

LICENSING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held on Wednesday, 4 December 2024 at 7.30 pm in Penn Chamber, Three Rivers House, Rickmansworth, WD3 1RL.

Members of the Licensing Committee:-

Councillors:

Harry Davies (Chair)
David Major
Narinder Sian
Andrew Scarth
Andrea Fraser

Tony Humphreys (Vice-Chair)
Debbie Morris
Ciaran Reed
Stephen Cox

*Joanne Wagstaffe, Chief Executive
Tuesday, 26 November 2024*

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 5 - 6)

To confirm, as being a correct record, the minutes of the Licensing Committee, held on 12 June 2024, and for them to be signed by the Chair.

3. NOTICE OF OTHER BUSINESS

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.

4. DECLARATIONS OF INTEREST

To receive any declarations of interest.

5. REVIEW OF GAMBLING POLICY

(Pages 7 - 144)

The review of the 'Statement of Gambling Principles and Policy (hereafter referred to as "the Policy") is required at least every 3 years, as set out within Section 349 of The Gambling Act 2005 ("the Act").

Recommendation

It is recommended that Members agree to Option 1 or Option 2:

Option 1:

- i) Agree the revised Policy found at **Appendix B** (this is a tracked document highlighting the amendments made to the current policy) and recommend that Full Council adopt the Policy with effect from 14 January 2025.
- ii) Recommend that Full Council adopt a 'No Casino Resolution' which will be inserted into the Policy and recommend that Full Council adopt the Policy with effect from 14 January 2025.

OR

Option 2:

- i) Agree the revised Policy found at **Appendix B** (this is a tracked document highlighting the amendments made to the current policy) and recommend Full Council adopt the Policy with effect from 14 January 2025.
- ii) Recommend that Full Council do not adopt a 'No Casino Resolution'.

That public access to the report be immediate.

6. OTHER BUSINESS - If approved under item 3 above

7. EXCLUSION OF PRESS AND PUBLIC

If the Committee wishes to consider the remaining item in private, it will be appropriate for a resolution to be passed in the following terms:-

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraph X of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items.)

General Enquiries: Please contact the Committee Team at
committeeteam@threerivers.gov.uk

The Council welcomes contributions from members of the public on agenda items at the Licensing Committee meetings. Details of the procedure are provided below:

For those wishing to speak:

Members of the public are entitled to register and identify which item(s) they wish to speak on from the published agenda for the meeting. Those who wish to register to speak are asked to register on the night of the meeting from 7pm. Please note that contributions will be limited to one person speaking for and one against each item for not more than three minutes.

In the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Committee.

Those wishing to observe the meeting are requested to arrive from 7pm.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Legislation and the laws of libel and defamation.

The meeting will be livestreamed and an audio recording of the meeting will be made.

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THREE RIVERS DISTRICT COUNCIL

MINUTES

Of a meeting of the Licensing Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Wednesday, 12 June 2024 from 7.30 - 8.03 pm

Present: Councillors Harry Davies (Chair), Councillor Tony Humphreys (Vice-Chair), Andrea Fraser, David Major and Narinder Sian.

Officers in Attendance:

Lorna Fryer	Lead Licensing Officer
Matthew Roberts	Team Leader, Development Management
Richard Ricks	Principal Litigation/Licensing Lawyer
Sharon Keenlyside	Interim Committee Officer

LI6/23 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Stephen Cox, Rue Grewal, Raj Khuroya, Ciaran Reed and Andrew Scarth.

Notifications

The Chair read out the following statements:

“We are in the pre-election period, formerly known as Purdah, for the general election on 4 July. We are therefore in a heightened state of political sensitivity, and I kindly remind Members that they should avoid making political statements or comments which could potentially influence voters in the general election”.

“Due to the Licensing Committee agenda being published late, as Chair of this meeting, I have agreed to take the agenda item as an urgent item”.

LI7/23 MINUTES

The minutes of the meeting held on 14 June 2023 were confirmed as a correct record and signed by the Chair of the meeting.

LI8/23 URGENT BUSINESS

There were no items of other business.

LI9/23 DECLARATIONS OF INTEREST

There were no declarations of interest

LI10/23 REVIEW OF GAMBLING POLICY ‘STATEMENT OF PRINCIPLES 2025 TO 2028’

The Licensing Committee considered a report which set out the review of the gambling Policy ‘Statement of Principles 2025 to 2028’. The report was presented by Matthew Roberts, Team Leader Development Management and Lorna Fryer, Lead Licensing Officer.

The current policy was amended in 2021 and came into effect on 14 January 2022. A review of the policy was required every 3 years.

The report sought to consult Members on the revised draft policy and minor variations after which a consultation exercise was proposed.

The report also considered whether a 'No Casino Resolution' should be put in place after it had been removed in 2021 and if so, be included as part of any consultation exercise.

The policy would go out to consultation after the upcoming General Election and following consultation, would be presented to Full Council.

Officers explained that the Secretary of State provided which authorities would be permitted to issue the limited number of casino licenses and Three Rivers District Council (TRDC) was not one of the permitted authorities. However, this could change with future legislation.

Members discussed the 'No Casino Resolution' in detail and whether it should be re-instated and added to the Policy. Members concluded that the Three Rivers borough was not the right area to have a casino due to the population demographic and large amounts of Green Belt land. With a change of government and policy, the borough may be vulnerable without a "No Casino Resolution" in place.

RESOLVED (Unanimously):

- a) **That the Policy be amended to include a recommendation to consider a "No Casino Resolution".**
- b) **That the 'No Casino Resolution' would form part of the Policy consultation and seek wider opinion on the granting of such a resolution.**
- c) **That a six-week public consultation process on the revised Policy and the potential 'No Casino Resolution' would be commenced.**
- d) **Any response(s) to be circulated to all members of the committee with an officer response.**
- e) **The Head of Regulatory Services, in conjunction with the Lead Member, will use her discretion following any response(s) received to conclude whether the amended Policy attached to this report can be adopted by Full Council or return to a Licensing Committee.**
- f) **Consider adding a further review of the Policy to the Licensing Committee work programme in early 2025, subject to guidance/legislation changes.**

LI11/23 WORK PROGRAMME

The Team Leader of Development Management advised that the 'Statement of Gambling Principles and Policy' and 'No Casino Resolution' amendment would be brought back to Committee following the public consultation.

The Statement of Licensing Policy was due to expire in February 2026 and would be added to the 2025 Work Programme.

LI12/23 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

There was none.

CHAIR

LICENSING COMMITTEE – 4 December 2024

Review of Statement of Gambling Principles and Policy

(DoF)

PART I

1 Summary

- 1.1 The review of the 'Statement of Gambling Principles and Policy (hereafter referred to as "the Policy") is required at least every 3 years, as set out within Section 349 of The Gambling Act 2005 ("the Act").
- 1.2 The current policy (**Appendix A**) was amended in 2021, came into force on 14 January 2022 and can be used by Officers when exercising their functions under the Act until 13 January 2025.
- 1.3 At the Licensing Committee on 12 June, members noted the minor variations to the Policy. Members also discussed whether a 'No Casino Resolution' should be re-instated within the Policy and requested that officers seek views on whether the council should adopt the resolution by Full Council.
- 1.4 This report details the feedback from all comments received from the public consultation exercise which took place between 19 July until 30 August.
- 1.5 The Policy must come into force by 14 January 2025 otherwise the Council will be unable to exercise its function under the Act.

2 Details

- 2.1 The Gambling Act 2005, which fully came into force on 1 September 2007 introduced a new regime for commercial gambling to be conducted by the Gambling Commission and by Licensing Authorities depending on the matter to be licensed.
- 2.2 In exercising its functions under the Act the Council must have regard to the three licensing objectives which are set out in Section 1 of the Act, namely:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.3 Under the Act (section 349) it states that a Licensing Authority shall, before each period of three years, prepare and publish a Statement of Principles. The Policy forms the Licensing Authority's mandate for managing local gambling provision (evidence led) and sets out how the Licensing Authority views the local risk environment. The Policy is considered the primary vehicle for setting out the Licensing Authority's approach to regulation having taken into account local circumstances, by ensuring that operators have sufficient awareness and understanding of the relevant Licensing Authority's requirements and approach.

- 2.4 The Gambling Commission guidance states that Licensing Authorities can complete their own assessment of the local environment as a means of mapping out local areas of concern. These assessments are known as a local area profile (LAP) which can be introduced at any time.
- 2.5 Within Three Rivers there are currently only 7 betting shops; 2 in South Oxhey, 2 in Rickmansworth, 2 in Abbots Langley and 1 in Croxley Green. On the basis that no concerns have been raised it is not considered necessary to introduce a LAP at this current time.

3 Advice to Licensing Authorities and Gambling Act Review

- 3.1 Since the last review in 2021, there have been revisions to the Gambling Commission's guidance to Local Authorities (April 2023), highlighted below. However, there were no major changes in advice which needs to be considered as part of this review.
- 3.2 In April 2023 the Government produced a White Paper 'High stakes: gambling reform for the digital age'¹ on the basis that smartphones had "transformed" gambling. The Secretary of State said the White Paper would update gambling rules and regulations to "protect the most vulnerable while also allowing everyone else to enjoy gambling without harm". It sets out proposals for reform in six areas:
- Online gambling
 - Marketing and advertising
 - The Gambling Commission's powers and resources
 - Dispute resolution and consumer redress
 - Children and young adults
 - Land-based gambling
- 3.3 Whilst the reform proposals are not all necessarily relevant to the subject to this Policy review, a link has been provided below to enable members the ability to broaden their understanding of the Government's current objectives relating to gambling.
- 3.4 On 15 April 2024, the Commission issued guidance to local authorities advising that each licensing authority is required to renew their Statement of Licensing Policy every 3 years, with the renewal date in this current cycle January 2025. The Commission also stated:

"Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement.

"Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised GLA which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale."

¹ [High stakes: gambling reform for the digital age - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/white-papers/high-stakes-gambling-reform-for-the-digital-age)

- 3.5 Whilst the Policy has been reviewed by officers, no significant guidance or legislation changes have occurred since the previous review. Based on the recent guidance from the Commission it would appear that the Policy may need to be reviewed again, post January 2025 to incorporate any new changes to guidance and legislation and this should be added to the work programme to consider in early 2025.
- 3.6 Notwithstanding the above, the initial revised Policy put forward the following suggested changes:
- Change to population data
 - Removing COVID 19 regulations
 - Minor formatting and grammatical changes
 - Addition of Batchworth Community Council to consultation list

4 No Casino Resolution

- 4.1 Under section 166 of the Act a licensing authority may resolve not to issue casino premises licences. The previous resolution was originally passed in October 2006 and was subsequently removed in 2021.
- 4.2 The resolution may only be taken by the authority as a whole and cannot be delegated to the Licensing Committee. Where a resolution is passed it must be published by the authority in its three-year Statement of Gambling Principles. It can also be for any person or organisation to challenge a no casinos resolution.
- 4.3 The Gambling Commission's Guidance cites that if passed a resolution "must apply to casino premises generally, so that the authority cannot limit its effect to geographic areas or categories of casinos. The resolution must specify the date it comes into effect. The authority may revoke the resolution by passing a counter-resolution (again the whole authority must pass that resolution). The resolution will lapse after three years so, should the licensing authority wish to keep the policy in place, they should pass a resolution every three years."
- 4.4 In passing such a resolution the authority may consider any relevant principles or matters, not just the licensing objectives. In the Gambling Commission's Guidance to Local Authorities, it notes that "licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)." Thus, in passing a resolution it would seem that a wide range of opinion may be considered.
- 4.5 The House of Lords Select Committee report recommended in 2020 that casinos should be regulated under the same system regardless of when their licence was created. The above White Paper details that the size of Britain's land-based casino sector has remained relatively flat in recent years, in contrast to an expanding online market. The number of active licensed premises increased from 148 (2015) to 156 (2020), but the impact of COVID-19 resulted

in a number of permanent closures (active licensed premises were 144 in 2022). In 2021/22 (the most recent full year), online casino gross gambling yield was more than five times that of land-based casinos.

- 4.6 By an Order in 2008 the Secretary of State provided which authorities would be permitted to issue the limited number of casino licences, Three Rivers District Council was not one of these and applicants are prohibited from applying for a new casino licence to this authority.
- 4.7 Whilst the Secretary of State can increase the number of Casino Licences available by way of Order then, so long as this Authority did not bid for such additional licences and was not prescribed by an Order as an authority which could grant such licences, applicants would remain prohibited from making Casino applications to the Council unless there was an amendment to the Gambling Act itself. Consequently, there is currently no legal possibility of a licensed casino in Three Rivers. It is however possible that this position could change in the future and there are other Councils with No Casino Resolutions in place for this very reason. None of this of course prevents the Council making a new No Casino Resolution in the future if thought necessary but it is not recommended to re-introduce a No Casinos policy at this time.
- 4.8 Notwithstanding the above, at the June Licensing Committee members resolved that the Policy be amended to include a recommendation to consider a 'No Casino Resolution.' Members concluded that given the population demographics of the district, the negative impacts gambling has on communities and to promote the licensing objectives, that subject to the consultation, that the Council should pass a 'No Casino Resolution'.

5 Consultation

- 5.1 A public consultation on the revised policy took place for 6 weeks, in line with the requirements set out within section 349(3) of the Act.
- 5.2 The consultation included:
- A press notice displayed within the Watford Observer
 - Consulted the chief officer of police for the authority's area
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
 - One or more persons who appear to the authority to represent the interests of person who are likely to be affected by the exercise of the authority's functions under this Act
 - All premises in TRDC with a licence/permit issued under the Gambling Act
 - Revised Policy published on the Council's website and circulated via social media platforms.
- 5.3 The revised policy is contained at **Appendix C** (tracked changes at **Appendix B** etc) A full list of the consultees is set out within Appendix 1 of the revised Policy.
- 5.4 As part of the consultation 7 responses were received. These included members of the public (all TRDC residents), Batchworth Parish Community

Council, Public Health Services at Hertfordshire County Council (HCC) and Hertfordshire Safeguarding Children Partnership.

5.5 All comments received as part of the consultation process are appended at **Appendix E** and **Appendix F** and are summarised below.

5.6 Public comments:

- *No comments to make.*
- *Moor Park Resident's Association should be added to future consultations*
- *Changes appear to be primarily cosmetic and non-substantive. I am opposed to any change that would allow any casino to be established and/or operated within the district.*
- *I believe introducing a 'no casino resolution is prudent and appropriate.'*
- *Fully agree with a no casino resolution*
- *I see no reason to introduce a 'no casino resolution' at this present time as there is currently no legal possibility of a licenced casino in Three Rivers.*

5.7 Officers note the comments received and have nothing further to add.

5.8 External agencies:

5.9 The comments provided from Public Health Services at HCC advised that they recommend that the policy statement should also include that applications will be considered against the cumulative impact of applications locally to protect children and vulnerable persons from being harmed or exploited by gambling. They also suggest that all the points noted within their response are included within the appropriate sections of the Gambling Statement of Principles.

5.10 Officers have duly amended the draft Policy to include the above recommendations.

5.11 Comments were also received by Hertfordshire Safeguarding Children Partnership emphasising the risks to children from gambling.

6 Options and Reasons for Recommendations

6.1 There are 3 options available for Members:

Option 1:

- a) Agree the revised Policy found at **Appendix B** (this is a tracked document highlighting the amendments made to the current policy) and recommend that Full Council adopt the Policy, and;
- b) Recommend that Full Council pass a 'No Casino Resolution' (**Appendix G**) which will be inserted into the Policy and recommend that Full Council adopt the Policy.

Option 2:

- i) Agree the revised Policy found at **Appendix B** (this is a tracked document highlighting the amendments made to the current policy), and;

- ii) Recommend that Full Council do not adopt a 'No Casino Resolution' and the Policy is amended to reflect this approach.

Option 3:

Not to agree the minor amendments nor consider a "No Casino Resolution". (see implications at section 10).

7 Policy/Budget Reference and Implications

- 7.1 The recommendations in this report are within the Council's agreed policy and budgets. Costs associated with the consultation have been subsumed within existing licensing budgets.

8 Equal Opportunities Implications

- 8.1 An EQIA was completed and impacts to be mitigated through policy adoption.

9 Impact Assessment

- 9.1 There is no detrimental impact likely towards any protected group from introducing the Policy.

10 Legal Implications

- 10.1 The Act must be adhered to in this process as well as reference to the [Gambling Commission's Guidance to Local Authorities](#).
- 10.2 If the draft Statement of Policy is not brought in to force in the time scales outlined above, the Council will not have a policy to work to under the Act. A Statement of Policy sets out the principles of the Council and its expectations in respect of applications and representations made in respect of those applications. The Policy gives general information on how the licensing process will be carried out and indicates the expectations of the Council in assisting it to make its judgements on individual applications, and in carrying out its enforcement role. The policy is therefore vital in the Council's exercise of its powers under the Act.
- 10.3 Option 3 has legal implications in that the Council may not be able to adopt the Policy prior to the current policy expiring.

11 Financial Implications

- 11.1 None specific.

12 Community Safety Implications

- 12.1 None specific.

13 Public Health implications

- 13.1 Officers note the comments received from Public Health Services at HCC and these changes have been incorporated into the draft Policy.

14 Customer Services Centre Implications

- 14.1 CSC staff will be made aware of the Policy once it comes into force.

15 Communications and Website Implications

15.1 If agreed the Policy will be displayed on the TRDC website and will be published via TRDC social media platforms.

16 Risk and Health & Safety Implications

16.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

16.2 The subject of this report is covered by the Regulatory Service Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat, terminate, transfer)	Risk Rating (combination of likelihood and impact)
Nature of Risk	Consequence	Suggested Control Measures	Response (tolerate, treat, terminate, transfer)	Risk Rating (combination of likelihood and impact)
Option 1:	This will ensure the Council is fulfilling its statutory duty under the Gambling Act 2005 in reviewing and adopting its Policy every 3 years.	Members to agree to recommendation provided to ensure it can be adopted well in advance of the expiry of the existing policy.	Treat.	2.
Option 2:	This will ensure the Council is fulfilling its statutory duty under the Gambling Act 2005 in reviewing and adopting its Policy every 3 years.	Members to agree to recommendation provided to ensure it can be adopted well in advance of the expiry of the existing policy.	Treat.	2.

Option 3:	By not to agreeing to review the existing policy the council would be failing in its statutory duty.	Officers to advice against this approach to avoid legal challenges and failure of statutory duty as the policy is required to be reviewed by January 2025.	Treat.	8.
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16.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
Likelihood	Low	Low	Medium	High
	2	4	6	8
Remote	Low	Low	Low	Low
	1	2	3	4
Impact				
Low -----> Unacceptable				

Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

16.4 In the officers’ opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

17 Recommendation

17.1 It is recommended that Members agree to Option 1 or Option 2:

Option 1:

- i) Agree the revised Policy found at **Appendix B** (this is a tracked document highlighting the amendments made to the current policy) and recommend that Full Council adopt the Policy with effect from 14 January 2025.
- ii) Recommend that Full Council adopt a 'No Casino Resolution' which will be inserted into the Policy and recommend that Full Council adopt the Policy with effect from 14 January 2025.

OR

Option 2:

- i) Agree the revised Policy found at **Appendix B** (this is a tracked document highlighting the amendments made to the current policy) and recommend Full Council adopt the Policy with effect from 14 January 2025.
- ii) Recommend that Full Council do not adopt a 'No Casino Resolution'.

That public access to the report be immediate.

Committee Decision on Public Access:-

- 1. Public access to report - immediate
- 2. Public access to report - denied until (date):
- 3. Public access to report - Council agenda publication
- 4. Public access to report - denied until issue resolved (see future agenda)
- 5. Public access to decision - immediate or Council agenda publication

Report prepared by: Lorna Fryer (Lead Licensing Officer)

Data Quality

Data sources:

- [Gambling Act 2005](#)
- [Gambling \(Licensing and Advertising\) Act 2014](#)
- [GamblingCommission.gov.uk](#)
- [Institute of Licensing](#)
- [High Stakes: Gambling Reform for the Digital Age \(publishing.service.gov.uk\)](#)

Data checked by: Matthew Roberts, Team Leader, Development Management

Data rating: Tick

1	Poor	
2	Sufficient	
3	High	X

Background Papers:

[High stakes: gambling reform for the digital age - GOV.UK \(www.gov.uk\)](#)

APPENDICES / ATTACHMENTS

Appendix A: Current Statement of Gambling Principles and Policy 2022-2025

Appendix B: Changes made to the draft Statement of Policy 2025-2028

Appendix C: Clean version of draft Statement of Policy 2025-2028

Appendix D: [Statement of Gambling Licensing Policy – A Councillor’s guide](#)

Appendix E: Consultation comments via ‘Have your say’ platform

Appendix F: Comments from Public Health Services, Hertfordshire County Council and Hertfordshire Safeguarding Children Partnership.

Appendix G: No Casino Resolution



**STATEMENT OF PRINCIPLES
2022 to 2025**

GAMBLING ACT 2005

**Lorna Fryer, Lead Licensing Officer
Licensing Team, Three Rivers District Council**

This Statement will come into force on the 14th January 2022 and will have effect until 13th January 2025 being kept under review and revised or amended as required following consultation.

