
- (2) In this byelaw 'maintain' means to maintain in an efficient state in efficient working order and in good repair.

Penalty

16. Any person offending against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding £400.

Defence

17. It shall be a defence for a person to prove that he had taken all reasonable precautions and exercised all due diligence to prevent the commission of an offence under these byelaws.