Contents

Item	Page
Contents	2
Executive Summary	3
Three Rivers District Council Boundary	5
1. Statement of Principles	6
2. Licensing Objectives	6
3. Responsible Authorities	8
4. Interested Parties	9
5. Exchange of information	10
6. Licensing Authority Functions	10
7. Premises Licences	11
8. Local Risk Assessment	11
8.4 Location	12
8.5 Duplication with other regulatory regimes	12
8.6 Conditions	12
8.7 Door Supervisors	13
8.8 Multiple Premises Licences	14
8.9 Adult Gaming Centres	14
8.10 (Licensed) Family Entertainment Centres	15
8.11 Casinos	15
8.12 Bingo Premises	15
8.13. Betting Premises	16
8.14 Fixed Odds Betting Terminals (FOBT's)	16
8.15 Tracks	17
8.16 Travelling fairs	18
9. Provisional Statements	18
10. Permits / Temporary and Occasional Use Notices	18
10.1 Unlicensed Family Entertainment Centre gaming machine permits	18
10.2 (Alcohol) Licensed premises gaming machine permits	19
10.3 Prize Gaming Permits	20
10.4 Club Gaming and Club Machines Permits	20
10.5 Temporary Use	21
10.6 Occasional Use	21
10.7 Small Society Lotteries	21
11. Enforcement	22
12. Complaints Against a Licensed Premises	23
13. Reviews	23
14. Appeals	24
15. Delegation and Decision Making	24
16. Covid-19, Coronavirus Regulations	24
Appendix 1 – List of consultees	25
Appendix 2 – Gaming Machines maximum stakes and payouts	27
Appendix 3 – Table of delegated functions	28
Appendix 4 – Statement of principles log	29

Statement of Principles (Gambling Act 2005) 2022-2025

EXECUTIVE SUMMARY

The Gambling Act 2005 (the Act) introduced a new regime for regulating gambling and betting throughout the United Kingdom from 1 September 2017. [Section 349](#) of the Act imposes a statutory duty upon licensing authorities to publish a Statement of Principles which they propose to apply when exercising their functions under the Act. [The Gambling Commission guidance](#) has since been updated from April 2021.

The Act places a legal duty on both the Gambling Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

Three Rivers District Council must have regard to the Licensing Objectives namely:

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

It should be noted that this policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each application is determined on its own merits in accordance with the statutory requirements of the Gambling Act 2005.

The Responsible Authorities must be consulted upon receipt of an application for or variation of a premises licence under the Act.

Enforcement principles of the Licensing Authority are guided by the Gambling Commission guidance. We therefore endeavour to be proportionate, accountable, consistent, transparent and targeted.

Declaration

In producing this Statement, Three Rivers District Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses received from those consulted on the Statement.

Representations

Interested parties may make representations in respect of applications and they may apply for a review of an existing licence. An interested party includes those living sufficiently close to a premises likely to be affected, have business interests that may be affected or a person who represents either of these types of people. Councillors and MPs may also be classed as interested parties.

Applications and representations referred to a Licensing Sub-Committee for determination will be published in reports which are publically available in accordance with legislation.

Gaming Machines

In relation to category C (or above) gaming machines on premises in which children are admitted, the authority will ensure that the machines are located in a separated area to which only adults

are admitted and that access to this area is supervised. Notices indicating the restricted age access are expected to be displayed.

Alcohol licensed premises are automatically entitled to have 2 gaming machines of category C and/or D however the Licensing Authority needs to be notified. In certain circumstances the Licensing Authority may remove this entitlement.

Betting Machines

There is no evidence that betting machines (not gaming machines) give concern to regulatory matters however the Licensing Authority reserves the right to limit the number, nature and circumstances of these machines where there is evidence that their use may infringe the licensing objectives.

Provisional Statements

Following grant of a provisional statement, no further representations may be made from relevant authorities or interested parties unless they concern additional matters not previously considered within the provisional statement or concern the applicants change in circumstances.

Premises

Premises Licences are subject to mandatory and default conditions as per the requirements of the Act. The Licensing Authority may exclude default conditions and attach others where appropriate. Conditions must be proportionate and relevant to the need to make the proposed building suitable as a gambling facility, directly related to the premises and type of licence applied for, fairly and reasonably related to the scale and type of premises and reasonable in all other aspects.

Applications for a premises in which there are or would be multiple licences for a premises will be carefully considered to ensure different parts of the premises are not compromised and are separate so that people do not accidentally enter the gambling area. The location of a premises will only be considered in terms of the licensing objectives.

The Licensing Authority will avoid duplication with other statutory regimes and only consider concerns about conditions not being met due to restrictions in place by other regimes.

There are a number of types of licensed premises but Three Rivers District currently only has licensed Betting Premises. Children are prohibited from these premises.

Door Supervisors

In order to achieve the licensing objectives, the Licensing Authority reserves the right to consider the use of door supervisors in certain circumstances.

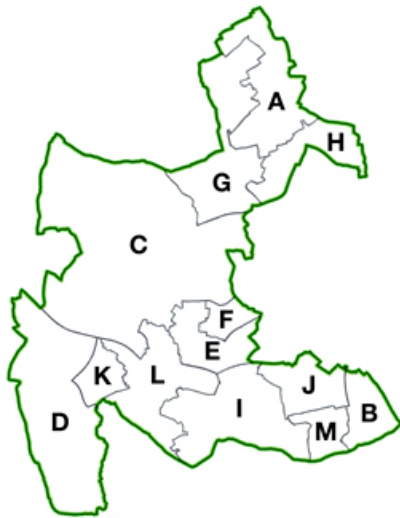
Reviews

Reviews can be called by interested parties or Responsible Authorities but ultimately the Licensing Authority determines whether the review is to be carried out. In determination, the Licensing Authority will consider whether a review is frivolous or vexatious, will certainly not cause the Authority to alter, revoke or suspend a licence and will consider if the review is substantially the same as previous requests for a review. Grounds for a review would be those in accordance with relevant guidance or codes of practice issued by the Gambling Commission, those consistent with the licensing objectives and statement of licensing policy.

The Licensing Authority may initiate a review of a licence for any other appropriate reason.

In cases of unlicensed premises, it is possible to hold licensed activities under temporary use notices and occasional use notices but these are subject to statutory limitations.

Three Rivers District Council Boundary



- A = [Abbots Langley and Bedmond](#)
- B = [Carpenders Park](#)
- C = [Chorleywood North and Sarratt](#)
- D = [Chorleywood South and Maple Cross](#)
- E = [Dickinsons](#)
- F = [Durrants](#)
- G = [Gade Valley](#)
- H = [Leavesden](#)
- I = [Moor Park and Eastbury](#)
- J = [Oxhey Hall and Hayling](#)
- K = [Penn and Mill End](#)
- L = [Rickmansworth Town](#)
- M = [South Oxhey](#)

Three Rivers District Council is situated in the county of Hertfordshire, which contains 13 district Councils in total.

Three Rivers District covers an area spanning approximately 34 square miles, and has approximately 89,500 residents (based upon figures from 2013).

The main populated areas in the district are Rickmansworth, Mill End and Maple Cross, Moor Park and parts of Northwood, Chorleywood, Croxley Green, Abbots Langley and South Oxhey/Carpenders Park.

1 Statement of Principles

- 1.1 In accordance with statutory procedures, a review of this policy will take place every 3 years, to take into account information collated over a period of time, coupled with the outcomes of initiatives relating to gambling at central and local government level. The policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the head of Regulatory Services, in consultation with the Chairman of the Licensing Committee
- 1.2 Nothing in this Statement of Principles will:
- a) Undermine the right or any person to apply under the Act for a variety of permissions and have the application considered on its own merits; or,
 - b) Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.
- 1.3 The starting point in determining applications will be to grant the application with only mandatory and default conditions, so long as this can be achieved in a manner which is:
- a) In accordance with any relevant code of practice issued by the Gambling Commission;
 - b) In accordance with any relevant guidance issued by the Gambling Commission;
 - c) Reasonably consistent with the licensing objectives; and
 - d) In accordance with the Licensing Authority's Statement of Principle.
- 1.4 Licensing authorities are however, able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.5 It is appreciated that as per the [Gambling Commission's guidance](#) for local authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" and, in addition to this, unmet demand is not a criterion for a licensing authority.
- 1.6 Three Rivers District Council has consulted widely upon this statement before finalising and publishing it. A full list of those consulted is at **Appendix 1**. Copies of this consultation version are available on the Councils' website
- 1.7 The overriding principle is that all applications and the circumstances prevailing at each premises will be considered on its own individual merits. When applying these principles, the Licensing Authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.
- 1.8 The final policy has been considered by Full Council and will be published on our Three Rivers District Council website, as well as being available in Three Rivers House, on request.

2 Licensing objectives

- 2.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities.
- 2.1.1 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 2.1.1.1 This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the

proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

2.1.2 Ensuring that gambling is conducted in a fair and open way

2.1.2.1 This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be addressed via operating and personal licences.

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

2.1.3.1 This Licensing Authority has noted that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The Licensing Authority will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

2.1.3.2 When determining an application to grant a premises licence or review a premises licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome concerns relating to the licensing objectives, this will also be taken into account.

2.1.3.3 As regards the term “vulnerable persons”, this Licensing Authority will, for regulatory purposes, assume that this group includes people who:

- gamble more than they want to;
- gamble beyond their means; and
- may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

2.1.3.4 This Licensing Authority will consider this licensing objective on a case by case basis.

2.1.3.5 This Licensing Authority will also make itself aware of the Codes of Practice that the

2.1.3.6 Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

2.1.3.7 This Licensing Authority will also ensure that, where category C or above [see Appendix 2 for an explanation of the categories] machines are on offer in premises to which children are admitted:

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

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

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

2.1.3.9 Betting Machines (machines on a shop floor where customer can place a bet without having to visit the counter, not to be confused with fixed odds betting machines or amusement with prizes machines). While the authority has discretion as to the number, nature and circumstances of the use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

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

3 Responsible Authorities

3.1 The responsible authorities, being public bodies to be notified of applications and who are entitled to make representations to the Licensing Authority pursuant to the licensing objectives, for the purposes of the Act are:

1. The Gambling Commission
2. Hertfordshire Constabulary
3. Hertfordshire Fire and Rescue Service
4. Head of Development Management, Planning Dept, Three Rivers District Council
5. Environmental Health Residential Standards Team, Three Rivers District Council
6. Enforcing Authority: Health & Safety at Work etc. Act 1974
7. Hertfordshire Safeguarding Children Board
8. HM Revenues and Customs

Full contact details for the responsible authorities will be made available on the Council website at www.threerivers.gov.uk

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

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

This authority designates the Hertfordshire Safeguarding Children Board at Hertfordshire County Council for this purpose.

4 Interested Parties

- 4.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as a person who:
- 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) above.”
- 4.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- a) Each case will be decided upon its merits.
 - b) This Licensing Authority will not apply a rigid rule to its decision making.
 - c) This Licensing Authority will consider the examples of considerations concerning these matters provided in the Gambling Commission’s Guidance for local authorities, but may not follow it in every case.
- 4.3 Interested parties include trade associations and trade unions, and residents’ and tenants’ associations (Gambling Commission Guidance for local authorities 8.17). This Licensing Authority will not however generally view these bodies as interested parties at a Hearing unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 (i.e. lives sufficiently close to the premises to be affected by the activities being applied for).
- 4.4 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward to be affected. Likewise, parish councils to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation, is sufficient.
- 4.5 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Lead Licensing Officer.
- 4.6 The licensing authority will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively and not on the basis of any political judgement.
- 4.7 Where representations are rejected, the person making that representation will be given a written explanation (by email where an email address has been provided).
- 4.8 A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing

objectives, guidance issued by the Gambling Commission or this statement of licensing policy.

5 Exchange of Information

- 5.1 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Should any protocols be established as regards information exchange with other bodies then they will be made publicly available.
- 5.2 Details of applications and representations which are referred to a Licensing sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

6 Licensing Authority functions

- 6.1 Three Rivers District Council has a duty under the Act to licence premises where gambling is to take place, and to license certain other activities.
- 6.2 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular, the Licensing Authority is responsible for:
- a) the licensing of premises where gambling activities are to take place by issuing Premises Licences;
 - b) Issuing *Provisional Statements*;
 - c) regulating *members' clubs* and *miners' welfare institutes* which wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
 - d) issuing *Club Machine Permits* to *Commercial Clubs*;
 - e) granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
 - f) receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
 - g) issuing *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;
 - h) registering *small society lotteries* below prescribed thresholds;
 - i) issuing *Prize Gaming Permits*;
 - j) receiving and Endorse *Temporary Use Notices*;
 - k) receiving *Occasional Use Notices*;
 - l) providing information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
 - m) maintaining registers of the permits and licences that are issued under these functions.
- 6.3 It should be noted that local licensing authorities are not involved in licensing remote gambling (being where persons participate in gambling activities by use of remote communication such as the internet, telephone, television or other electronic facilitating communication) at all. This will fall to the Gambling Commission via operating licences.

6.4 The Gambling Commission is responsible for the regulation of gambling and betting except for National Lottery and spread betting through the licensing of the operators and individuals involved in providing gambling and betting facilities.

6.5 In 2021 the Government increased the minimum age to play the National lottery to 18 years.

7 Premises Licences

7.1 An application for a premises licence can only be made by a person or company who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.

7.2 Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all of the licensing objectives in the form of a written Operating Schedule. The applicant may ask the authority for advice as to the scope of information to be provided.

7.3 The level of detail to be provided will be advised by the authority and will be proportional to the scale and nature of the application made.

8 Local Risk Assessments

8.1 From 6 April 2016 it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at their premises, Licensees must have policies, procedures and control measures to mitigate risks that have been identified. In making risk assessments, licensees must take into account relevant matters identified in this policy.

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

- To take account of significant changes in local circumstances, including those identified in this policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- When applying for a variation of a premise licence ; and
- In any case, undertake a local risk assessment when applying for a new premises licence.

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

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- Significant presence of young children, both residents and visitors;
- High unemployment area;
- Nearby homeless hostels;
- Nearby gambling, alcohol, drug or mental health support facility;
- The area has a high number of rough sleepers/homeless people;

8.4 Location

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

8.5 **Duplication with other regulatory regimes**

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

8.6 **Conditions**

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

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

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

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

8.6.4 This authority will also ensure that, where category C or above [see Appendix 2 for an explanation of the categories] machines are on offer in premises to which children are admitted:

- a) all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- b) only adults are admitted to the area where these machines are located;
- c) access to the area where the machines are located is supervised;
- d) the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- e) 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.

- 8.6.5 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 8.6.6 Betting Machines (machines on a shop floor where customer can place a bet without having to visit the counter) (not to be confused with fixed odds betting machines or amusement with prizes machines) - while the authority has discretion as to the number, nature and circumstances of the use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.
- 8.6.7 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 8.6.8 It is noted that there are conditions that the licensing authority cannot attach to premises licences which are:
- a) any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - b) conditions relating to gaming machine categories, numbers, or method of operation;
 - c) conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - d) conditions in relation to stakes, fees, winning or prizes.

8.7 **Door Supervisors**

- 8.7.1 Consideration should be given whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- 8.7.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 8.7.3 It is noted though that in-house staff at casinos and bingo premises need not be licensed by the Security Industry Authority (SIA) although this would be preferable in helping meet the licensing objectives. Where operators and the Licensing Authority consider that supervision of entrances and machines is appropriate in particular cases, it will be decided whether these need to be SIA licensed on a case by case basis.

8.8 **Multiple Premises Licences**

- 8.8.1 Premise is defined in the Act as "any place", Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being

different premises. Whether different parts of a building can be properly regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

- 8.8.2 In considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, entrances and exits from parts of the building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- 8.8.3 The Licensing Authority will consider, amongst others, the factors outlined in the Gambling Commission guidance when deciding upon the extent of separation of licensable premises. In particular, due regard will be given to the specific requirements relating to entrances and exits to particular types of licensable premises.
- 8.8.4 It should be noted that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use. If the construction is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.
- 8.8.5 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, applications will be determined on their merits, applying a two stage consideration process:
- a) Whether the premises ought to be permitted to be used for gambling;
 - b) Whether appropriate conditions can be applied to the situation whereby the premises are not yet in the condition in which they ought to be before gambling can take place.
- 8.8.6 Applicants should note that the Licensing Authority is entitled to decide whether it is appropriate to grant a licence subject to conditions, but is not obliged to grant such a licence.
- 8.9 **Adult Gaming Centres**
- 8.9.1 There are currently no Adult Gaming Centres within the District.
- 8.9.2 Should this situation change then this Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:
- a) Proof of age schemes;
 - b) CCTV;
 - c) Supervision of entrances / machine areas;
 - d) Physical separation of areas.
 - e) Location of entry;
 - f) Notices/signage
 - g) Specific opening hours;
 - h) Self-exclusion schemes on recommendation of police or families
 - i) Provision of information leaflets/helpline numbers for organisations such as Gamcare.

8.10 **(Licensed) Family Entertainment Centres**

- 8.10.1 There are currently no Family Entertainment Centres within the District.
- 8.10.2 Should this situation change then this Licensing Authority will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 8.10.3 This Licensing Authority may consider measures to meet the licensing objectives such as
- a) CCTV;
 - b) Proof of age schemes;
 - c) Supervision of entrances / machine areas;
 - d) Physical separation of areas;
 - e) Location of entry;
 - f) Notices / signage;
 - g) Specific opening hours;
 - h) Self-barring schemes;
 - i) Provision of information leaflets / helpline numbers for organisations such as GamCare;
 - j) Measures / training for staff on how to deal with suspected truant school children on the premises.

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

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

8.11 **Casinos**

- 8.11.1 Currently there are no casinos operating within the District. Section 166 of the Gambling Act 2005 enables a licensing authority to resolve not to issue casino licences. The previous resolution which was originally passed in October 2006 was removed at the Extraordinary Licensing Committee on 6th October 2021.
- 8.11.2 Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.
- 8.11.3 Notwithstanding the above, at present, no such resolution is necessary because the Act gives the licensing authority no power to issue casino licences in any event.

8.12 **Bingo Premises**

- 8.12.1 There are currently no bingo premises within the District.
- 8.12.2 Should this situation change, the Gambling Commission Guidance states:
- 8.12.3 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines. Where category C or

above machines are available in premises to which children are admitted, this Licensing Authority will ensure that:

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

8.12.4 All current and future guidance by the Gambling Commission will also be taken into consideration when considering such applications.

8.13 **Betting premises**

8.13.1 This Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number /nature/circumstances of betting machines an operator wants to offer.

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

8.14 **Fixed Odds Betting Terminals (FOBT's)**

8.14.1 In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

8.14.2 The Licensing Authority expects FOBT's to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Licensing Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard. Where an existing licensee adds 'privacy screens' a variation application will be required

8.15 **Tracks**

8.15.1 A track is a site where races or other sporting events take place. There are currently no tracks within the District. Should this situation change tracks maybe subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises

are distinct and that children are excluded from the gambling areas where they are not permitted to enter.

- 8.15.2 This Licensing Authority may consider measures to meet the licensing objectives such as;
- a) Plans of designated areas;
 - b) Proof of age schemes;
 - c) CCTV;
 - d) Supervision of entrances / machine areas;
 - e) Physical separation of areas;
 - f) Location of entry;
 - g) Notices / signage;
 - h) Specific opening hours;
 - i) Self-exclusion schemes on recommendation of police or families;
 - j) Provision of information leaflets/helpline numbers for organisations such as GamCare. Also information on other diversionary leisure activities.

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

- 8.15.3 *Gaming Machines* – Applications for track premises licences will need to demonstrate that, where the applicant holds 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. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 8.15.4 Betting machines – Account will be taken of the size of the premises and ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 8.15.5 *Condition on rules being displayed* – The Gambling Commission has advised in its Guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office”.
- 8.15.6 *Applications and plans* – Although the precise location of where betting facilities are provided is not required to be shown on track plans, applications should provide sufficient information so that the Licensing Authority can satisfy itself that the plan indicates the main areas where betting might take place. In particular, betting rings must be indicated on the plan. In circumstances where the perimeter is not defined, for example in point-to-point racing where an entry fee is levied, temporary structures restricting access to the premises can be used.
- 8.15.7 This Licensing Authority also notes that in the Commissioner’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track 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.
- 8.15.8 The Commissioner considers the track premises licence holders should accept some accountability for promoting socially responsible gambling on their premises and that the level of responsibility should be commensurate with the volume and intensity of gambling that occurs on their premises.

8.16 Travelling Fairs

- 8.16.1 This licensing authority will 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 is met that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.16.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.16.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9 Provisional Statements

- 9.1 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.
- 9.2 This Licensing Authority noted the Commission's Guidance that "a licensing authority will not take into account irrelevant matters, i.e. the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal".

10 Permits / Temporary & Occasional Use Notice

10.1 Unlicensed Family Entertainment Centre (FEC) gaming machine permits

- 10.1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 10.1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not but may have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.
- 10.1.3 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. This Licensing Authority will ask applicants to demonstrate:
- a) a full understanding of the maximum stakes and prizes of the gambling that are permissible in unlicensed FECs;
 - b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and

- c) that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

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

10.1.4 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

10.2 **(Alcohol) Licensed premises gaming machine permits**

10.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. If the person ceases to be on-premises alcohol licence for the premises, the automatic entitlement two gaming machine also ceases. Whoever applies for the new premises alcohol licence will also need to apply under S282 (2), notifying the Licensing Authority of their intention to make the gaming machines available for use and paying the prescribed fee. If the alcohol licence ceases to have effect because it is suspended the gaming machines cannot be used. The licensing authority can removed the automatic authorisation in respect of any particular premises if:

- a) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- b) gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- c) the premises are mainly used for gaming; or
- d) an offence under the Gambling Act has been committed on the premises.

10.2.2 If an applicant wishes to have more than 2 machines, then they need to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*" This Licensing Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. We will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to the adult-only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare. The Council's Licensing Committee has delegated the issuing of a permit for up to 2 machines to the Lead Licensing Officer/Licensing Officer, with any application in excess of 2 to be subject to consideration by the Committee.

- 10.2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 10.2.4 In such circumstances, the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 10.2.5 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

10.3 Prize Gaming Permits

10.3.1 Applicants for these permits should set out the types of gaming that he or she is intending to demonstrate:

- (a) that they understand the limits to stakes and prizes that are set out in Regulations;
- (b) the gaming offered is within the law; and
- (c) clear policies that outline the steps taken to protect children from harm.

10.3.2 In determining an application for this permit, the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. The Licensing Authority cannot attach conditions

10.3.3 Permit holders must comply with the following conditions specified in the Act:

- a) the limits on participation fees, as set out in regulations, must be complied with;
- b) 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;
- c) 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
- d) participation in the gaming must not entitle the player to take part in any other gambling.

10.4 Club Gaming and Club Machines Permits

10.4.1 Members' clubs and miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. Members Clubs and Miner's Welfare Institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Gaming Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

10.4.2 Members clubs must have at least 25 members and be established and conducted "*wholly or mainly*" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the **Gaming Act 1968**. A Members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

10.4.3 Licensing authorities may only refuse an application on the grounds that:

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

10.4.4 There is a 'fast track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. However, there is no opportunity for objections to be made by the Commission or the police, and the grounds on which an Application 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.

10.4.5 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.

10.5 **Temporary Use Notices**

10.5.1 These allow the use of premises for gambling where there is no premises licence but where a person or company holding an operating licence wishes to use the premises temporarily for providing facilities for gambling. Currently this is restricted to the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, in essence, poker tournaments. The same set of premises may not be subject of a temporary use notice for more than 21 days in any 12 month period. There are also a number of statutory limits in relation to these notices. Notice must be given to the authority and other bodies, who may object to the grant of the notice having had regard to the licensing objectives. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the authority will need to consider, amongst other things, the ownership/occupation and control of the premises. The authority will take a strict view where it appears that the effect of the notices appears to permit regular gambling at a particular place.

10.6 **Occasional Use Notices**

10.6.1 Occasional Use Notices refer specifically to betting at racetracks. The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

10.7 **Small Society Lotteries**

- 10.7.1 This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small lotteries. This Licensing Authority considers that the following list, although not exclusive, could affect the risk of the operator:
- a) Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
 - b) Submission of incomplete or incorrect returns
 - c) Breaches of the limits for small society lotteries.
- 10.7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- a) by, or on behalf of, a charity or for charitable purposes
 - b) to enable participation in, or support of, sporting, athletic, or cultural activities.

11 Enforcement

- 11.1 This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:
- a) Proportionate: we will only intervene when necessary and remedies will be appropriate to the risk posed;
 - b) Accountable: we will justify decisions, and be subject to public scrutiny;
 - c) Consistent: rules and standards will be joined up and implemented fairly;
 - d) Transparent: we will be open, and keep regulations simple and user friendly; and
 - e) Targeted: we will focus on the problem, and minimise side effects.
- 11.2 As per the Gambling Commission's Guidance for local authorities, this Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.
- 11.3 This Licensing Authority will also adopt a risk-based inspection programme. The Gambling Commission Guidance suggests that the criteria the authority will utilise in this respect are included in this statement. However, the Local Better Regulation Office (responsible for co-ordinating regulatory functions) suggests that a planned intervention should only take place where the circumstances warrant such action. It is likely that a biannual inspection of licensed premises will be undertaken at the time of renewal of the premises licence.
- 11.4 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 11.5 This Statement proposes that a graduated response is taken where offences against gambling legislation are found or where licence conditions have been contravened. An isolated administrative offence, may be dealt with purely by way of written warning whilst more serious offences which have either been committed over a period of time or which have a significant impact upon the licensing objectives, may result in a referral for prosecution.

- 11.6 Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Officer. Our risk methodology will also be available upon request.
- 11.7 The Licensing Authority recognises that certain bookmakers may have a number of premises within its area. In order to ensure that any non-compliance is recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should there be any compliance queries or should any issues arise.
- 11.8 The Licensing Authority will seek to work actively with the Police, the Gambling Commission and other responsible authorities in enforcing gambling legislation.
- 11.9 This Licensing Authority will continue to be a partner in the local licensing liaison group, and will keep itself informed of developments as regards to best practice in its consideration of the regulatory functions of local authorities.

12 Complaints against a Licensed Premises

- 12.1 The Licensing Authority will investigate relevant complaints against licensed premises of any description. In the first instance, complainants should raise the complaint directly with the licence holder or business concerned. All complaints will be investigated by the licensing department and enforcement action taken as deemed appropriate and proportionate to the findings and circumstances of each complaint. It is recognised that another agency may be the more appropriate body to investigate the complaint. In such circumstances, the Licensing Authority will maintain liaison with that agency.
- 12.2 Where necessary, the Licensing Authority will initially arrange a meeting with the licence holder to address, clarify and try to resolve the issues of concern.
- 12.3 This process will not override the right of any interested party or Responsible Authority to request a review of a licence by the Licensing Committee at any stage following the grant of a premises licence or if the particular concerns are not addressed in a way that fulfils the licensing objectives.

13 Reviews

- 13.1 Requests for a review of a premises licence can be made by interested parties or Responsible Authorities. However, it is for this 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:-
- a) is relevant to the matters listed below;
 - b) is frivolous or vexatious;
 - c) will certainly not cause this authority to wish alter/revoke/suspend the licence;
 - d) is substantially the same as previous representations or requests for review.

Relevant matters for a Review are where the grounds are:

- a) in accordance with any relevant code of practice issued by the Gambling Commission;
 - b) in accordance with any relevant guidance issued by the Gambling Commission;
 - c) reasonably consistent with the licensing objectives; and
 - d) in accordance with the authority's statement of licensing policy.
- 13.2 A premises licence may also be reviewed by the Licensing Authority of its own volition.

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

14 Appeals

- 14.1 Any party aggrieved by a decision of the Licensing Sub Committee and with standing to appeal (as specified within the Act) may appeal against the decision to the local Magistrates Court. An appeal has to be started by the giving of a notice of appeal by the appellant to the 'Magistrates' Court within a period of 21 days from the day on which the appellant was notified by the Licensing Authority of the decision appealed against. This current local Court is St Albans Magistrates' Court.
- 14.2 The Licensing Authority will always be a respondent to the appeal, but in cases where a favourable decision has been made an applicant against the representations of a Responsible Authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent.
- 14.3 On determining the appeal, the court may:
- a) dismiss the appeal
 - b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
 - c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.
- 14.4 The court may make such order as to costs as it thinks fit, but will be required to bear in mind guidance and legislation about the awarding of costs against a public body.

15 Delegation and Decision Making

- 15.1 One of the major principles underlying the Gambling Act 2005 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 15.2 This Licensing Authority is committed to the principle of delegating its powers to ensure that these objective are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State, the Council's Constitution and procedures laid down for good governance. The scheme of delegation can be found in the Council's Constitution, which is available on the website.

16 Covid-19, Coronavirus regulations

- 16.1 All gambling premises must adhere to the most recent guidance passed down by the Government. Failure to do so may result in further action being taken against the premises licence.
- 16.2 All premises applications must be accompanied by a risk assessment and how staff and the general public will be kept safe.
- 16.3 Staff must undertake training in relation to infection control and how to safeguard themselves and the public. This must be logged on the individual staff training record.

APPENDIX 1

List of Consultees

- The Chief Officer of Police of Hertfordshire Constabulary
- Bodies representing businesses in and residents in the area
- Bodies representing the interests of persons carrying on gambling businesses within Three Rivers District Council

Bodies representing the interested persons who are likely to be affected by the exercise of the authority's function under this Act

- Bodies dealing with Mental Health issues
- Citizens Advice Bureau
- Gamblers Anonymous
- The Gambling Commission
- GamCare
- Hertfordshire Fire and Rescue Service
- Hertfordshire Safeguarding Children Board
- The Licensing Authority for Three Rivers District
- The local health and safety authority
- The Authority responsible for Control of Pollution
- Local Primary Care Trusts
- HM Customs and Excise

Residents Associations

- Bricket Wood Residents' Association
- Bridle Lane and Wagon Way Residents' Association
- Carpenders Park Residents' Association
- Chandlers Cross Residents' Association
- Chorleywood and District Residents' Association
- The Croxley Green Residents' Association
- Eastbury Residents' Association
- Furtherfield Residents' Association
- Gypsy Lane Residents' Group
- Heronsgate Residents' Association
- Little Green Residents' Association
- Loudwater Residents' Association
- Oxhey Hall Residents' Association
- Rickmansworth and District Residents' Association
- Windmill Drive Residents Association

Local authority Representations

- Environmental Health Residential Standards Team, Three Rivers District Council
- Head of Development Management, Planning Dept, Three Rivers District Council

Local Chambers of Trade

- Watford Chamber of Commerce
- Rickmansworth Chamber of Business
- Hertfordshire Chamber of Commerce

All Three Rivers District Councillors

Parish Councils

- Abbots Langley Parish Council
- Batchworth Community Council
- Chorleywood Parish Council
- Croxley Green Parish Council

- Sarratt Parish Council
- Watford Rural Parish Council

Local Authorities within the Hertfordshire District

- Other Councils, including Aylesbury Vale DC, Buckinghamshire County Council, Chiltern and South Bucks DC, Dacorum Borough Council, St Albans and District Council Watford Borough Council, and Wycombe DC

National Trade Associations

- The Bingo Association
- British Beer and Pub Association
- Association of British Bookmakers
- Business in Sport and Leisure
- Racecourse Association Limited
- British Amusement Catering Trade Association
- The National Casino Industry Forum
- British Holiday & Home Parks Association
- The Greyhound Board of Great Britain
- The British Association of Leisure Parks, Piers & Attractions Ltd

Note: This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Copies of the draft Gambling Statement of Principles is available at the Council office and on the Council's website.

APPENDIX 2

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large Casino (Machine/table ratio of 5-1 up to maximum)		Maximum if 150 machines Any combination of machines in categories B to D (except B3A), within the total limit of 150 (subject to machine/table ratio)					
Small Casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 Machines Any combination of machine in category B to D (except B3A), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 Machines categories B to D (except B3A) or any number C to D machines instead					
Betting premises and tracks occupied by Pool Betting			Maximum of 4 machines categorised B2 to D (except B3A)				
Bingo Premises				Maximum of 20% of the total number of machines which are available for use on the premises categories B3 or B4**		No Limit C or D machines	
Adult Gaming Centres				Maximum of 20% of the total number of machines which are available for use on the premises categories B3 or B4**		No Limit C or D machines	
Family entertainment centres (with premises licence)						No limit on category C and D machines	
Family entertainment centres (with permit)							No limit on category D machines
Club or miners' welfare institutes with permits					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises with gaming machine permit						Number of category C or D machines as specified on permit	
Travelling Fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

**APPENDIX 3
TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE / SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits in excess of the 2 permitted		Where an application is for in excess of 4 machines.	Up to 4 machines
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter-notice to a temporary use notice		X	

APPENDIX 4

DATE	ACTION
Autumn 2005	Establishment of Gambling Commission
May 2006	Guidance for Local Authorities published
May 2006	Local Authorities to draft Licensing Policy Statement for Consultation
December 2006	Licensing Policy Statement published
February 2007	Local Authorities accept licensing applications
1 st September 2007	Full implementation
December 2009	Reviewed statement came into effect January 2010
December 2012	Reviewed statement came into effect January 2013
December 2015	Reviewed statement came into effect January 2016
December 2018	Reviewed statement came into effect January 2019
June 2021	Review under way

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Three Rivers District Council

Statement of Principles 2025 to 2028

UNDER SECTION 349 OF THE GAMBLING ACT 2005

Date: January 2025 to January 2028

Contents

Item	Page
Contents	1
Executive Summary	2
Three Rivers District Council Boundary	4
1. Statement of Principles	5
2. Licensing Objectives	5
3. Responsible Authorities	7
4. Interested Parties	8
5. Exchange of information	9
6. Licensing Authority Functions	9
7. Premises Licences	11
8. Local Risk Assessment	11
8.4 Location	11
8.5 Duplication with other regulatory regimes	12
8.6 Conditions	12
8.7 Door Supervisors	13
8.8 Multiple Premises Licences	14
8.9 Adult Gaming Centres	14
8.10 (Licensed) Family Entertainment Centres	15
8.11 Casinos	15
8.12 Bingo Premises	16
8.13. Betting Premises	16
8.14 Fixed Odds Betting Terminals (FOBT's)	16
8.15 Tracks	17
8.16 Travelling fairs	18
9. Provisional Statements	18
10. Permits / Temporary and Occasional Use Notices	18
10.1 Unlicensed Family Entertainment Centre gaming machine permits	19
10.2 (Alcohol) Licensed premises gaming machine permits	19
10.3 Prize Gaming Permits	20
10.4 Club Gaming and Club Machines Permits	21
10.5 Temporary Use	22
10.6 Occasional Use	22
10.7 Small Society Lotteries	22
11. Enforcement	23
12. Complaints Against a Licensed Premises	24
13. Reviews	24
14. Appeals	25
15. Delegation and Decision Making	25
Appendix 1 – List of consultees	26
Appendix 2 – Gaming Machines maximum stakes and payouts	28
Appendix 3 – Table of delegated functions	39
Appendix 4 – No Casino Resolution	36
Appendix 5 – Statement of principles log	37

Statement of Principles (Gambling Act 2005) 2025-2028

EXECUTIVE SUMMARY

The Gambling Act 2005 (the Act) introduced a new regime for regulating gambling and betting throughout the United Kingdom from 1 September 2017. Section 349 of the Act imposes a statutory duty upon licensing authorities to publish a Statement of Principles which they propose to apply when exercising their functions under the Act. The Gambling Commission guidance has since been updated from April 2021.

The Act places a legal duty on both the Gambling Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

Three Rivers District Council must have regard to the Licensing Objectives namely:

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

It should be noted that this policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each application is determined on its own merits in accordance with the statutory requirements of the Gambling Act 2005.

The Responsible Authorities must be consulted upon receipt of an application for or variation of a premises licence under the Act.

Enforcement principles of the Licensing Authority are guided by the Gambling Commission guidance. We therefore endeavour to be proportionate, accountable, consistent, transparent, and targeted.

Declaration

In producing this Statement, Three Rivers District Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses received from those consulted on the Statement.

Representations

Interested parties may make representations in respect of applications and they may apply for a review of an existing licence. An interested party includes those living sufficiently close to a premises likely to be affected, have business interests that may be affected or a person who represents either of these types of people. Councillors and MPs may also be classed as interested parties.

Applications and representations referred to a Licensing Sub-Committee for determination will be published in reports which are publicly available in accordance with legislation.

Gaming Machines

In relation to category C (or above) gaming machines on premises in which children are admitted, the authority will ensure that the machines are located in a separated area to which only adults are admitted and that access to this area is supervised. Notices indicating the restricted age access are expected to be displayed.

Alcohol licensed premises are automatically entitled to have 2 gaming machines of category C and/or D however the Licensing Authority needs to be notified. In certain circumstances the Licensing Authority may remove this entitlement.

Betting Machines

There is no evidence that betting machines (not gaming machines) give concern to regulatory matters however the Licensing Authority reserves the right to limit the number, nature and circumstances of these machines where there is evidence that their use may infringe the licensing objectives.

Provisional Statements

Following grant of a provisional statement, no further representations may be made from relevant authorities or interested parties unless they concern additional matters not previously considered within the provisional statement or concern the applicants change in circumstances.

Premises

Premises Licences are subject to mandatory and default conditions as per the requirements of the Act. The Licensing Authority may exclude default conditions and attach others where appropriate. Conditions must be proportionate and relevant to the need to make the proposed building suitable as a gambling facility, directly related to the premises and type of licence applied for, fairly and reasonably related to the scale and type of premises and reasonable in all other aspects.

Applications for a premises in which there are or would be multiple licences for a premises will be carefully considered to ensure different parts of the premises are not compromised and are separate so that people do not accidentally enter the gambling area. The location of a premises will only be considered in terms of the licensing objectives.

The Licensing Authority will avoid duplication with other statutory regimes and only consider concerns about conditions not being met due to restrictions in place by other regimes.

There are several types of licensed premises, but Three Rivers District currently only has licensed Betting Premises. Children are prohibited from these premises.

Door Supervisors

To achieve the licensing objectives, the Licensing Authority reserves the right to consider the use of door supervisors in certain circumstances.

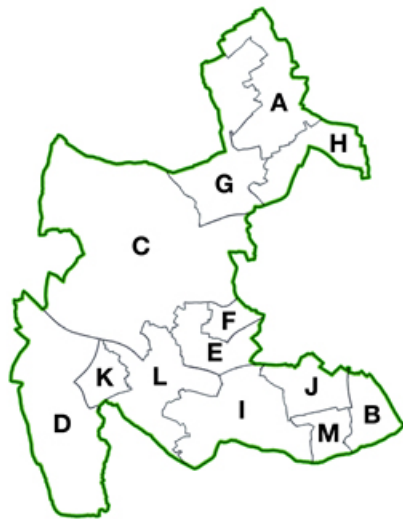
Reviews

Reviews can be called by interested parties or Responsible Authorities but ultimately the Licensing Authority determines whether the review is to be carried out. In determination, the Licensing Authority will consider whether a review is frivolous or vexatious, will certainly not cause the Authority to alter, revoke or suspend a licence and will consider if the review is substantially the same as previous requests for a review. Grounds for a review would be those in accordance with relevant guidance or codes of practice issued by the Gambling Commission, those consistent with the licensing objectives and statement of licensing policy.

The Licensing Authority may initiate a review of a licence for any other appropriate reason.

In cases of unlicensed premises, it is possible to hold licensed activities under temporary use notices and occasional use notices, but these are subject to statutory limitations.

Three Rivers District Council Boundary



- A = [Abbots Langley and Bedmond](#)
- B = [Carpenders Park](#)
- C = [Chorleywood North and Sarratt](#)
- D = [Chorleywood South and Maple Cross](#)
- E = [Dickinsons](#)
- F = [Durrants](#)
- G = [Gade Valley](#)
- H = [Leavesden](#)
- I = [Moor Park and Eastbury](#)
- J = [Oxhey Hall and Hayling](#)
- K = [Penn and Mill End](#)
- L = [Rickmansworth Town](#)
- M = [South Oxhey](#)

Three Rivers District Council is situated in the county of Hertfordshire, which contains 13 district Councils in total.

Three Rivers District covers an area spanning approximately 34 square miles, and has approximately 93,800 residents (based upon Census data from 2021).

The main populated areas in the district are Rickmansworth, Mill End and Maple Cross, Moor Park and parts of Northwood, Chorleywood, Croxley Green, Abbots Langley and South Oxhey/Carpenders Park.

1 Statement of Principles

- 1.1 In accordance with statutory procedures, a review of this policy will take place every 3 years, to consider information collated over a period of time, coupled with the outcomes of initiatives relating to gambling at central and local government level. The policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the head of Regulatory Services, in consultation with the Chairman of the Licensing Committee.
- 1.2 Nothing in this Statement of Principles will:
- a) Undermine the right of any person to apply under the Act for a variety of permissions and have the application considered on its own merits; or,
 - b) Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.
- 1.3 The starting point in determining applications will be to grant the application with only mandatory and default conditions, so long as this can be achieved in a manner which is:
- a) In accordance with any relevant code of practice issued by the Gambling Commission;
 - b) In accordance with any relevant guidance issued by the Gambling Commission;
 - c) Reasonably consistent with the licensing objectives; and
 - d) In accordance with the Licensing Authority's Statement of Principle.
- 1.4 Licensing authorities are however, able to exclude default conditions and also attach others, where it is believed to be appropriate. It is appreciated that as per the [Gambling Commission's guidance](#) for local authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" and, in addition to this, unmet demand is not a criterion for a licensing authority.
- 1.5 Three Rivers District Council has consulted widely upon this statement before finalising and publishing it. A full list of those consulted is at Appendix 1.
- 1.6 The overriding principle is that all applications and the circumstances prevailing at each premises will be considered on its own individual merits. When applying these principles, the Licensing Authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.
- 1.7 The final policy has been considered by Full Council and will be published on our Three Rivers District Council website, as well as being available in Three Rivers House, on request.

2 Licensing objectives

2.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities.

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

2.3 This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

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

2.4.1 This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be addressed via operating and personal licences.

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

2.5.1 This Licensing Authority has noted that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The Licensing Authority will therefore consider whether specific measures are required at premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

2.5.2 As regards the term "vulnerable persons", this Licensing Authority will, for regulatory purposes, assume that this group includes people who:

- gamble more than they want to;
- gamble beyond their means; and
- may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

2.5.3 The Hertfordshire JSNA Briefing: Gambling-related harms¹ was published in February 2022 and provides a wealth of evidence.

¹ [gambling-related-harms-jsna-briefing-2022.pdf \(hertshthevidence.org\)](#)

Harm caused by problem gambling

2.5.4 The harms associated with problem gambling are wide-ranging. These include not only harms to the individual gambler but their children, their families, and their communities. According to a YouGov data on gambling treatment and support from 2020² around 7% of the population of Great Britain (adults and children) were found to be negatively affected by someone else's gambling, most commonly from an immediate family member. The annual excess direct financial cost to government associated with harmful gambling is equivalent to £412.9 million. The annual societal value of health impacts is equivalent to between £635 and £1,355.5 million (in 2021 to 2022 prices). The total financial costs are approximated at £1.05 to £1.77 billion in 2023 nationally³.

Gambling-related harms can include the following:

- Financial harms: debt, bankruptcy, homelessness and child poverty
- Relationships: loss of trust, loneliness, separation, abuse
- Mental and physical health: depression, sleep problems, deaths from suicide
- Employment and education: unemployment, poor education
- Criminal activity: theft from family members and others

Gambling rates and density of gambling premises higher in areas of higher deprivation

2.5.5 [Data has been collected by Gamble Aware](#) for local authorities to have a clearer view on how the rates of gambling affected their population and how this compares nationally. The Problem Gambling Severity Index (PGSI) is a frequently used tool that helps to identify people experiencing problems or negative consequences from their gambling (problem & at-risk gamblers). This tool was specifically developed to be used in the general population rather than a clinical context. It has 9 questions and a possible score range of 0 to 27. A PGSI score of eight or more represents a person who is gambling at risky levels and is set as a common threshold for clinical diagnosis. Scores between three and seven represent 'moderate risk' gambling and a score of one or two represents 'low risk' gambling. For the 10 districts in Hertfordshire, the estimates are as the following from their Annual GB Treatment and Support Survey 2022 (table 1):

Table 1: Estimates of prevalence of gambling behaviour, fiscal costs and % of people seeking help

District	Prevalence of gambling behaviour			Estimated Fiscal Cost	% of people seeking help		
	PGSI1+	PGSI3+	PGSI8+		PGSI1+	PGSI3+	PGSI8+
National	13.4%	5.9%	2.9%	NA	14.8%	32.1%	65.5%
Broxbourne	14.4%	6.3%	4.0%	£2.1 million	15.1%	32.7%	66.0%
Dacorum	13.7%	6.1%	3.3%	£3.6 million	14.1%	31.5%	61.0%
East Herts	12.0%	4.8%	2.1%	£2.2 million	12.2%	29.0%	63.8%
Hertsmere	13.0%	5.8%	2.6%	£1.9 million	14.6%	31.0%	66.6%
North Herts	12.5%	5.2%	2.5%	£2.2 million	14.3%	33.3%	68.4%
St Albans	12.1%	5.2%	2.4%	£2.5 million	13.3%	29.5%	64.0%
Stevenage	15.1%	6.3%	3.2%	£2.0 million	14.8%	32.9%	65.0%
Three Rivers	12.8%	5.5%	2.5%	£1.6 million	14.0%	30.8%	65.8%

² [gambling-treatment-and-support.pdf \(gambleaware.org\)](#)

³ [Gambling-related harms evidence review: summary - GOV.UK \(www.gov.uk\)](#)

Watford	15.1%	7.4%	3.9%	£2.6 million	19.6%	38.5%	71.4%
Welwyn Hatfield	13.8%	6.0%	3.0%	£2.6 million	15.8%	34.1%	66.0%

2.5.6 The data shows a total estimated fiscal cost of £23.3 million for Hertfordshire according to National Institute of Economic and Social Research (NIESR) for problem gambling (PGSI 8+) in 2023.

2.5.7 There are variable numbers of gambling premises in each district (table 2) and analysis in the Hertfordshire JSNA briefing: Gambling Related Harms⁴ showed that gambling premises clustered around areas with greater levels of deprivation. A commonly used unit of comparison is Lower layer Super Output Area (LSOA) which comprises between 400 and 1,200 households and have a usually resident population between 1,000 and 3,000 persons. In Hertfordshire, 41.0% of gambling premises were in LSOAs in the most deprived quintile of Hertfordshire whereas 2.56% of gambling premises were in LSOAs in the least deprived quintile of Hertfordshire.

Table 2: Type and total gambling premises by Hertfordshire district and rate of gambling premises per 100,000 adults aged 18 years and older by Hertfordshire district, September 2023⁵

District	Adult Gaming Centre	Betting Shop	Bingo	Total gambling premises	Premises per 100,000 adults aged 18+
Broxbourne	1	15	0	16	19.5
Dacorum	2	11	0	13	10.8
East Herts	0	13	0	13	11.1
Hertsmere	4	12	1	17	20.4
North Herts	1	9	0	10	9.5
St Albans	0	5	1	6	5.4
Stevenage	3	10	1	14	20.2
Three Rivers	0	6	0	6	8.3
Watford	1	15	2	18	22.9
Welwyn Hatfield	0	11	0	11	11.6
Hertfordshire	11	112	5	128	13.7

Increased risks of suicide from problem gambling

2.5.8 The Hertfordshire Suicide Prevention Strategy for 2025-2030 is currently being refreshed with district health and environmental leads involved in the development. The England Suicide Prevention Strategy⁶ released in September 2023, contains actions related to gambling. There is a clear relationship between gambling, financial issues and mental health, leading to depression, anxiety and in more serious cases, suicide ideation, attempts and taking of one's own life. It is important that this impact is recognised. This further impacts on families through bereavement, domestic abuse and impact on children and loved ones. The Hertfordshire Suicide Prevention Strategy for 2025-2030 will include priorities to reduce the harm caused by gambling.

Table 3: Number of deaths per year from suicide by Hertfordshire district.

⁴ [gambling-related-harms-jsna-briefing-2022.pdf \(hertshealthevidence.org\)](#)

⁵ Source: Full premises register, The Gambling Commission, 2022; ONS 2020 Mid-Year Population Estimates, HertsInsight. JSNA)

⁶ [Suicide prevention strategy for England: 2023 to 2025- GOV.UK \(www.gov.uk\)](#)

District's based on number of cases	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2013-2022 Total per District
Dacorum	14	8	9	17	10	9	10	12	7	12	108
St Albans	11	7	10	13	14	6	8	8	11	7	95
East Herts	8	10	10	13	9	11	5	5	11	5	87
North Herts	12	7	6	11	10	11	9	4	12	4	86
Welwyn Hatfield	9	5	9	9	10	9	4	13	9	4	81
Hertsmere	7	5	11	15	8	10	5	7	6	3	77
Three Rivers	6	3	8	5	8	6	7	4	5	6	58
Broxbourne	7	6	4	6	13	5	3	11	4	3	62
Stevenage	6	3	7	11	8	3	5	4	2	1	50
Watford	1	2	3	5	12	6	8	6	4	7	54
Hertfordshire	81	56	77	105	102	76	64	74	71	52	758

Concerns about vulnerable people being harmed by gambling

- 2.5.9 Consideration for vulnerable people should be at the heart of licensing applications. This includes awareness of areas of deprivation and/or concentrated presence of children and young people (CYP) and other at-risk individuals within areas of a district.
- 2.5.10 **CYP:** While prevalence of gambling is lower in CYP, the rates are still alarming. The Young People and Gambling Survey (2019) found that the prevalence of problem gambling was 1.7% in a sample of 11-16 year olds and a further 2.7% were identified as at-risk gamblers. Around 11% had played a gambling game in the past 7 days (13% boys and 7% girls) and gambling participation was highest for placing a private bet for money (e.g. with friends) (5%) and fruit or slot machines (4%)⁷. There is also increased concern over online gaming and gambling in CYP, with the Gambling Commission's report on gambling in young people suggesting that there has been an increase in playing for loot boxes in video games. A large-scale survey of 16- to -18-year-olds found a statistically significant link between loot box spending and problem gambling in older adolescents⁸.
- 2.5.11 **Health/behaviour:** Mental health conditions and behavioural characteristics are risk factors for gambling harms. These include depression, impulsive behaviour, low life satisfaction and wellbeing, high alcohol consumption, loneliness, violent and antisocial behaviour, and poor academic performance⁹.
- 2.5.12 **Economic factors:** Problem gambling is more frequent in those who are unemployed (2.1%) vs employed (0.7%) & those living in the most deprived quintiles compared to the least deprived (1.2% vs 0.2%). A survey found 42% of

⁷ [Health Survey for England 2018: Supplementary analysis on gambling - NHS England Digital](#)

⁸ [Video game loot boxes are psychologically akin to gambling | Nature Human Behaviour](#)

⁹ [Gambling-related harms evidence review - summary - GOV.UK \(www.gov.uk\)](#)

problem gamblers said they would gamble more over the next year due to the cost-of-living compared to 6% of the UK¹⁰.

- 2.5.13 **Gender and age:** Men are 4.2 times more likely to be harmful gamblers than women. Young to middle aged men have the highest prevalence of problem gambling⁹.
- 2.5.14 **Ethnicity:** Asian & British Asian groups have the lowest risk of gambling, but the highest risk of problem gambling. Ethnic minority groups are less likely to receive treatment for gambling harm¹⁰.
- 2.5.15 **Homelessness and veterans:** Studies indicate a link between homelessness and gambling; one survey found 11.4% of those experiencing homelessness reported problem gambling. One report suggested veterans were over 8 times more likely to be problem gamblers compared to non-veterans¹¹.
- 2.5.16 When determining an application to grant a premises licence or review a premises licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Applications will be considered against the ***cumulative impact*** of applications locally to protect children and vulnerable persons from being harmed or exploited by gambling.¹² Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome concerns relating to the licensing objectives, this will also be considered.
- 2.5.17 This Licensing Authority will also make itself aware of the Codes of Practice that the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 2.5.18 This Licensing Authority will also ensure that, where category C or above [see Appendix 2 for an explanation of the categories] machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - only adults are admitted to the area where these machines are located
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

¹⁰[Gambling-related harms evidence review: quantitative analysis of gambling involvement and gambling-related harms among the general population in England \(publishing.service.gov.uk\)](#)

¹¹[Rates of Problematic Gambling in a British Homeless Sample: A Preliminary Study | Journal of Gambling Studies \(springer.com\)](#)

¹²[Gambling regulation: Government Response to the Committee's Second Report - Culture, Media and Sport Committee \(parliament.uk\); committees.parliament.uk/writtenevidence/22415/pdf/](#)

- 2.5.19 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 2.5.20 Betting Machines (machines on a shop floor where customer can place a bet without having to visit the counter, not to be confused with fixed odds betting machines or amusement with prizes machines). While the authority has discretion as to the number, nature and circumstances of the use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.
- 2.5.21 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 2.5.21.1 Where gaming machines are provided in settings which children can access, for instance in pubs, clubs or family entertainment centres, the HSCP will expect the location of machines to be situated in areas where access to them, or the area, is controlled, clearly identified and under the physical supervision of a member of staff at all times.
- 2.5.21.2 Operators should consider a challenge 25 policy and the keeping of records such as challenge or refusal registers that provide evidence of the suitability of the procedures.

3 Responsible Authorities

3.1 The responsible authorities, being public bodies to be notified of applications and who are entitled to make representations to the Licensing Authority pursuant to the licensing objectives, for the purposes of the Act are:

1. The Gambling Commission
2. Hertfordshire Constabulary
3. Hertfordshire Fire and Rescue Service
4. Head of Development Management, Planning Dept, Three Rivers District Council
5. Environmental Health Residential Standards Team, Three Rivers District Council
6. Enforcing Authority: Health & Safety at Work etc. Act 1974
7. Hertfordshire Safeguarding Children Board
8. HM Revenues and Customs

Full contact details for the responsible authorities will be made available on the Council website at

<https://www.threerivers.gov.uk/services/licensing/gambling-licensing>

3.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in

writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

3.3 This authority designates the Hertfordshire Safeguarding Children Board at Hertfordshire County Council for this purpose.

4 Interested Parties

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

- 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) above."

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

- Each case will be decided upon its merits.
- This Licensing Authority will not apply a rigid rule to its decision making.
- This Licensing Authority will consider the examples of considerations concerning these matters provided in the Gambling Commission's Guidance for local authorities but may not follow it in every case.

4.3 Interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This Licensing Authority will not however generally view these bodies as interested parties at a Hearing unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 (i.e. lives sufficiently close to the premises to be affected by the activities being applied for).

4.4 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required if the Councillor/MP represents the ward to be affected. Likewise, parish councils to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation, is sufficient.

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

4.6 A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this statement of licensing policy.

5 Exchange of Information

5.1 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Should any protocols be established as regards information exchange with other bodies then they will be made publicly available.

5.2 Details of applications and representations which are referred to a Licensing sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

6 Licensing Authority functions

6.1 Three Rivers District Council has a duty under the Act to licence premises where gambling is to take place, and to license certain other activities.

6.2 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular, the Licensing Authority is responsible for:

- a) the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- b) Issuing *Provisional Statements*;
- c) regulating *members' clubs* and *miners' welfare institutes* which wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- d) issuing *Club Machine Permits* to *Commercial Clubs*;
- e) granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
- f) receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- g) issuing *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;
- h) registering *small society lotteries* below prescribed thresholds;
- i) issuing *Prize Gaming Permits*;
- j) receiving and Endorse *Temporary Use Notices*;
- k) receiving *Occasional Use Notices*;
- l) providing information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- m) maintaining registers of the permits and licences that are issued under these functions.

6.3 It should be noted that local licensing authorities are not involved in licensing remote gambling (being where persons participate in gambling activities by use of remote communication such as the internet, telephone, television or other electronic facilitating communication) at all. This will fall to the Gambling Commission via operating licences.

6.4 The Gambling Commission is responsible for the regulation of gambling and betting except for National Lottery and spread betting through the licensing of the operators and individuals involved in providing gambling and betting facilities.

6.5 In 2021 the Government increased the minimum age to play the National lottery to 18 years.

7 Premises Licences

- 7.1 An application for a premises licence can only be made by a person or company who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 7.2 Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all of the licensing objectives in the form of a written Operating Schedule. The applicant may ask the authority for advice as to the scope of information to be provided.
- 7.3 The level of detail to be provided will be advised by the authority and will be proportional to the scale and nature of the application made.

8 Local Risk Assessments

- 8.1 From 6 April 2016 it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at their premises, Licensees must have policies, procedures and control measures to mitigate risks that have been identified. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 8.2 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:
- To take account of significant changes in local circumstances, including those identified in this policy
 - there are significant changes at a licensee's premises that may affect their mitigation of local risks
 - When applying for a variation of a premise licence and
 - In any case, undertake a local risk assessment when applying for a new premises licence.
- 8.3 The Council will expect the local risk assessment to consider as a minimum:
- Whether the premises is in an area of deprivation
 - Whether the premises is in an area subject to high levels of crime and/or disorder
 - The demographics of the area in relation to vulnerable groups
 - The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
 - Significant presence of young children, both residents and visitors
 - High unemployment area
 - Nearby homeless hostels
 - Nearby gambling, alcohol, drug or mental health support facility
 - The area has a high number of rough sleepers/homeless people

8.4 Location

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

8.5 Duplication with other regulatory regimes

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

8.6 Conditions

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

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

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

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

8.6.4 This authority will also ensure that, where category C or above [see Appendix 2 for an explanation of the categories] machines are on offer in premises to which children are admitted:

- a) all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier

which is effective to prevent access other than through a designated entrance;

- b) only adults are admitted to the area where these machines are located;
- c) access to the area where the machines are located is supervised;
- d) the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- e) 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.

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

8.6.6 Betting Machines (machines on a shop floor where customer can place a bet without having to visit the counter) (not to be confused with fixed odds betting machines or amusement with prizes machines) - while the authority has discretion as to the number, nature and circumstances of the use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

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

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

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

8.7 Door Supervisors

8.7.1 Consideration should be given whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

- 8.7.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 8.7.3 It is noted though that in-house staff at casinos and bingo premises need not be licensed by the Security Industry Authority (SIA) although this would be preferable in helping meet the licensing objectives. Where operators and the Licensing Authority consider that supervision of entrances and machines is appropriate in particular cases, it will be decided whether these need to be SIA licensed on a case-by-case basis.

8.8 Multiple Premises Licences

- 8.8.1 Premise is defined in the Act as “any place”, Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can be properly regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 8.8.2 In considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, entrances and exits from parts of the building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- 8.8.3 The Licensing Authority will consider, amongst others, the factored outlined in the Gambling Commission guidance when deciding upon the extent of separation of licensable premises. In particular, due regard will be given to the specific requirements relating to entrances and exits to particular types of licensable premises.
- 8.8.4 It should be noted that a licence to use a remises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use. If the construction is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.
- 8.8.5 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, applications will be determined on their merits, applying a two stage consideration process:

- a) Whether the premises ought to be permitted to be used for gambling;
- b) Whether appropriate conditions can be applied to the situation whereby the premises are not yet in the condition in which they ought to be before gambling can take place.

8.8.6 Applicants should note that the Licensing Authority is entitled to decide whether it is appropriate to grant a licence subject to conditions, but is not obliged to grant such a licence.

8.9 Adult Gaming Centres

8.9.1 There are currently no Adult Gaming Centres within the District.

8.9.2 Should this situation change then this Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- a) Proof of age schemes;
- b) CCTV;
- c) Supervision of entrances / machine areas;
- d) Physical separation of areas.
- e) Location of entry;
- f) Notices/signage
- g) Specific opening hours;
- h) Self-exclusion schemes on recommendation of police or families
- i) Provision of information leaflets/helpline numbers for organisations such as Gamcare.

8.10 (Licensed) Family Entertainment Centres:

8.10.1 There are currently no Family Entertainment Centres within the District.

8.10.2 Should this situation change then this Licensing Authority will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

8.10.3 This Licensing Authority may consider measures to meet the licensing objectives such as

- a) CCTV;
- b) Proof of age schemes;
- c) Supervision of entrances / machine areas;
- d) Physical separation of areas;
- e) Location of entry;
- f) Notices / signage;
- g) Specific opening hours;
- h) Self-barring schemes;
- i) Provision of information leaflets / helpline numbers for organisations such as GamCare;
- j) Measures / training for staff on how to deal with suspected truant

school children on the premises.

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

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

8.11 Casinos

8.11.1 Currently there are no casinos operating within the District. Section 166 of the Gambling Act 2005 enables a licensing authority to resolve not to issue casino licences. The previous resolution which was originally passed in October 2006 was removed by the Council in 2021.

8.11.2 At present, no such resolution is necessary because the Act gives the licensing authority no power to issue casino licences in any event.

8.11.3 On 12 June 2024 at the Licensing Committee members agreed to consult on this Policy and seek views as to whether a "no casino resolution" should be re-introduced. On 4 December 2024 the Licensing Committee members agreed to recommend that the council agrees to passing the resolution.

8.11.4 The resolution is can be found at **Appendix 4** along with the supporting committee minutes.

8.12 Bingo Premises

8.12.1 There are currently no bingo premises within the District.

8.12.2 Should this situation change, the Gambling Commission Guidance states:

8.12.3 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, this Licensing Authority will ensure that:

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

- 8.12.4 All current and future guidance by the Gambling Commission will also be taken into consideration when considering such applications.

8.13 Betting premises

8.13.1 This Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number /nature/circumstances of betting machines an operator wants to offer.

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

8.14 Fixed Odds Betting Terminals (FOBT's)

8.14.1 In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

8.14.2 The Licensing Authority expects FOBT's to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Licensing Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard. Where an existing licensee adds 'privacy screens' a variation application will be required

8.15 Tracks

8.15.1 A track is a site where races or other sporting events take place. There are currently no tracks within the district. Should this situation change tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from the gambling areas where they are not permitted to enter.

- 8.15.2 This Licensing Authority may consider measures to meet the licensing objectives such as;
- a) Plans of designated areas
 - b) Proof of age schemes
 - c) CCTV
 - d) Supervision of entrances / machine areas
 - e) Physical separation of areas
 - f) Location of entry
 - g) Notices / signage
 - h) Specific opening hours
 - i) Self-exclusion schemes on recommendation of police or families
 - j) Provision of information leaflets/helpline numbers for organisations such as GamCare. Also, information on other diversionary leisure activities.
- 8.15.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 8.15.4 *Gaming Machines* – Applications for track premises licences will need to demonstrate that, where the applicant holds 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. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 8.15.5 *Betting machines* – Account will be taken of the size of the premises and ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 8.15.6 *Condition on rules being displayed* – The Gambling Commission has advised in its Guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office”.
- 8.15.7 *Applications and plans* – Although the precise location of where betting facilities are provided is not required to be shown on track plans, applications should provide sufficient information so that the Licensing Authority can satisfy itself that the plan indicates the main areas where betting might take place. In particular, betting rings must be indicated on the plan. In circumstances where a perimeter is not defined, for example in point-to-point racing where an entry fee is levied, temporary structures restricting access to the premises can be used.
- 8.15.8 This Licensing Authority also notes that in the Commissioner’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track 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.

8.15.9 The Commissioner considers the track premises licence holders should accept some accountability for promoting socially responsible gambling on their premises and that the level of responsibility should be commensurate with the volume and intensity of gambling that occurs on their premises.

8.16 Travelling Fairs

8.16.1 This licensing authority will 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 is met that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

9 Provisional Statements

9.1 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.

9.2 This Licensing Authority noted the Commission's Guidance that "a licensing authority will not take into account irrelevant matters, i.e. the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal".

10 Permits / Temporary & Occasional Use Notice

10.1 Unlicensed Family Entertainment Centre (FEC) gaming machine permits

10.1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It

should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

10.1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not but may have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

10.1.3 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. This Licensing Authority will ask applicants to demonstrate:

- a) a full understanding of the maximum stakes and prizes of the gambling that are permissible in unlicensed FECs;
- b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- c) that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

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

10.1.4 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

10.2 (Alcohol) Licensed premises gaming machine permits

10.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority. If the person ceases to be on- premises alcohol licence for the premises, the automatic entitlement two gaming machine also ceases. Whoever applies for the new premises alcohol licence will also need to apply under S282 (2), notifying the Licensing Authority of their intention to make the gaming machines available for use and paying the prescribed fee. If the alcohol licence ceases to have effect because it is suspended the gaming machines cannot be used. The licensing authority can remove the automatic authorisation in respect of any premises if:

- a) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- b) gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of

- the machine has been complied with);
- c) the premises are mainly used for gaming;
or
- d) an offence under the Gambling Act has been committed on the premises.

10.2.2 If an applicant wishes to have more than 2 machines, then they need to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. We will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18-year-olds do not have access to the adult-only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare. The Council’s Licensing Committee has delegated the issuing of a permit for up to 2 machines to the Lead Licensing Officer/Licensing Officer, with any application more than 2 to be subject to consideration by the Committee.

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

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

10.2.5 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

10.3 Prize Gaming Permits

10.3.1 Applicants for these permits should set out the types of gaming that he or she is intending to demonstrate:

- a) that they understand the limits to stakes and prizes that are set out in Regulations;
- b) the gaming offered is within the law; and
- c) clear policies that outline the steps taken to protect children from harm.

In determining an application for this permit, the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. The Licensing Authority cannot attach conditions.

10.3.3 Permit holders must comply with the following conditions specified in the Act:

- a) the limits on participation fees, as set out in regulations, must be complied with
- b) 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
- c) 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
- d) participation in the gaming must not entitle the player to take part in any other gambling.

10.4 Club Gaming and Club Machines Permits

10.4.1 Members' clubs and miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. Members Clubs and Miner's Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Gaming Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

10.4.2 Members clubs must have at least 25 members and be established and conducted "*wholly or mainly*" for purposes other than gaming unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the **Gaming Act 1968**. A Members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

10.4.3 Licensing authorities may only refuse an application on the grounds that:

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

10.4.4 There is a 'fast track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. However, there is no opportunity for objections to be made by the Commission or the police, and the grounds on which an Application 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.

10.4.5 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.

10.5 Temporary Use Notices

10.5.1 These allow the use of premises for gambling where there is no premises licence but where a person or company holding an operating licence wishes to use the premises temporarily for providing facilities for gambling. Currently this is restricted to the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, in essence, poker tournaments. The same set of premises may not be subject of a temporary use notice for more than 21 days in any 12-month period. There are also several statutory limits in relation to these notices. Notice must be given to the authority and other bodies, who may object to the grant of the notice having had regard to the licensing objectives. The definition of “a set of premises” will be a question of fact in the circumstances of each notice. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of “a set of premises”, the authority will need to consider, amongst other things, the ownership/occupation and control of the premises. The authority will take a strict view where it appears that the effect of the notices appears to permit regular gambling at a particular place.

10.6 Occasional Use Notices

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

10.7 Small Society Lotteries

10.7.1 This Licensing Authority will adopt a risk-based approach towards its enforcement responsibilities for small lotteries. This Licensing Authority considers that the following list, although not exclusive, could affect the risk of the operator:

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

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

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

11 Enforcement

11.1 This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- a) Proportionate: we will only intervene when necessary and remedies will be appropriate to the risk posed
- b) Accountable: we will justify decisions, and be subject to public scrutiny
- c) Consistent: rules and standards will be joined up and implemented fairly
- d) Transparent: we will be open, and keep regulations simple and user friendly and
- e) Targeted: we will focus on the problem and minimise side effects.

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

11.3 This Licensing Authority will also adopt a risk-based inspection programme. The Gambling Commission Guidance suggests that the criteria the authority will utilise in this respect are included in this statement. However, the Local Better Regulation Office (responsible for co-ordinating regulatory functions) suggests that a planned intervention should only take place where the circumstances warrant such action. It is likely that a biannual inspection of licensed premises will be undertaken at the time of renewal of the premises licence.

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

11.5 This Statement proposes that a graduated response is taken where offences against gambling legislation are found or where licence conditions have been contravened. An isolated administrative offence, may be dealt with purely by way of written warning whilst more serious offences which have either been committed over a period of time or which have a significant impact upon the licensing objectives, may result in a referral for prosecution.

- 11.6 Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Officer. Our risk methodology will also be available upon request.
- 11.7 The Licensing Authority recognises that certain bookmakers may have several premises within its area. To ensure that any non-compliance is recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should there be any compliance queries or should any issues arise.
- 11.8 The Licensing Authority will seek to work actively with the Police, the Gambling Commission and other responsible authorities in enforcing gambling legislation.
- 11.9 This Licensing Authority will continue to be a partner in the local licensing liaison group and will keep itself informed of developments as regards to best practice in its consideration of the regulatory functions of local authorities.

12 Complaints against a Licensed Premises

- 12.1 The Licensing Authority will investigate relevant complaints against licensed premises of any description. In the first instance, complainants should raise the complaint directly with the licence holder or business concerned. All complaints will be investigated by the licensing department and enforcement action taken as deemed appropriate and proportionate to the findings and circumstances of each complaint. It is recognised that another agency may be the more appropriate body to investigate the complaint. In such circumstances, the Licensing Authority will maintain liaison with that agency.
- 12.2 Where necessary, the Licensing Authority will initially arrange a meeting with the licence holder to address, clarify and try to resolve the issues of concern.
- 12.3 This process will not override the right of any interested party or Responsible Authority to request a review of a licence by the Licensing Committee at any stage following the grant of a premises licence or if the concerns are not addressed in a way that fulfils the licensing objectives.

13 Reviews

- 13.1 Requests for a review of a premises licence can be made by interested parties or Responsible Authorities. However, it is for this 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:-

- a) is relevant to the matters listed below
- b) is frivolous or vexatious
- c) will certainly not cause this authority to wish

- alter/revoke/suspend the licence
- d) is substantially the same as previous representations or requests for review.

Relevant matters for a Review are where the grounds are:

- a) in accordance with any relevant code of practice issued by the Gambling Commission
- b) in accordance with any relevant guidance issued by the Gambling Commission
- c) reasonably consistent with the licensing objectives; and
- d) in accordance with the authority's statement of licensing policy. 13.2

13.2 A premises licence may also be reviewed by the Licensing Authority of its own volition.

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

14 Appeals

14.1 Any party aggrieved by a decision of the Licensing Sub Committee and withstanding to appeal (as specified within the Act) may appeal against the decision to the local Magistrates Court. An appeal must be started by the giving of a notice of appeal by the appellant to the 'Magistrates' Court within a period of 21 days from the day on which the appellant was notified by the Licensing Authority of the decision appealed against. This current local Court is St Albans Magistrates' Court.

14.2 The Licensing Authority will always be a respondent to the appeal, but in cases where a favourable decision has been made an applicant against the representations of a Responsible Authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent.

14.3 On determining the appeal, the court may:

- a) dismiss the appeal
- b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

14.4 The court may make such order as to costs as it thinks fit but will be required to bear in mind guidance and legislation about the awarding of costs against a public body.

15 Delegation and Decision Making

- 15.1 One of the major principles underlying the Gambling Act 2005 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost-effective service delivery.
- 15.2 This Licensing Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State, the Council's Constitution and procedures laid down for good governance. The scheme of delegation can be found in the Council's Constitution, which is available on the website.

APPENDIX 1

List of Consultees

- The Chief Officer of Police of Hertfordshire Constabulary
- Bodies representing businesses in and residents in the area
- Bodies representing the interests of persons carrying on gambling businesses within Three Rivers District Council

Bodies representing the interested persons who are likely to be affected by the exercise of the authority's function under this Act

- Bodies dealing with Mental Health issues
- Citizens Advice Bureau
- Gamblers Anonymous
- The Gambling Commission
- GamCare
- Hertfordshire Fire and Rescue Service
- Hertfordshire Safeguarding Children Board
- The local health and safety authority
- Local Primary Care Trusts
- HM Customs and Excise
- **Deputy Service Manager HCNS**
- **Armed Forces Community Lead**
- **Herts Help Hospital & Community Navigation Service**

Residents Associations

- Bricket Wood Residents' Association
- Bridle Lane and Wagon Way Residents' Association
- Carpenders Park Residents' Association
- Chandlers Cross Residents' Association
- Chorleywood and District Residents' Association
- The Croxley Green Residents' Association
- Eastbury Residents' Association
- Furtherfield Residents' Association
- Gypsy Lane Residents' Group
- Heronsgate Residents' Association
- Little Green Residents' Association
- Loudwater Residents' Association
- Oxhey Hall Residents' Association
- Rickmansworth and District Residents' Association
- Windmill Drive Residents Association
- Moor Park Residents Association

Local Authority Representations

- Environmental Health Residential Standards Team, Three Rivers District Council
- Head of Development Management, Planning Dept, Three Rivers District Council

Local Chambers of Trade

- Watford Chamber of Commerce
- Rickmansworth Chamber of Business
- Hertfordshire Chamber of Commerce

All Three Rivers District Councillors

Parish Councils

- Abbots Langley Parish Council

- Batchworth Community Council
- Chorleywood Parish Council
- Croxley Green Parish Council
- Batchworth Community Council

Local Authorities within the Hertfordshire District

- Other Councils, including Aylesbury Vale DC, Buckinghamshire County Council, Chiltern and South Bucks DC, Dacorum Borough Council, St Albans and District Council Watford Borough Council, and Wycombe DC

National Trade Associations

- The Bingo Association
- British Beer and Pub Association
- Association of British Bookmakers
- Business in Sport and Leisure
- Racecourse Association Limited
- British Amusement Catering Trade Association
- The National Casino Industry Forum
- British Holiday & Home Parks Association
- The Greyhound Board of Great Britain
- The British Association of Leisure Parks, Piers & Attractions Ltd

Note: This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Copies of the draft Gambling Statement of Principles is available at the Council office and on the Council's website.

National Trade Associations

- The Bingo Association
- British Beer and Pub Association
- Association of British Bookmakers
- Business in Sport and Leisure
- Racecourse Association Limited
- British Amusement Catering Trade Association
- The National Casino Industry Forum

Note: This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Copies of the draft Gambling Statement of Principles are available at the Council offices and on the Council's website.

Appendix 2

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large Casino (Machine/table ratio of 5-1 up to maximum)				Maximum of 150 machines Any combination of machines in categories B to D (except B3A), within the total limit of 150 (subject to machine/table ratio)			
Small Casino (machine/table ratio of 2-1 up to maximum)				Maximum of 80 Machines Any combination of machine in category B to D (except B3A), within the total limit of 80 (subject to machine/table ratio)			
Pre-2005 Act Casinos (no machine/table ratio)				Maximum of 20 Machines categories B to D (except B3A) or any number C to D machines instead			
Betting premises and tracks occupied by Pool Betting				Maximum of 4 machines categorised B2 to D (except B3A)			
Bingo Premises				Maximum of 20% of the total number of machines which are available for use on the premises categories B3 or B4**		No Limit C or D machines	
Adult Gaming Centres				Maximum of 20% of the total number of machines which are available for use on the premises categories B3 or B4**		No Limit C or D machines	
Family entertainment centres (with premises licence)						No limit on category C and D machines	
Family entertainment centres (with permit)							No limit on category D machines
Club or miners' welfare institutes with permits					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises with gaming machine permit						Number of category C or D machines as specified on permit	
Travelling Fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

APPENDIX 3

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE / SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits in excess of the 2 permitted		Where an application is for in excess of 4 machines.	Up to 4 machines
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter-notice to a temporary use notice		X	

APPENDIX 4

THREE RIVERS DISTRICT COUNCIL (“the Council”) in accordance with section 166(1) of The Gambling Act 2005 hereby **passes a resolution** to not issue casino premises licences.

The resolution shall take effect from **14 January 2025**.

This resolution may be revoked by a further resolution, and shall lapse at the end of the period of three years beginning with the date on which it takes effect.

The resolution...

- shall have no effect in relation to a casino premises licence issued before the resolution takes effect,
- shall have no effect in relation to premises in respect of which a provisional statement relating to the operation of a casino is in force when the resolution takes effect,
- shall have no effect in relation to anything converted into a casino premises licence by virtue of Schedule 18,
- shall not affect the issuing of a casino premises licence in accordance with a requirement by virtue of Schedule 18, and
- may not be taken into account in conducting a review of a casino premises licence under section 201.

APPENDIX 5

DATE	ACTION
Autumn 2005	Establishment of Gambling Commission
May 2006	Guidance for Local Authorities published
May 2006	Local Authorities to draft Licensing Policy Statement for Consultation
December 2006	Licensing Policy Statement published
February 2007	Local Authorities accept licensing applications
1 st September 2007	Full implementation
December 2009	Reviewed statement came into effect January 2010
December 2012	Reviewed statement came into effect January 2013
December 2015	Reviewed statement came into effect January 2016
December 2018	Reviewed statement came into effect January 2019
October 2021	Reviewed statement came into effect January 2022
June 2024	Draft Licensing Policy Statement for Consultation
October 2024	Reviewed statement came into effect January 2025?

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Three Rivers District Council

Statement of Principles 2025 to 2028

UNDER SECTION 349 OF THE GAMBLING ACT 2005

Date: January 2025 to January 2028

Contents

Item	Page
Contents	1
Executive Summary	2
Three Rivers District Council Boundary	4
1. Statement of Principles	5
2. Licensing Objectives	6
3. Responsible Authorities	11
4. Interested Parties	12
5. Exchange of information	13
6. Licensing Authority Functions	13
7. Premises Licences	15
8. Local Risk Assessment	11
8.4 Location	16
8.5 Duplication with other regulatory regimes	16
8.6 Conditions	16
8.7 Door Supervisors	17
8.8 Multiple Premises Licences	18
8.9 Adult Gaming Centres	19
8.10 (Licensed) Family Entertainment Centres	19
8.11 Casinos	20
8.12 Bingo Premises	21
8.13. Betting Premises	21
8.14 Fixed Odds Betting Terminals (FOBT's)	21
8.15 Tracks	21
8.16 Travelling fairs	23
9. Provisional Statements	23
10. Permits / Temporary and Occasional Use Notices	23
10.1 Unlicensed Family Entertainment Centre gaming machine permits	23
10.2 (Alcohol) Licensed premises gaming machine permits	24
10.3 Prize Gaming Permits	25
10.4 Club Gaming and Club Machines Permits	26
10.5 Temporary Use	27
10.6 Occasional Use	27
10.7 Small Society Lotteries	27
11. Enforcement	28
12. Complaints Against a Licensed Premises	29
13. Reviews	29
14. Appeals	30
15. Delegation and Decision Making	31
Appendix 1 – List of consultees	32
Appendix 2 – Gaming Machines maximum stakes and payouts	34
Appendix 3 – Table of delegated functions	35
Appendix 4 – No Casino Resolution	36
Appendix 5 – Statement of principles log	37

Statement of Principles (Gambling Act 2005) 2025-2028

EXECUTIVE SUMMARY

The Gambling Act 2005 (the Act) introduced a new regime for regulating gambling and betting throughout the United Kingdom from 1 September 2017. Section 349 of the Act imposes a statutory duty upon licensing authorities to publish a Statement of Principles which they propose to apply when exercising their functions under the Act. The Gambling Commission guidance has since been updated from April 2021.

The Act places a legal duty on both the Gambling Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

Three Rivers District Council must have regard to the Licensing Objectives namely:

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

It should be noted that this policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence. Each application is determined on its own merits in accordance with the statutory requirements of the Gambling Act 2005.

The Responsible Authorities must be consulted upon receipt of an application for or variation of a premises licence under the Act.

Enforcement principles of the Licensing Authority are guided by the Gambling Commission guidance. We therefore endeavour to be proportionate, accountable, consistent, transparent, and targeted.

Declaration

In producing this Statement, Three Rivers District Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses received from those consulted on the Statement.

Representations

Interested parties may make representations in respect of applications and they may apply for a review of an existing licence. An interested party includes those living sufficiently close to a premises likely to be affected, have business interests that may be affected or a person who represents either of these types of people. Councillors and MPs may also be classed as interested parties.

Applications and representations referred to a Licensing Sub-Committee for determination will be published in reports which are publicly available in accordance with legislation.

Gaming Machines

In relation to category C (or above) gaming machines on premises in which children are admitted, the authority will ensure that the machines are located in a separated area to which only adults are admitted and that access to this area is supervised. Notices indicating the restricted age access are expected to be displayed.

Alcohol licensed premises are automatically entitled to have 2 gaming machines of category C and/or D however the Licensing Authority needs to be notified. In certain circumstances the Licensing Authority may remove this entitlement.

Betting Machines

There is no evidence that betting machines (not gaming machines) give concern to regulatory matters however the Licensing Authority reserves the right to limit the number, nature and circumstances of these machines where there is evidence that their use may infringe the licensing objectives.

Provisional Statements

Following grant of a provisional statement, no further representations may be made from relevant authorities or interested parties unless they concern additional matters not previously considered within the provisional statement or concern the applicants change in circumstances.

Premises

Premises Licences are subject to mandatory and default conditions as per the requirements of the Act. The Licensing Authority may exclude default conditions and attach others where appropriate. Conditions must be proportionate and relevant to the need to make the proposed building suitable as a gambling facility, directly related to the premises and type of licence applied for, fairly and reasonably related to the scale and type of premises and reasonable in all other aspects.

Applications for a premises in which there are or would be multiple licences for a premises will be carefully considered to ensure different parts of the premises are not compromised and are separate so that people do not accidentally enter the gambling area. The location of a premises will only be considered in terms of the licensing objectives.

The Licensing Authority will avoid duplication with other statutory regimes and only consider concerns about conditions not being met due to restrictions in place by other regimes.

There are several types of licensed premises, but Three Rivers District currently only has licensed Betting Premises. Children are prohibited from these premises.

Door Supervisors

To achieve the licensing objectives, the Licensing Authority reserves the right to consider the use of door supervisors in certain circumstances.

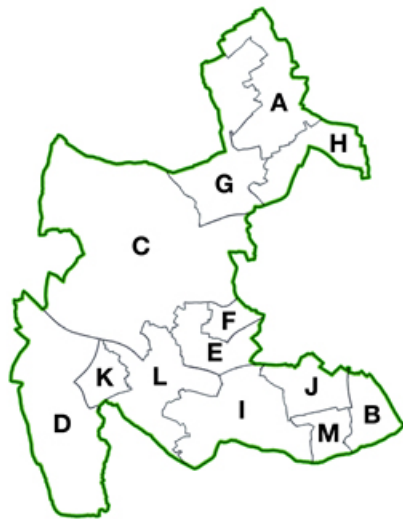
Reviews

Reviews can be called by interested parties or Responsible Authorities but ultimately the Licensing Authority determines whether the review is to be carried out. In determination, the Licensing Authority will consider whether a review is frivolous or vexatious, will certainly not cause the Authority to alter, revoke or suspend a licence and will consider if the review is substantially the same as previous requests for a review. Grounds for a review would be those in accordance with relevant guidance or codes of practice issued by the Gambling Commission, those consistent with the licensing objectives and statement of licensing policy.

The Licensing Authority may initiate a review of a licence for any other appropriate reason.

In cases of unlicensed premises, it is possible to hold licensed activities under temporary use notices and occasional use notices, but these are subject to statutory limitations.

Three Rivers District Council Boundary



- A = [Abbots Langley and Bedmond](#)
- B = [Carpenders Park](#)
- C = [Chorleywood North and Sarratt](#)
- D = [Chorleywood South and Maple Cross](#)
- E = [Dickinsons](#)
- F = [Durrants](#)
- G = [Gade Valley](#)
- H = [Leavesden](#)
- I = [Moor Park and Eastbury](#)
- J = [Oxhey Hall and Hayling](#)
- K = [Penn and Mill End](#)
- L = [Rickmansworth Town](#)
- M = [South Oxhey](#)

Three Rivers District Council is situated in the county of Hertfordshire, which contains 13 district Councils in total.

Three Rivers District covers an area spanning approximately 34 square miles, and has approximately 93,800 residents (based upon Census data from 2021).

The main populated areas in the district are Rickmansworth, Mill End and Maple Cross, Moor Park and parts of Northwood, Chorleywood, Croxley Green, Abbots Langley and South Oxhey/Carpenders Park.

1 Statement of Principles

- 1.1 In accordance with statutory procedures, a review of this policy will take place every 3 years, to consider information collated over a period of time, coupled with the outcomes of initiatives relating to gambling at central and local government level. The policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the head of Regulatory Services, in consultation with the Chairman of the Licensing Committee.
- 1.2 Nothing in this Statement of Principles will:
- a) Undermine the right of any person to apply under the Act for a variety of permissions and have the application considered on its own merits; or,
 - b) Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.
- 1.3 The starting point in determining applications will be to grant the application with only mandatory and default conditions, so long as this can be achieved in a manner which is:
- a) In accordance with any relevant code of practice issued by the Gambling Commission;
 - b) In accordance with any relevant guidance issued by the Gambling Commission;
 - c) Reasonably consistent with the licensing objectives; and
 - d) In accordance with the Licensing Authority's Statement of Principle.
- 1.4 Licensing authorities are however, able to exclude default conditions and also attach others, where it is believed to be appropriate. It is appreciated that as per the [Gambling Commission's guidance](#) for local authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" and, in addition to this, unmet demand is not a criterion for a licensing authority.
- 1.5 Three Rivers District Council has consulted widely upon this statement before finalising and publishing it. A full list of those consulted is at Appendix 1.
- 1.6 The overriding principle is that all applications and the circumstances prevailing at each premises will be considered on its own individual merits. When applying these principles, the Licensing Authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.
- 1.7 The final policy has been considered by Full Council and will be published on our Three Rivers District Council website, as well as being available in Three Rivers House, on request.

2 Licensing objectives

2.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities.

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

2.3 This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

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

2.4.1 This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be addressed via operating and personal licences.

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

2.5.1 This Licensing Authority has noted that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The Licensing Authority will therefore consider whether specific measures are required at premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

2.5.2 As regards the term "vulnerable persons", this Licensing Authority will, for regulatory purposes, assume that this group includes people who:

- gamble more than they want to;
- gamble beyond their means; and
- may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

2.5.3 The Hertfordshire JSNA Briefing: Gambling-related harms¹ was published in February 2022 and provides a wealth of evidence.

2.5.4 **Harm caused by problem gambling**

2.5.5 The harms associated with problem gambling are wide-ranging. These include not only harms to the individual gambler but their children, their families, and their communities. According to a YouGov data on gambling treatment and support from 2020² around 7% of the population of Great Britain (adults and children) were found to be negatively affected by someone else’s gambling, most commonly from an immediate family member. The annual excess direct financial cost to government associated with harmful gambling is equivalent to £412.9 million. The annual societal value of health impacts is equivalent to between £635 and £1,355.5 million (in 2021 to 2022 prices). The total financial costs are approximated at £1.05 to £1.77 billion in 2023 nationally³.

2.5.6 Gambling-related harms can include the following:

- Financial harms: debt, bankruptcy, homelessness and child poverty
- Relationships: loss of trust, loneliness, separation, abuse
- Mental and physical health: depression, sleep problems, deaths from suicide
- Employment and education: unemployment, poor education
- Criminal activity: theft from family members and others

Gambling rates and density of gambling premises higher in areas of higher deprivation

2.5.7 [Data has been collected by Gamble Aware](#) for local authorities to have a clearer view on how the rates of gambling affected their population and how this compares nationally. The Problem Gambling Severity Index (PGSI) is a frequently used tool that helps to identify people experiencing problems or negative consequences from their gambling (problem & at-risk gamblers). This tool was specifically developed to be used in the general population rather than a clinical context. It has 9 questions and a possible score range of 0 to 27. A PGSI score of eight or more represents a person who is gambling at risky levels and is set as a common threshold for clinical diagnosis. Scores between three and seven represent ‘moderate risk’ gambling and a score of one or two represents ‘low risk’ gambling. For the 10 districts in Hertfordshire, the estimates are as the following from their Annual GB Treatment and Support Survey 2022 (table 1):

Table 1: Estimates of prevalence of gambling behaviour, fiscal costs and % of people seeking help

District	Prevalence of gambling behaviour			Estimated Fiscal Cost	% of people seeking help		
	PGSI1+	PGSI3+	PGSI8+		PGSI1+	PGSI3+	PGSI8+
National	13.4%	5.9%	2.9%	NA	14.8%	32.1%	65.5%
Broxbourne	14.4%	6.3%	4.0%	£2.1 million	15.1%	32.7%	66.0%
Dacorum	13.7%	6.1%	3.3%	£3.6 million	14.1%	31.5%	61.0%
East Herts	12.0%	4.8%	2.1%	£2.2 million	12.2%	29.0%	63.8%
Hertsmere	13.0%	5.8%	2.6%	£1.9 million	14.6%	31.0%	66.6%
North Herts	12.5%	5.2%	2.5%	£2.2 million	14.3%	33.3%	68.4%

¹ [gambling-related-harms-jsna-briefing-2022.pdf \(hertshealthevidence.org\)](#)

² [gambling-treatment-and-support.pdf \(gambleaware.org\)](#)

³ [Gambling-related harms evidence review: summary - GOV.UK \(www.gov.uk\)](#)

St Albans	12.1%	5.2%	2.4%	£2.5 million	13.3%	29.5%	64.0%
Stevenage	15.1%	6.3%	3.2%	£2.0 million	14.8%	32.9%	65.0%
Three Rivers	12.8%	5.5%	2.5%	£1.6 million	14.0%	30.8%	65.8%
Watford	15.1%	7.4%	3.9%	£2.6 million	19.6%	38.5%	71.4%
Welwyn Hatfield	13.8%	6.0%	3.0%	£2.6 million	15.8%	34.1%	66.0%

2.5.8 The data shows a total estimated fiscal cost of £23.3 million for Hertfordshire according to National Institute of Economic and Social Research (NIESR) for problem gambling (PGSI 8+) in 2023.

2.5.9 There are variable numbers of gambling premises in each district (table 2) and analysis in the Hertfordshire JSNA briefing: Gambling Related Harms⁴ showed that gambling premises clustered around areas with greater levels of deprivation. A commonly used unit of comparison is Lower layer Super Output Area (LSOA) which comprises between 400 and 1,200 households and have a usually resident population between 1,000 and 3,000 persons. In Hertfordshire, 41.0% of gambling premises were in LSOAs in the most deprived quintile of Hertfordshire whereas 2.56% of gambling premises were in LSOAs in the least deprived quintile of Hertfordshire.

Table 2: Type and total gambling premises by Hertfordshire district and rate of gambling premises per 100,000 adults aged 18 years and older by Hertfordshire district, September 2023⁵

District	Adult Gaming Centre	Betting Shop	Bingo	Total gambling premises	Premises per 100,000 adults aged 18+
Broxbourne	1	15	0	16	19.5
Dacorum	2	11	0	13	10.8
East Herts	0	13	0	13	11.1
Hertsmere	4	12	1	17	20.4
North Herts	1	9	0	10	9.5
St Albans	0	5	1	6	5.4
Stevenage	3	10	1	14	20.2
Three Rivers	0	6	0	6	8.3
Watford	1	15	2	18	22.9
Welwyn Hatfield	0	11	0	11	11.6
Hertfordshire	11	112	5	128	13.7

Increased risks of suicide from problem gambling

2.5.10 The Hertfordshire Suicide Prevention Strategy for 2025-2030 is currently being refreshed with district health and environmental leads involved in the development. The England Suicide Prevention Strategy⁶ released in September 2023, contains actions related to gambling. There is a clear relationship between gambling, financial issues and mental health, leading to depression, anxiety and in more serious cases, suicide ideation, attempts and taking of one's own life. It is important that this impact is recognised. This further impacts on families through bereavement, domestic abuse and impact

⁴ [gambling-related-harms-jsna-briefing-2022.pdf \(hertshealthevidence.org\)](#)

⁵ Source: Full premises register, The Gambling Commission, 2022; ONS 2020 Mid-Year Population Estimates, HertsInsight. [JSNA](#))

⁶ [Suicide prevention strategy for England: 2023 to 2028 - GOV.UK \(www.gov.uk\)](#)

on children and loved ones. The Hertfordshire Suicide Prevention Strategy for 2025-2030 will include priorities to reduce the harm caused by gambling.

Table 3: Number of deaths per year from suicide by Hertfordshire district.

District's based on number of cases	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2013-2022 Total per District
Dacorum	14	8	9	17	10	9	10	12	7	12	108
St Albans	11	7	10	13	14	6	8	8	11	7	95
East Herts	8	10	10	13	9	11	5	5	11	5	87
North Herts	12	7	6	11	10	11	9	4	12	4	86
Welwyn Hatfield	9	5	9	9	10	9	4	13	9	4	81
Hertsmere	7	5	11	15	8	10	5	7	6	3	77
Three Rivers	6	3	8	5	8	6	7	4	5	6	58
Broxbourne	7	6	4	6	13	5	3	11	4	3	62
Stevenage	6	3	7	11	8	3	5	4	2	1	50
Watford	1	2	3	5	12	6	8	6	4	7	54
Hertfordshire	81	56	77	105	102	76	64	74	71	52	758

Concerns about vulnerable people being harmed by gambling

- 2.5.11 Consideration for vulnerable people should be at the heart of licensing applications. This includes awareness of areas of deprivation and/or concentrated presence of children and young people (CYP) and other at-risk individuals within areas of a district.
- 2.5.12 **CYP:** While prevalence of gambling is lower in CYP, the rates are still alarming. The Young People and Gambling Survey (2019) found that the prevalence of problem gambling was 1.7% in a sample of 11-16 year olds and a further 2.7% were identified as at-risk gamblers. Around 11% had played a gambling game in the past 7 days (13% boys and 7% girls) and gambling participation was highest for placing a private bet for money (e.g. with friends) (5%) and fruit or slot machines (4%)⁷. There is also increased concern over online gaming and gambling in CYP, with the Gambling Commission's report on gambling in young people suggesting that there has been an increase in playing for loot boxes in video games. A large-scale survey of 16- to -18-year-olds found a statistically significant link between loot box spending and problem gambling in older adolescents⁸.
- 2.5.13 **Health/behaviour:** Mental health conditions and behavioural characteristics are risk factors for gambling harms. These include depression, impulsive behaviour, low life satisfaction and wellbeing, high alcohol consumption, loneliness, violent and antisocial behaviour, and poor academic performance⁹.

⁷ [Health Survey for England 2018: Supplementary analysis on gambling - NHS England Digital](#)

⁸ [Video game loot boxes are psychologically akin to gambling | Nature Human Behaviour](#)

⁹ [Gambling-related harms evidence review - summary - GOV.UK \(www.gov.uk\)](#)

- 2.5.14 **Economic factors:** Problem gambling is more frequent in those who are unemployed (2.1%) vs employed (0.7%) & those living in the most deprived quintiles compared to the least deprived (1.2% vs 0.2%). A survey found 42% of problem gamblers said they would gamble more over the next year due to the cost-of-living compared to 6% of the UK¹⁰.
- 2.5.15 **Gender and age:** Men are 4.2 times more likely to be harmful gamblers than women. Young to middle aged men have the highest prevalence of problem gambling⁹.
- 2.5.16 **Ethnicity:** Asian & British Asian groups have the lowest risk of gambling, but the highest risk of problem gambling. Ethnic minority groups are less likely to receive treatment for gambling harm¹⁰.
- 2.5.17 **Homelessness and veterans:** Studies indicate a link between homelessness and gambling; one survey found 11.4% of those experiencing homelessness reported problem gambling. One report suggested veterans were over 8 times more likely to be problem gamblers compared to non-veterans¹¹.
- 2.5.18 When determining an application to grant a premises licence or review a premises licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Applications will be considered against the ***cumulative impact*** of applications locally to protect children and vulnerable persons from being harmed or exploited by gambling.¹² Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome concerns relating to the licensing objectives, this will also be considered.
- 2.5.19 This Licensing Authority will also make itself aware of the Codes of Practice that the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 2.5.20 This Licensing Authority will also ensure that, where category C or above [see Appendix 2 for an explanation of the categories] machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - only adults are admitted to the area where these machines are located
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

¹⁰[Gambling-related harms evidence review: quantitative analysis of gambling involvement and gambling-related harms among the general population in England \(publishing.service.gov.uk\)](#)

¹¹[Rates of Problematic Gambling in a British Homeless Sample: A Preliminary Study | Journal of Gambling Studies \(springer.com\)](#)

¹²[Gambling regulation: Government Response to the Committee's Second Report - Culture, Media and Sport Committee \(parliament.uk\);](#)

[committees.parliament.uk/writtenevidence/2415/pdf/](#)

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

2.5.22 Betting Machines (machines on a shop floor where customer can place a bet without having to visit the counter, not to be confused with fixed odds betting machines or amusement with prizes machines). While the authority has discretion as to the number, nature and circumstances of the use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

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

2.5.24 Where gaming machines are provided in settings which children can access, for instance in pubs, clubs or family entertainment centres, the HSCP will expect the location of machines to be situated in areas where access to them, or the area, is controlled, clearly identified and under the physical supervision of a member of staff at all times.

2.5.25 Operators should consider a challenge 25 policy and the keeping of records such as challenge or refusal registers that provide evidence of the suitability of the procedures.

3 Responsible Authorities

3.1 The responsible authorities, being public bodies to be notified of applications and who are entitled to make representations to the Licensing Authority pursuant to the licensing objectives, for the purposes of the Act are:

1. The Gambling Commission
2. Hertfordshire Constabulary
3. Hertfordshire Fire and Rescue Service
4. Head of Development Management, Planning Dept, Three Rivers District Council
5. Environmental Health Residential Standards Team, Three Rivers District Council
6. Enforcing Authority: Health & Safety at Work etc. Act 1974
7. Hertfordshire Safeguarding Children Board
8. HM Revenues and Customs

Full contact details for the responsible authorities will be made available on the Council website at

- 3.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 3.3 This authority designates the Hertfordshire Safeguarding Children Board at Hertfordshire County Council for this purpose.

4 Interested Parties

- 4.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as a person who:
- 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) above."
- 4.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits.
 - This Licensing Authority will not apply a rigid rule to its decision making.
 - This Licensing Authority will consider the examples of considerations concerning these matters provided in the Gambling Commission's Guidance for local authorities but may not follow it in every case.
- 4.3 Interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This Licensing Authority will not however generally view these bodies as interested parties at a Hearing unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 (i.e. lives sufficiently close to the premises to be affected by the activities being applied for).
- 4.4 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required if the Councillor/MP represents the ward to be affected. Likewise, parish councils to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be affected by the authorised activities and/or has business interests that might be affected by the

authorised activities. A letter from one of these persons, requesting the representation, is sufficient.

- 4.5 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Lead Licensing Officer.
- 4.6 A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this statement of licensing policy.

5 Exchange of Information

- 5.1 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Should any protocols be established as regards information exchange with other bodies then they will be made publicly available.
- 5.2 Details of applications and representations which are referred to a Licensing sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

6 Licensing Authority functions

- 6.1 Three Rivers District Council has a duty under the Act to licence premises where gambling is to take place, and to license certain other activities.
- 6.2 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular, the Licensing Authority is responsible for:
- a) the licensing of premises where gambling activities are to take place by issuing Premises Licences;
 - b) Issuing *Provisional Statements*;
 - c) regulating *members' clubs* and *miners' welfare institutes* which wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
 - d) issuing *Club Machine Permits* to *Commercial Clubs*;
 - e) granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
 - f) receiving notifications from alcohol licensed premises (under the

- Licensing Act 2003) for the use of two or fewer gaming machines;
- g) issuing *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;
 - h) registering *small society lotteries* below prescribed thresholds;
 - i) issuing *Prize Gaming Permits*;
 - j) receiving and Endorse *Temporary Use Notices*;
 - k) receiving *Occasional Use Notices*;
 - l) providing information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
 - m) maintaining registers of the permits and licences that are issued under these functions.

- 6.3 It should be noted that local licensing authorities are not involved in licensing remote gambling (being where persons participate in gambling activities by use of remote communication such as the internet, telephone, television or other electronic facilitating communication) at all. This will fall to the Gambling Commission via operating licences.
- 6.4 The Gambling Commission is responsible for the regulation of gambling and betting except for National Lottery and spread betting through the licensing of the operators and individuals involved in providing gambling and betting facilities.
- 6.5 In 2021 the Government increased the minimum age to play the National lottery to 18 years.

7 Premises Licences

- 7.1 An application for a premises licence can only be made by a person or company who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 7.2 Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all of the licensing objectives in the form of a written Operating Schedule. The applicant may ask the authority for advice as to the scope of information to be provided.
- 7.3 The level of detail to be provided will be advised by the authority and will be proportional to the scale and nature of the application made.

8 Local Risk Assessments

- 8.1 From 6 April 2016 it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at their premises, Licensees must have policies, procedures and control measures to mitigate risks that have been identified. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 8.2 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:
- To take account of significant changes in local circumstances, including those identified in this policy
 - there are significant changes at a licensee's premises that may affect their mitigation of local risks
 - When applying for a variation of a premise licence and
 - In any case, undertake a local risk assessment when applying for a new premises licence.
- 8.3 The Council will expect the local risk assessment to consider as a minimum:
- Whether the premises is in an area of deprivation
 - Whether the premises is in an area subject to high levels of crime and/or disorder
 - The demographics of the area in relation to vulnerable groups
 - The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
 - Significant presence of young children, both residents and visitors
 - High unemployment area
 - Nearby homeless hostels
 - Nearby gambling, alcohol, drug or mental health support facility
 - The area has a high number of rough sleepers/homeless people

8.4 Location

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

8.5 Duplication with other regulatory regimes

- 8.5.1 This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including Planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. It will listen to, and consider carefully, any concerns about conditions that cannot be met by licensees due to planning restrictions, should such a situation arise.

8.6 Conditions

- 8.6.1 Any conditions attached to licences will be proportionate and will be:
- a) relevant to the need to make the proposed building suitable as a gambling facility;
 - b) directly related to the premises and the type of licence applied for;
 - c) fairly and reasonably related to the scale and type of premises; and
 - d) reasonable in all other respects.
- 8.6.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.
- 8.6.3 This licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 8.6.4 This authority will also ensure that, where category C or above [see Appendix 2 for an explanation of the categories] machines are on offer in premises to which children are admitted:

- a) all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- b) only adults are admitted to the area where these machines are located;
- c) access to the area where the machines are located is supervised;
- d) the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- e) 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.

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

8.6.6 Betting Machines (machines on a shop floor where customer can place a bet without having to visit the counter) (not to be confused with fixed odds betting machines or amusement with prizes machines) - while the authority has discretion as to the number, nature and circumstances of the use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

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

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

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

8.7 Door Supervisors

8.7.1 Consideration should be given whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

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

8.7.3 It is noted though that in-house staff at casinos and bingo premises need not be licensed by the Security Industry Authority (SIA) although this would be preferable in helping meet the licensing objectives. Where operators and the Licensing Authority consider that supervision of entrances and machines is appropriate in particular cases, it will be decided whether these need to be SIA licensed on a case-by-case basis.

8.8 Multiple Premises Licences

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

8.8.2 In considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, entrances and exits from parts of the building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

8.8.3 The Licensing Authority will consider, amongst others, the factored outlined in the Gambling Commission guidance when deciding upon the extent of separation of licensable premises. In particular, due regard will be given to the specific requirements relating to entrances and exits to particular types of licensable premises.

8.8.4 It should be noted that a licence to use a remises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use. If the construction is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.

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

- a) Whether the premises ought to be permitted to be used for gambling;
- b) Whether appropriate conditions can be applied to the situation whereby the premises are not yet in the condition in which they ought to be before gambling can take place.

8.8.6 Applicants should note that the Licensing Authority is entitled to decide whether it is appropriate to grant a licence subject to conditions, but is not obliged to grant such a licence.

8.9 Adult Gaming Centres

8.9.1 There are currently no Adult Gaming Centres within the District.

8.9.2 Should this situation change then this Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- a) Proof of age schemes;
- b) CCTV;
- c) Supervision of entrances / machine areas;
- d) Physical separation of areas.
- e) Location of entry;
- f) Notices/signage
- g) Specific opening hours;
- h) Self-exclusion schemes on recommendation of police or families
- i) Provision of information leaflets/helpline numbers for organisations such as Gamcare.

8.10 (Licensed) Family Entertainment Centres:

8.10.1 There are currently no Family Entertainment Centres within the District.

8.10.2 Should this situation change then this Licensing Authority will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

8.10.3 This Licensing Authority may consider measures to meet the licensing objectives such as

- a) CCTV;
- b) Proof of age schemes;
- c) Supervision of entrances / machine areas;
- d) Physical separation of areas;
- e) Location of entry;
- f) Notices / signage;
- g) Specific opening hours;
- h) Self-barring schemes;
- i) Provision of information leaflets / helpline numbers for organisations such as GamCare;
- j) Measures / training for staff on how to deal with suspected truant

school children on the premises.

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

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

8.11 Casinos

8.11.1 Currently there are no casinos operating within the District. Section 166 of the Gambling Act 2005 enables a licensing authority to resolve not to issue casino licences. The previous resolution which was originally passed in October 2006 was removed by the Council in 2021.

8.11.2 At present, no such resolution is necessary because the Act gives the licensing authority no power to issue casino licences in any event.

8.11.3 On 12 June 2024 at the Licensing Committee members agreed to consult on this Policy and seek views as to whether a "no casino resolution" should be re-introduced. On 4 December 2024 the Licensing Committee members agreed to recommend that the council agrees to passing the resolution.

8.11.4 The resolution can be found at **Appendix 4** along with the supporting committee minutes.

8.12 Bingo Premises

8.12.1 There are currently no bingo premises within the District.

8.12.2 Should this situation change, the Gambling Commission Guidance states:

8.12.3 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, this Licensing Authority will ensure that:

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

8.12.4 All current and future guidance by the Gambling Commission will also be taken into consideration when considering such applications.

8.13 Betting premises

8.13.1 This Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number /nature/circumstances of betting machines an operator wants to offer.

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

8.14 Fixed Odds Betting Terminals (FOBT's)

8.14.1 In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, the Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.

8.14.2 The Licensing Authority expects FOBT's to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Licensing Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard. Where an existing licensee adds 'privacy screens' a variation application will be required

8.15 Tracks

8.15.1 A track is a site where races or other sporting events take place. There are currently no tracks within the district. Should this situation change tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from the gambling areas where they are not permitted to enter.

- 8.15.2 This Licensing Authority may consider measures to meet the licensing objectives such as;
- a) Plans of designated areas
 - b) Proof of age schemes
 - c) CCTV
 - d) Supervision of entrances / machine areas
 - e) Physical separation of areas
 - f) Location of entry
 - g) Notices / signage
 - h) Specific opening hours
 - i) Self-exclusion schemes on recommendation of police or families
 - j) Provision of information leaflets/helpline numbers for organisations such as GamCare. Also, information on other diversionary leisure activities.
- 8.15.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 8.15.4 *Gaming Machines* – Applications for track premises licences will need to demonstrate that, where the applicant holds 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. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 8.15.5 *Betting machines* – Account will be taken of the size of the premises and ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 8.15.6 *Condition on rules being displayed* – The Gambling Commission has advised in its Guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office”.
- 8.15.7 *Applications and plans* – Although the precise location of where betting facilities are provided is not required to be shown on track plans, applications should provide sufficient information so that the Licensing Authority can satisfy itself that the plan indicates the main areas where betting might take place. In particular, betting rings must be indicated on the plan. In circumstances where a perimeter is not defined, for example in point-to-point racing where an entry fee is levied, temporary structures restricting access to the premises can be used.
- 8.15.8 This Licensing Authority also notes that in the Commissioner’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track 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.

8.15.9 The Commissioner considers the track premises licence holders should accept some accountability for promoting socially responsible gambling on their premises and that the level of responsibility should be commensurate with the volume and intensity of gambling that occurs on their premises.

8.16 Travelling Fairs

8.16.1 This licensing authority will 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 is met that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

9 Provisional Statements

9.1 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.

9.2 This Licensing Authority noted the Commission's Guidance that "a licensing authority will not take into account irrelevant matters, i.e. the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal".

10 Permits / Temporary & Occasional Use Notice

10.1 Unlicensed Family Entertainment Centre (FEC) gaming machine permits

10.1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It

should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

10.1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not but may have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

10.1.3 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. This Licensing Authority will ask applicants to demonstrate:

- a) a full understanding of the maximum stakes and prizes of the gambling that are permissible in unlicensed FECs;
- b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- c) that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

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

10.1.4 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

10.2 (Alcohol) Licensed premises gaming machine permits

10.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority. If the person ceases to be on- premises alcohol licence for the premises, the automatic entitlement two gaming machine also ceases. Whoever applies for the new premises alcohol licence will also need to apply under S282 (2), notifying the Licensing Authority of their intention to make the gaming machines available for use and paying the prescribed fee. If the alcohol licence ceases to have effect because it is suspended the gaming machines cannot be used. The licensing authority can remove the automatic authorisation in respect of any premises if:

- a) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- b) gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of

- the machine has been complied with);
- c) the premises are mainly used for gaming;
or
- d) an offence under the Gambling Act has been committed on the premises.

10.2.2 If an applicant wishes to have more than 2 machines, then they need to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. We will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18-year-olds do not have access to the adult-only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare. The Council’s Licensing Committee has delegated the issuing of a permit for up to 2 machines to the Lead Licensing Officer/Licensing Officer, with any application more than 2 to be subject to consideration by the Committee.

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

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

10.2.5 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

10.3 Prize Gaming Permits

10.3.1 Applicants for these permits should set out the types of gaming that he or she is intending to demonstrate:

- a) that they understand the limits to stakes and prizes that are set out in Regulations;
- b) the gaming offered is within the law; and
- c) clear policies that outline the steps taken to protect children from harm.

10.3.2 In determining an application for this permit, the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. The Licensing Authority cannot attach conditions.

10.3.3 Permit holders must comply with the following conditions specified in the Act:

- a) the limits on participation fees, as set out in regulations, must be complied with
- b) 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
- c) 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
- d) participation in the gaming must not entitle the player to take part in any other gambling.

10.4 Club Gaming and Club Machines Permits

10.4.1 Members' clubs and miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. Members Clubs and Miner's Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Gaming Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

10.4.2 Members clubs must have at least 25 members and be established and conducted "*wholly or mainly*" for purposes *other than gaming unless* the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the **Gaming Act 1968**. A Members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

10.4.3 Licensing authorities may only refuse an application on the grounds that:

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

10.4.4 There is a 'fast track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. However, there is no opportunity for objections to be made by the Commission or the police, and the grounds on which an Application 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.

10.4.5 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.

10.5 Temporary Use Notices

10.5.1 These allow the use of premises for gambling where there is no premises licence but where a person or company holding an operating licence wishes to use the premises temporarily for providing facilities for gambling. Currently this is restricted to the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, in essence, poker tournaments. The same set of premises may not be subject of a temporary use notice for more than 21 days in any 12-month period. There are also several statutory limits in relation to these notices. Notice must be given to the authority and other bodies, who may object to the grant of the notice having had regard to the licensing objectives. The definition of “a set of premises” will be a question of fact in the circumstances of each notice. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of “a set of premises”, the authority will need to consider, amongst other things, the ownership/occupation and control of the premises. The authority will take a strict view where it appears that the effect of the notices appears to permit regular gambling at a particular place.

10.6 Occasional Use Notices

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

10.7 Small Society Lotteries

10.7.1 This Licensing Authority will adopt a risk-based approach towards its enforcement responsibilities for small lotteries. This Licensing Authority considers that the following list, although not exclusive, could affect the risk of the operator:

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

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

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

11 Enforcement

11.1 This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- a) Proportionate: we will only intervene when necessary and remedies will be appropriate to the risk posed
- b) Accountable: we will justify decisions, and be subject to public scrutiny
- c) Consistent: rules and standards will be joined up and implemented fairly
- d) Transparent: we will be open, and keep regulations simple and user friendly and
- e) Targeted: we will focus on the problem and minimise side effects.

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

11.3 This Licensing Authority will also adopt a risk-based inspection programme. The Gambling Commission Guidance suggests that the criteria the authority will utilise in this respect are included in this statement. However, the Local Better Regulation Office (responsible for co-ordinating regulatory functions) suggests that a planned intervention should only take place where the circumstances warrant such action. It is likely that a biannual inspection of licensed premises will be undertaken at the time of renewal of the premises licence.

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

11.5 This Statement proposes that a graduated response is taken where offences against gambling legislation are found or where licence conditions have been contravened. An isolated administrative offence, may be dealt with purely by way of written warning whilst more serious offences which have either been committed over a period of time or which have a significant impact upon the licensing objectives, may result in a referral for prosecution.

- 11.6 Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Officer. Our risk methodology will also be available upon request.
- 11.7 The Licensing Authority recognises that certain bookmakers may have several premises within its area. To ensure that any non-compliance is recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should there be any compliance queries or should any issues arise.
- 11.8 The Licensing Authority will seek to work actively with the Police, the Gambling Commission and other responsible authorities in enforcing gambling legislation.
- 11.9 This Licensing Authority will continue to be a partner in the local licensing liaison group and will keep itself informed of developments as regards to best practice in its consideration of the regulatory functions of local authorities.

12 Complaints against a Licensed Premises

- 12.1 The Licensing Authority will investigate relevant complaints against licensed premises of any description. In the first instance, complainants should raise the complaint directly with the licence holder or business concerned. All complaints will be investigated by the licensing department and enforcement action taken as deemed appropriate and proportionate to the findings and circumstances of each complaint. It is recognised that another agency may be the more appropriate body to investigate the complaint. In such circumstances, the Licensing Authority will maintain liaison with that agency.
- 12.2 Where necessary, the Licensing Authority will initially arrange a meeting with the licence holder to address, clarify and try to resolve the issues of concern.
- 12.3 This process will not override the right of any interested party or Responsible Authority to request a review of a licence by the Licensing Committee at any stage following the grant of a premises licence or if the concerns are not addressed in a way that fulfils the licensing objectives.

13 Reviews

- 13.1 Requests for a review of a premises licence can be made by interested parties or Responsible Authorities. However, it is for this 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:-

- a) is relevant to the matters listed below
- b) is frivolous or vexatious
- c) will certainly not cause this authority to wish

- alter/revoke/suspend the licence
- d) is substantially the same as previous representations or requests for review.

Relevant matters for a Review are where the grounds are:

- a) in accordance with any relevant code of practice issued by the Gambling Commission
- b) in accordance with any relevant guidance issued by the Gambling Commission
- c) reasonably consistent with the licensing objectives; and
- d) in accordance with the authority's statement of licensing policy. 13.2

13.2 A premises licence may also be reviewed by the Licensing Authority of its own volition.

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

14 Appeals

14.1 Any party aggrieved by a decision of the Licensing Sub Committee and withstanding to appeal (as specified within the Act) may appeal against the decision to the local Magistrates Court. An appeal must be started by the giving of a notice of appeal by the appellant to the 'Magistrates' Court within a period of 21 days from the day on which the appellant was notified by the Licensing Authority of the decision appealed against. This current local Court is St Albans Magistrates' Court.

14.2 The Licensing Authority will always be a respondent to the appeal, but in cases where a favourable decision has been made an applicant against the representations of a Responsible Authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent.

14.3 On determining the appeal, the court may:

- a) dismiss the appeal
- b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority; or
- c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

14.4 The court may make such order as to costs as it thinks fit but will be required to bear in mind guidance and legislation about the awarding of costs against a public body.

15 Delegation and Decision Making

- 15.1 One of the major principles underlying the Gambling Act 2005 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost-effective service delivery.
- 15.2 This Licensing Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State, the Council's Constitution and procedures laid down for good governance. The scheme of delegation can be found in the Council's Constitution, which is available on the website.

APPENDIX 1

List of Consultees

- The Chief Officer of Police of Hertfordshire Constabulary
- Bodies representing businesses in and residents in the area
- Bodies representing the interests of persons carrying on gambling businesses within Three Rivers District Council

Bodies representing the interested persons who are likely to be affected by the exercise of the authority's function under this Act

- Bodies dealing with Mental Health issues
- Citizens Advice Bureau
- Gamblers Anonymous
- The Gambling Commission
- GamCare
- Hertfordshire Fire and Rescue Service
- Hertfordshire Safeguarding Children Board
- The local health and safety authority
- Local Primary Care Trusts
- HM Customs and Excise
- **Deputy Service Manager HCNS**
- **Armed Forces Community Lead**
- **Herts Help Hospital & Community Navigation Service**

Residents Associations

- Bricket Wood Residents' Association
- Bridle Lane and Wagon Way Residents' Association
- Carpenders Park Residents' Association
- Chandlers Cross Residents' Association
- Chorleywood and District Residents' Association
- The Croxley Green Residents' Association
- Eastbury Residents' Association
- Furtherfield Residents' Association
- Gypsy Lane Residents' Group
- Heronsgate Residents' Association
- Little Green Residents' Association
- Loudwater Residents' Association
- Oxhey Hall Residents' Association
- Rickmansworth and District Residents' Association
- Windmill Drive Residents Association
- Moor Park Residents Association

Local Authority Representations

- Environmental Health Residential Standards Team, Three Rivers District Council
- Head of Development Management, Planning Dept, Three Rivers District Council

Local Chambers of Trade

- Watford Chamber of Commerce
- Rickmansworth Chamber of Business
- Hertfordshire Chamber of Commerce

All Three Rivers District Councillors

Parish Councils

- Abbots Langley Parish Council
- Batchworth Community Council
- Chorleywood Parish Council
- Croxley Green Parish Council
- Batchworth Community Council

Local Authorities within the Hertfordshire District

- Other Councils, including Aylesbury Vale DC, Buckinghamshire County Council, Chiltern and South Bucks DC, Dacorum Borough Council, St Albans and District Council Watford Borough Council, and Wycombe DC

National Trade Associations

- The Bingo Association
- British Beer and Pub Association
- Association of British Bookmakers
- Business in Sport and Leisure
- Racecourse Association Limited
- British Amusement Catering Trade Association
- The National Casino Industry Forum
- **British Holiday & Home Parks Association**
- The Greyhound Board of Great Britain
- The British Association of Leisure Parks, Piers & Attractions Ltd

Note: This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Copies of the draft Gambling Statement of Principles is available at the Council office and on the Council's website.

National Trade Associations

- The Bingo Association
- British Beer and Pub Association
- Association of British Bookmakers
- Business in Sport and Leisure
- Racecourse Association Limited
- British Amusement Catering Trade Association
- The National Casino Industry Forum

Note: This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

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APPENDIX 2

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large Casino (Machine/table ratio of 5-1 up to maximum)				Maximum if 150 machines Any combination of machines in categories B to D (except B3A), within the total limit of 150 (subject to machine/table ratio)			
Small Casino (machine/table ratio of 2-1 up to maximum)				Maximum of 80 Machines Any combination of machine in category B to D (except B3A), within the total limit of 80 (subject to machine/table ratio)			
Pre-2005 Act Casinos (no machine/table ratio)				Maximum of 20 Machines categories B to D (except B3A) or any number C to D machines instead			
Betting premises and tracks occupied by Pool Betting				Maximum of 4 machines categorised B2 to D (except B3A)			
Bingo Premises				Maximum of 20% of the total number of machines which are available for use on the premises categories B3 or B4**		No Limit C or D machines	
Adult Gaming Centres				Maximum of 20% of the total number of machines which are available for use on the premises categories B3 or B4**		No Limit C or D machines	
Family entertainment centres (with premises licence)						No limit on category C and D machines	
Family entertainment centres (with permit)							No limit on category D machines
Club or miners' welfare institutes with permits					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises with gaming machine permit						Number of category C or D machines as specified on permit	
Travelling Fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

APPENDIX 3

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE / SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits in excess of the 2 permitted		Where an application is for in excess of 4 machines.	Up to 4 machines
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter-notice to a temporary use notice		X	

APPENDIX 4

THREE RIVERS DISTRICT COUNCIL ("the Council") in accordance with section 166(1) of The Gambling Act 2005 hereby **passes a resolution** to not issue casino premises licences.

The resolution shall take effect from **14 January 2025**.

This resolution may be revoked by a further resolution, and shall lapse at the end of the period of three years beginning with the date on which it takes effect.

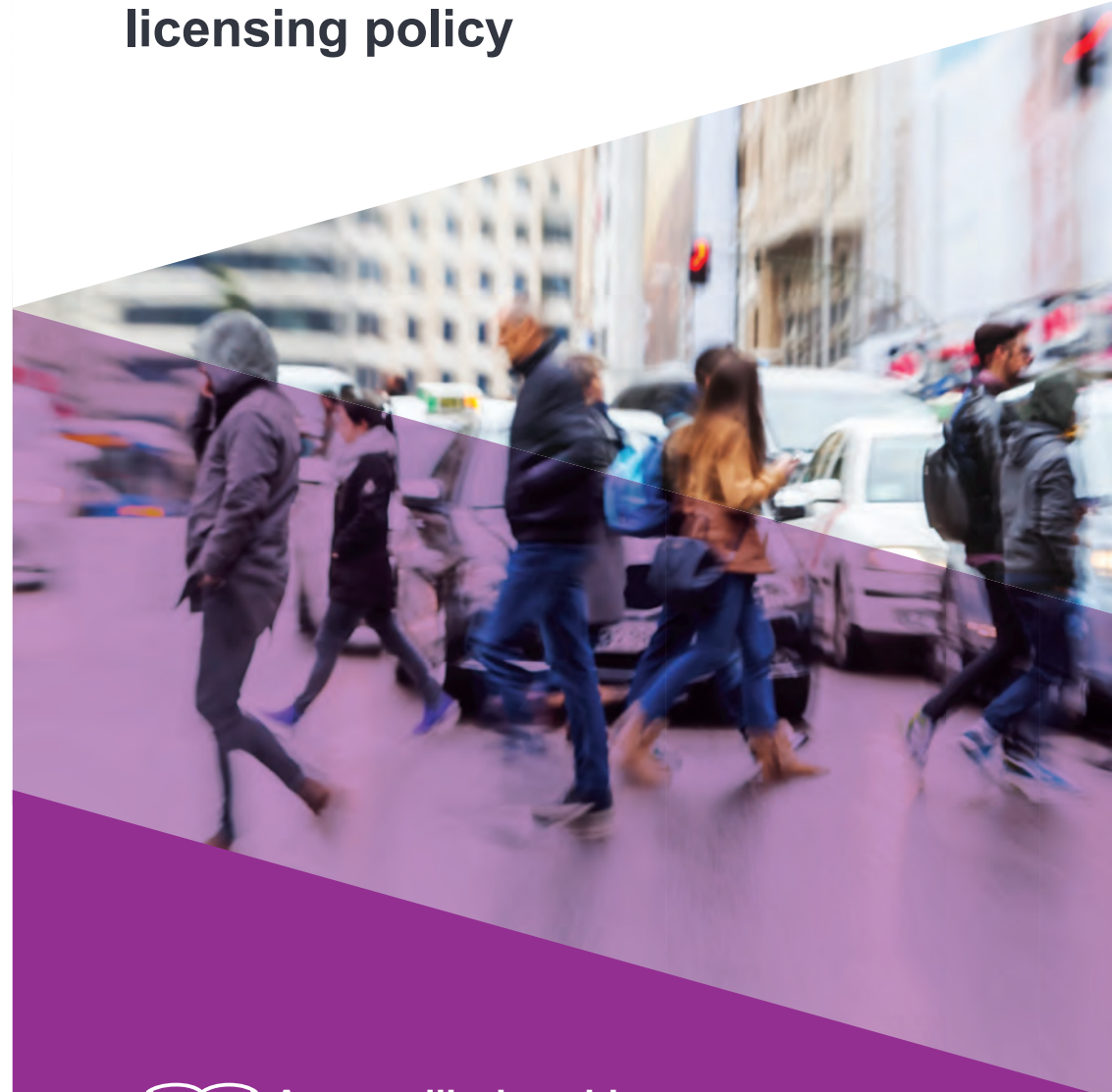
The resolution...

- shall have no effect in relation to a casino premises licence issued before the resolution takes effect,
- shall have no effect in relation to premises in respect of which a provisional statement relating to the operation of a casino is in force when the resolution takes effect,
- shall have no effect in relation to anything converted into a casino premises licence by virtue of Schedule 18,
- shall not affect the issuing of a casino premises licence in accordance with a requirement by virtue of Schedule 18, and
- may not be taken into account in conducting a review of a casino premises licence under section 201.

APPENDIX 5

DATE	ACTION
Autumn 2005	Establishment of Gambling Commission
May 2006	Guidance for Local Authorities published
May 2006	Local Authorities to draft Licensing Policy Statement for Consultation
December 2006	Licensing Policy Statement published
February 2007	Local Authorities accept licensing applications
1 st September 2007	Full implementation
December 2009	Reviewed statement came into effect January 2010
December 2012	Reviewed statement came into effect January 2013
December 2015	Reviewed statement came into effect January 2016
December 2018	Reviewed statement came into effect January 2019
October 2021	Reviewed statement came into effect January 2022
June 2024	Draft Licensing Policy Statement for Consultation
October 2024	Reviewed statement came into effect January 2025?

Statement of gambling licensing policy



**GAMBLING
COMMISSION**

RAISING STANDARDS

Victoria Square House, Victoria Square,
Birmingham B2 4BP

Tel: 0121 230 6666 Fax: 0121 230 6720

www.gamblingcommission.gov.uk

Making gambling fairer and safer

Published 03/2018



A councillor's guide
(England & Wales only)

Statement of gambling licensing policy – A Councillor’s Guide (England & Wales only)

The Gambling Act 2005

There are three licensing objectives under the Act. Keeping crime out of gambling, ensuring it is fair and open and protecting children and other vulnerable people from being harmed by gambling.

There are 4 principles to inform a licensing authority as to how it carries out its duties:



- ▶ our codes of practice that apply to licensed gambling operators and to pubs and clubs
- ▶ our Guidance to Licensing Authorities
- ▶ the licensing objectives above
- ▶ **Your own Statement.**

The Statement

The function of the Statement is to reflect **locally specific** gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area.

This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required. It also reduces the risk of matters being escalated to a licensing committee.

But we don't get any complaints!

It may well be the case that you receive very few, or no complaints about gambling. You are highly unlikely to do so.

Unlike other regulated areas, such as alcohol or drugs, gambling is much less visible as a concern for residents. The problem gambler or the under 18 who gambles are very unlikely to contact you or the LA to complain. The nature of co-regulation requires both LAs and the Commission to engage in inspection and enforcement.

Unless an LA proactively conducts inspections you will not know what the true compliance picture looks like. Critically, you have no means of knowing whether the necessary protections, especially for the young and vulnerable, are in place and working effectively.

Importantly, unless inspections and enforcement against illegality are conducted it unfairly penalises those who are compliant.



Consult with responsible authorities

The Act specifies a list of responsible authorities with whom you must consult (s157). Along with those you'd expect such as police, you must include a body whose functions include the protection of children from harm. You might consider your **Safeguarding Board**.

Another body which can also help to inform the strategic picture and approach as well as inform the local area profile (LAP) is **Public Health**. Given the range of co-morbidities associated with addictions it is likely that some of those presenting with one specific condition may be experiencing gambling-related harm as well.



Local area profile (LAP)

You should develop a 'heat map' or local area profile of your council area. Completion of a LAP is not a requirement but there are significant benefits for both the LA and businesses in having a better awareness of the local area and risks (both *potential* and *actual*).

An effective LAP is likely to take account of a wide range of factors, data and information already held by the LA and its partners.



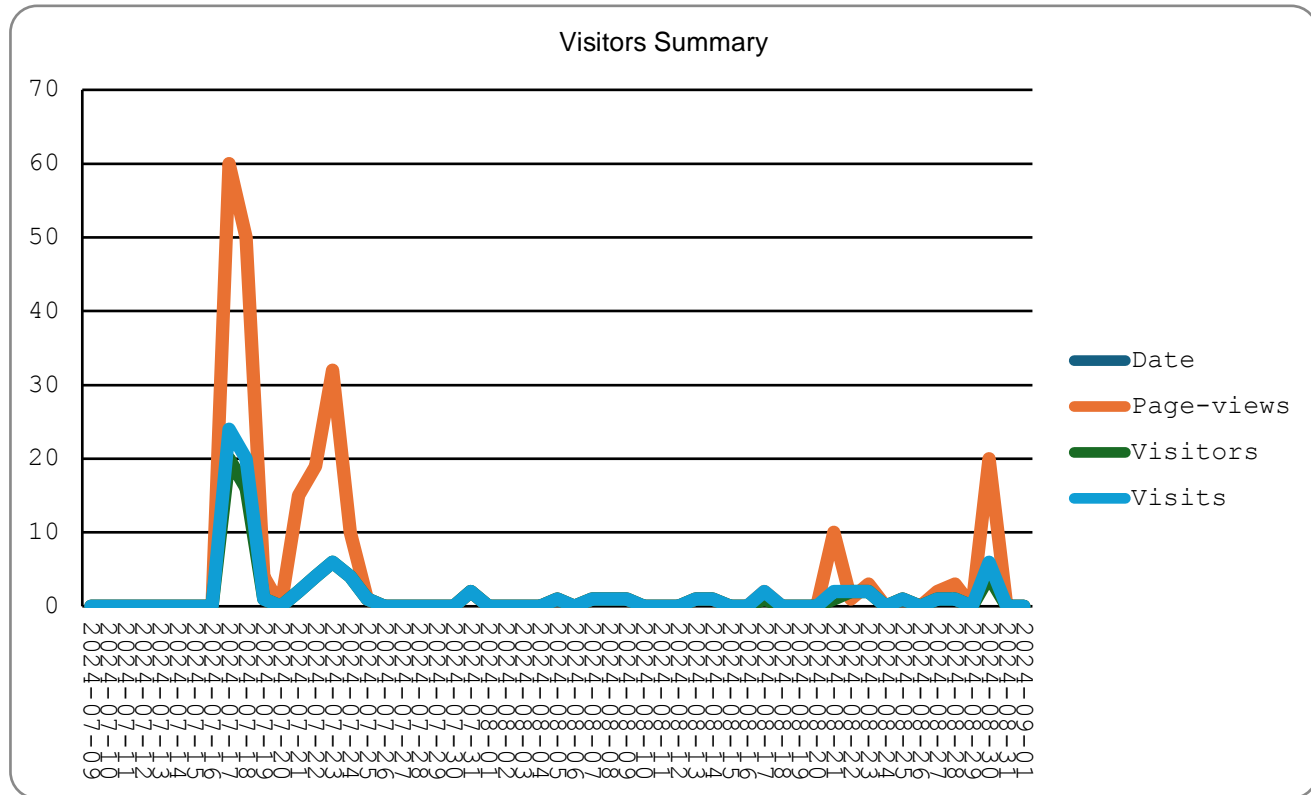
Gambling operators' responsibilities

Licence conditions and codes of practice (LCCP) issued by the Commission formalise the need for operators to consider local risks.

Social responsibility code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks.

In undertaking their risk assessments, they must take into account relevant matters identified in the LA's Statement.

A licensing authority can request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns.



Project Highlights

Total Visits	87
New Registrations	3
Video views	0
Photo Views	0
Document Downloads	44

Admin Notes

ENGAGED PARTICIPANTS		5		
Engaged Actions Performed	Registered	Unverified	Anonymous	
Contributed on Forums	0	0	0	
Participated in Surveys	5	0	0	
Contributed to Newsfeeds	0	0	0	
Participated in Quick Polls	0	0	0	
Posted on Guestbooks	0	0	0	
Contributed to Stories	0	0	0	
Asked Questions	0	0	0	
Placed Pins on Places	0	0	0	
Contributed to Ideas	0	0	0	

INFORMED PARTICIPANTS		27
Informed Actions Performed		Participants
Viewed a video	0	
Viewed a photo	0	
Downloaded a document	22	
Visited the Key Dates page	0	
Visited an FAQ list Page	0	
Visited Instagram Page	0	
Visited Multiple Project Pages	20	
Contributed to a tool (engaged 5)		

AWARE PARTICIPANTS		63
Aware Actions Performed		Participants
Visited at least one Page	63	

ENGAGEMENT TOOLS SUMMARY									
Forum Topics	0	Guestbooks	0	Places	0	News Feeds	0	Ideas	0
Qandas	0	Quick Polls	0	Stories	0	Survey Tools	1		

Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
SurveyTools	Statement of Gambling Principles and Policy 2025-2 Archived		19	5	0	0

INFORMATION WIDGET SUMMARY									
DOCUMENTS	5	PHOTOS	0	VIDEOS	0	FAQS	0	KEY DATES	1

Widget Type	Engagement Tool Name	Visitors	Downloads/Views
Document	Appendix B - Changes made to Statement of Principles	13	15
Document	Final Committee Report	9	10
Document	Appendix A - Current Statement of Gambling Policy	9	9
Document	Appendix D - Statement of Gambling Licensing Policy	5	5
Document	Appendix C - Clean Version	4	5
Key Dates	Key Date	0	0

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Alex Reynolds
The Licensing Team
Three Rivers District Council
By Email: licensing.team@threerivers.gov.uk

Director of Public Health
Sarah Perman
Hertfordshire County Council
Public Health Service
Farnham House
Postal point: SFAR232
Stevenage
Herts
SG1 2FQ

Email: Sarah.perman@hertfordshire.gov.uk

Date: 21/08/2024

Dear Alex,

Reference: **Gambling Statement of Principles Consultation**

Thank you for the opportunity to comment on the Gambling Statement of Principles consultation for Three rivers.

Hertfordshire Gambling Harms Strategy and Joint Strategic Needs Assessment (JSNA)

Hertfordshire County Council will be launching a Gambling Harms Strategy by the end of 2024. It is currently out for public consultation: [Hertfordshire Gambling Harms Strategy 2024 | Hertfordshire County Council](#). One of the proposed strategic priorities is Influencing the licencing and regulatory environment to protect vulnerable residents from the harm caused by gambling and be clear on the individual roles of the County Council and District and Borough Councils.

The Hertfordshire JSNA Briefing: Gambling-related harms¹ was published in February 2022. It provides a wealth of evidence which is recommended to be referred to in the Gambling Statement of Principles.

Harm caused by problem gambling

The harms associated with problem gambling are wide-ranging. These include not only harms to the individual gambler but their children, their families, and their communities. According to a YouGov data on gambling treatment and support from 2020² around 7% of the population of Great Britain (adults and children) were found to be negatively affected by someone else's gambling, most commonly from an immediate family member. The annual excess direct financial cost to government associated with harmful gambling is equivalent to £412.9 million. The annual societal value of health impacts is equivalent to between £635

¹ [gambling-related-harms-jsna-briefing-2022.pdf \(hertshealthevidence.org\)](#)

² [gambling-treatment-and-support.pdf \(gambleaware.org\)](#)

and £1,355.5 million (in 2021 to 2022 prices). The total financial costs are approximated at £1.05 to £1.77 billion in 2023 nationally³.

Gambling-related harms can include the following:

- **Financial harms:** debt, bankruptcy, homelessness and child poverty
- **Relationships:** loss of trust, loneliness, separation, abuse
- **Mental and physical health:** depression, sleep problems, deaths from suicide
- **Employment and education:** unemployment, poor education
- **Criminal activity:** theft from family members and others

Gambling rates and density of gambling premises higher in areas of higher deprivation

[Data has been collected by Gamble Aware](#) for local authorities to have a clearer view on how the rates of gambling affected their population and how this compares nationally. The Problem Gambling Severity Index (PGSI) is a frequently used tool that helps to identify people experiencing problems or negative consequences from their gambling (problem & at-risk gamblers). This tool was specifically developed to be used in the general population rather than a clinical context. It has 9 questions and a possible score range of 0 to 27. A PGSI score of eight or more represents a person who is gambling at risky levels and is set as a common threshold for clinical diagnosis. Scores between three and seven represent 'moderate risk' gambling and a score of one or two represents 'low risk' gambling. For the 10 districts in Hertfordshire, the estimates are as the following from their Annual GB Treatment and Support Survey 2022 (table 1):

Table 1: Estimates of prevalence of gambling behaviour, fiscal costs and % of people seeking help

District	Prevalence of gambling behaviour			Estimated Fiscal Cost	% of people seeking help		
	PGSI1+	PGSI3+	PGSI8+		PGSI1+	PGSI3+	PGSI8+
National	13.4%	5.9%	2.9%	NA	14.8%	32.1%	65.5%
Broxbourne	14.4%	6.3%	4.0%	£2.1 million	15.1%	32.7%	66.0%
Dacorum	13.7%	6.1%	3.3%	£3.6 million	14.1%	31.5%	61.0%
East Herts	12.0%	4.8%	2.1%	£2.2 million	12.2%	29.0%	63.8%
Hertsmere	13.0%	5.8%	2.6%	£1.9 million	14.6%	31.0%	66.6%
North Herts	12.5%	5.2%	2.5%	£2.2 million	14.3%	33.3%	68.4%
St Albans	12.1%	5.2%	2.4%	£2.5 million	13.3%	29.5%	64.0%
Stevenage	15.1%	6.3%	3.2%	£2.0 million	14.8%	32.9%	65.0%
Three Rivers	12.8%	5.5%	2.5%	£1.6 million	14.0%	30.8%	65.8%

³ [Gambling-related harms evidence review: summary - GOV.UK \(www.gov.uk\)](#)

Watford	15.1%	7.4%	3.9%	£2.6 million	19.6%	38.5%	71.4%
Welwyn Hatfield	13.8%	6.0%	3.0%	£2.6 million	15.8%	34.1%	66.0%

The data shows a total estimated fiscal cost of £23.3 million for Hertfordshire according to National Institute of Economic and Social Research (NIESR) for problem gambling (PGSI 8+) in 2023.

There are variable numbers of gambling premises in each district (table 2) and analysis in the Hertfordshire JSNA briefing: Gambling Related Harms⁴ showed that gambling premises clustered around areas with greater levels of deprivation. A commonly used unit of comparison is Lower layer Super Output Area (LSOA) which comprises between 400 and 1,200 households and have a usually resident population between 1,000 and 3,000 persons. In Hertfordshire, 41.0% of gambling premises were in LSOAs in the most deprived quintile of Hertfordshire whereas 2.56% of gambling premises were in LSOAs in the least deprived quintile of Hertfordshire.

Table 2: Type and total gambling premises by Hertfordshire district and rate of gambling premises per 100,000 adults aged 18 years and older by Hertfordshire district, September 2023⁵

District	Adult Gaming Centre	Betting Shop	Bingo	Total gambling premises	Premises per 100,000 adults aged 18+
Broxbourne	1	15	0	16	19.5
Dacorum	2	11	0	13	10.8
East Herts	0	13	0	13	11.1
Hertsmere	4	12	1	17	20.4
North Herts	1	9	0	10	9.5
St Albans	0	5	1	6	5.4
Stevenage	3	10	1	14	20.2
Three Rivers	0	6	0	6	8.3
Watford	1	15	2	18	22.9
Welwyn Hatfield	0	11	0	11	11.6
Hertfordshire	11	112	5	128	13.7

Increased risks of suicide from problem gambling

The Hertfordshire Suicide Prevention Strategy for 2025-2030 is currently being refreshed with district health and environmental leads involved in the development. The England Suicide Prevention Strategy⁶ released in September 2023, contains actions related to gambling. There is a clear relationship between gambling, financial issues and mental health, leading to depression, anxiety and in more serious cases, suicide ideation, attempts and taking of one's own life. It is important that this impact is recognised. This further impacts on families through bereavement, domestic abuse and impact on children and

⁴ [gambling-related-harms-jsna-briefing-2022.pdf \(hertshealthevidence.org\)](https://www.hertshealthevidence.org/gambling-related-harms-jsna-briefing-2022.pdf)

⁵ Source: Full premises register, The Gambling Commission, 2022; ONS 2020 Mid-Year Population Estimates, HertsInsight. JSNA)

⁶ [Suicide prevention strategy for England: 2023 to 2028, GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118288/Suicide_prevention_strategy_for_England_2023_to_2028.pdf)

loved ones. The Hertfordshire Suicide Prevention Strategy for 2025-2030 will include priorities to reduce the harm caused by gambling.

Table 3: Number of deaths per year from suicide by Hertfordshire district.

District's based on number of cases	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2013-2022 Total per District
Dacorum	14	8	9	17	10	9	10	12	7	12	108
St Albans	11	7	10	13	14	6	8	8	11	7	95
East Herts	8	10	10	13	9	11	5	5	11	5	87
North Herts	12	7	6	11	10	11	9	4	12	4	86
Welwyn Hatfield	9	5	9	9	10	9	4	13	9	4	81
Hertsmere	7	5	11	15	8	10	5	7	6	3	77
Three Rivers	6	3	8	5	8	6	7	4	5	6	58
Broxbourne	7	6	4	6	13	5	3	11	4	3	62
Stevenage	6	3	7	11	8	3	5	4	2	1	50
Watford	1	2	3	5	12	6	8	6	4	7	54
Hertfordshire	81	56	77	105	102	76	64	74	71	52	758

Concerns about vulnerable people being harmed by gambling

Consideration for vulnerable people should be at the heart of licensing applications. This includes awareness of areas of deprivation and/or concentrated presence of children and young people (CYP) and other at-risk individuals within areas of a district.

CYP: While prevalence of gambling is lower in CYP, the rates are still alarming. The Young People and Gambling Survey (2019) found that the prevalence of problem gambling was 1.7% in a sample of 11-16 year olds and a further 2.7% were identified as at-risk gamblers. Around 11% had played a gambling game in the past 7 days (13% boys and 7% girls) and gambling participation was highest for placing a private bet for money (e.g. with friends) (5%) and fruit or slot machines (4%)⁷. There is also increased concern over online gaming and gambling in CYP, with the Gambling Commission's report on gambling in young people suggesting that there has been an increase in playing for loot boxes in video games. A large-scale survey of 16- to -18-year-olds found a statistically significant link between loot box spending and problem gambling in older adolescents⁸.

Health/behaviour: Mental health conditions and behavioural characteristics are risk factors for gambling harms. These include depression, impulsive behaviour, low life satisfaction and wellbeing, high alcohol consumption, loneliness, violent and antisocial behaviour, and poor academic performance⁹.

⁷ [Health Survey for England 2018: Supplementary analysis on gambling - NHS England Digital](#)

⁸ [Video game loot boxes are psychologically akin to gambling | Nature Human Behaviour](#)

⁹ [Gambling-related harms evidence review: summary - GOV.UK \(www.gov.uk\)](#)

Economic factors: Problem gambling is more frequent in those who are unemployed (2.1%) vs employed (0.7%) & those living in the most deprived quintiles compared to the least deprived (1.2% vs 0.2%). A survey found 42% of problem gamblers said they would gamble more over the next year due to the cost-of-living compared to 6% of the UK¹⁰.

Gender and age: Men are 4.2 times more likely to be harmful gamblers than women. Young to middle aged men have the highest prevalence of problem gambling⁹.

Ethnicity: Asian & British Asian groups have the lowest risk of gambling, but the highest risk of problem gambling. Ethnic minority groups are less likely to receive treatment for gambling harm¹⁰.

Homelessness and veterans: Studies indicate a link between homelessness and gambling; one survey found 11.4% of those experiencing homelessness reported problem gambling. One report suggested veterans were over 8 times more likely to be problem gamblers compared to non-veterans¹¹.

Assessing the cumulative impact

Hertfordshire Public Health recommends that the policy statement should also include that applications will be considered against the **cumulative impact** of applications locally to protect children and vulnerable persons from being harmed or exploited by gambling.¹²

We recommend all the above noted points are included within the appropriate sections of the Gambling Statement of Principles.

If you have any questions, please do not hesitate to contact me.

Kind regards,

Sarah Perman
Director of Public Health
Public Health
Hertfordshire County Council

¹⁰[Gambling-related harms evidence review: quantitative analysis of gambling involvement and gambling-related harms among the general population in England \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/122415/gambling-related-harms-evidence-review-quantitative-analysis-of-gambling-involvement-and-gambling-related-harms-among-the-general-population-in-england.pdf)

¹¹[Rates of Problematic Gambling in a British Homeless Sample: A Preliminary Study | Journal of Gambling Studies \(springer.com\)](https://www.springer.com/journal/11531/issue/1)

¹²[Gambling regulation: Government Response to the Committee's Second Report - Culture, Media and Sport Committee \(parliament.uk\); committees.parliament.uk/written-evidence/122415/pdf/](https://committees.parliament.uk/written-evidence/122415/pdf/)

Hertfordshire Safeguarding Children Partnership– Gambling Policy Statement

The Safeguarding Children Partnership is nominated by the Council under section 157 of the Gambling Act 2005 as being the appropriate body to advise [insert name] Borough Council of any risks posed by the operation of premises providing gambling facilities to children and young people.

The activity of gambling can be harmful to people of all ages, but the law prohibits anyone under the age of 18yrs from gambling due to the significant harm that it can cause them.

The HSCP recognises that certain issues in relation to the protection of children from gambling are considered or regulated at a national level, for instance rules relating to advertising, general rules on access to premises and the availability of online gambling.

HSCP role is to focus on activities carried out a local level from physical premises in the County. HSCP's concerns will relate to preventing or controlling access to gambling premises and preventing the act of gambling by children. Risk assessments should identify risks and have measures in place to mitigate them. HSCP would expect operators to not allow the inside of the premises to be viewed and not to carry advertising on the front of its premises that may be attractive to children or contain images of popular professional sportsmen or celebrities that are likely to make gambling attractive to children.

Where gaming machines are provided in settings which children can access, for instance in pubs, clubs or family entertainment centres, the HSCP will expect the location of machines to be situated in areas where access to them, or the area, is controlled, clearly identified and under the physical supervision of a member of staff at all times.

Operators should consider a challenge 25 policy and the keeping of records such as challenge or refusal registers that provide evidence of the suitability of the procedures.

HSCP will also consider the wider picture of safeguarding of children – it would not normally be the case that the authorities would expect children to be present in or outside premises that provide gambling facilities. HSCP would expect operators to risk assess this, include it as part of their training procedures and be alert to instances where children and young people are regularly seeking access to the premises, being found inside premises or waiting outside premise for money or gifts from an adult who is gambling within.

Appendix G – No Casino Resolution

THREE RIVERS DISTRICT COUNCIL (“the Council”) in accordance with section 166(1) of The Gambling Act 2005 hereby **passes a resolution** to not issue casino premises licences.

The resolution shall take effect from **14 January 2025**.

This resolution may be revoked by a further resolution, and shall lapse at the end of the period of three years beginning with the date on which it takes effect.

The resolution:

- shall have no effect in relation to a casino premises licence issued before the resolution takes effect,
- shall have no effect in relation to premises in respect of which a provisional statement relating to the operation of a casino is in force when the resolution takes effect,
- shall have no effect in relation to anything converted into a casino premises licence by virtue of Schedule 18,
- shall not affect the issuing of a casino premises licence in accordance with a requirement by virtue of Schedule 18, and
- may not be taken into account in conducting a review of a casino premises licence under section 201.

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Short Equality Impact and Outcome Assessment (EIA) Template

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups²

They help us make good decisions and evidence how we have reached these decisions.³

See end notes for full guidance. For further support or advice please contact the Community Partnerships Team

Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴

Title ⁵	Review of Statement of Gambling Principles and Policy	ID No ⁶	RS003
Team/Service ⁷	Licensing		
Focus of EIA ⁸	<p>The policy provides guidance to applicants when submitting applications to the local authority as a result of the provisions of the Gambling Act. Via the policy licensing authorities are able to exclude default conditions and also attach others, where appropriate.</p> <p>The Gambling Act placed a legal duty on both the Gambling Commission and licensing authorities to aim to permit gambling, in so far as it is consistent with the pursuit of the licensing objectives:</p> <ul style="list-style-type: none"> a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime; b) Ensuring that gambling is conducted in a fair and open way; c) Protecting children and other vulnerable persons from being harmed or exploited by gambling. <p>The focus of the EIA is on licensing objective c), protecting children and other vulnerable persons.</p>		

Assessment of overall impacts and any further recommendations ⁹	
<p>Consideration of applications dependant on:</p> <ul style="list-style-type: none"> - Location – i.e. in an area of deprivation - Demographics of the area in relation to vulnerable groups - Location of services for children such as schools, playgrounds etc - Area known for a high number of rough sleepers <p>Ensuring that the council has a policy as per the statutory requirements of the Gambling Act.</p>	
Potential Issues	Mitigating Actions
<p>Exploitation of vulnerable persons</p>	<p>Consideration into how children/vulnerable persons can be protected from taking part in gambling how appropriate signage, supervision of entrances / machines and segregation of areas.</p> <p>Having regard to the location of the premises, in respect of its relationship with the surrounding area, i.e. proximity to residential areas, vulnerable adult centres.</p> <p>Consulted with Community Partnerships who have provide additional agencies to consult with.</p> <p>Ensuring that all responsible authorities are notified of applications</p>
Actions Planned ¹⁰	
<p>Ensure policy takes into account exploitation of vulnerable persons.</p> <p>Consult relevant bodies who “could” be affected by gambling as part of the policy consultation.</p>	

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Equality Impact Assessment officer: Matthew Roberts

Date: 25/11/2024

Equalities Lead Officer: Shivani Davé

Date: 25/11/2024

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- Knowledge: everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- Timeliness: the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- Real Consideration: the duty must be an integral and rigorous part of your decision-making and influence the process. • Sufficient Information: you must assess what information you have and what is needed to give proper consideration.
- No delegation: the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- Review: the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- Proper Record Keeping: to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a council, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- avoid, reduce or minimise negative impact (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- promote equality of opportunity. This means the need to: – Remove or minimise disadvantages suffered by equality groups – Take steps to meet the needs of equality groups – Encourage equality groups to participate in public life or any other activity where participation is disproportionately low – Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- foster good relations between people who share a protected characteristic and those who do not. This means: – Tackle prejudice – Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected

The greater the potential adverse impact of the proposed policy on a protected group (e.g. disabled people), the more vulnerable the group in the context being considered, the more thorough and demanding the process required by the Act will be.

4 When to complete an EIA:

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?

How vulnerable are the people (potentially) affected? If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

5 Title of EIA: This should clearly explain what service / policy / strategy / change you are assessing

6 ID no: The unique reference for this EIA. This will be added by Community Partnerships

7 Team/Service: Main team responsible for the policy, practice, service or function being assessed

⁸ Focus of EIA: A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal serviceusers, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be? • What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ Assessment of overall impacts and any further recommendations

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy,
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

¹⁰ Action Planning: The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.