



City of Westminster

# City of Westminster Statement of Principles

Under Section 349 of the Gambling Act 2005  
Approved by the City Council 24 January 2007

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This Statement of policy has been drafted when a number of regulations are not yet published. Should these impact upon the content of this document it will be taken into account and amended at a later stage, bearing in mind resource implications for the authority. All references to Guidance refer to the Gambling Commission's Guidance for local authorities dated April 2006.

# PART A

## A1. The Licensing Objectives

A1.1 In exercising most of its functions under the Gambling Act 2005 (the Act), the city council must aim to permit the use of premises for gambling in so far as it thinks this is reasonably consistent with the licensing objectives set out in section 1 of the Act. The licensing objectives are:

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

A1.2 The city council is aware that, under section 153 of the Act, when making decisions on premises licences and temporary use notices it must aim to permit the use of premises for gambling in so far as it thinks it is:

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

## A2. Introduction

A2.1 The City of Westminster lies at the heart of London and encompasses many of London's iconic attractions. Its 244,400 residents (mid-year estimate of population June 2005) are outnumbered every day by the 550,000 people at work in Westminster and other daily visitors who swell the day time population to over 1 million. It contains 9 million square metres of office space, 2.3 million square metres of shops and 1.1 million square metres of hotels. The City of Westminster is the gateway to the UK. Over 26 million people visited the City in 2005 and over 90% of visitors to the UK spend at least part of their stay in Westminster. Tourism in Westminster contributes £5 billion per annum to the economy in Westminster, equivalent to the economic value of Scottish tourism for the whole of the UK economy, and it supports 65,000 jobs in the City. The City has 430 hotels, which makes up 40% of the hotel stock in London. The City has a wealth of entertainment and leisure venues including 38 theatres, 60 cinema screens, 17 casinos and over 3,000 eating, drinking and nightlife establishments. Westminster is at the centre of the London transport infrastructure and has both of its busiest underground stations. It also has four main line rail termini, direct rail connections to Heathrow and Gatwick, and the International rail terminal at Waterloo is just across the Thames.

## Map of Westminster showing parks and main roads



A2.2 The city council is required by the Act to publish a statement of the principles which it proposes to apply when exercising its functions under the Act. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must then be re-published. The first period of three years is set by regulation to be 31 January 2007. Applications for premises licences will be able to be submitted after 21 May 2007. Premises licences will come into effect on 1 September 2007.

A2.3 The city council consulted widely upon this statement before it was agreed for publication by a meeting of the full city council on 24 January 2007. A list of those consulted is included as Appendix 1.

A2.4 The Act requires that the following people and bodies be consulted in the preparation or revision of the statement:

- The Chief Officer of Police;
- People and bodies representing the interests of persons in gambling businesses in the area;
- People and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

A2.5 It should be noted that this policy statement will not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

### A3. Declaration

A3.1 In preparing this Draft Statement of Principles, the city council has had regard to the licensing objectives of the Act, and the Guidance to Licensing Authorities issued by the Gambling Commission in April 2006. In producing the final policy statement, it has also had regard to the responses arising from the consultation on the draft statement.

### A4. Responsible Authorities

A4.1 The city council is required by regulations to state the principles it will apply in exercising its powers under section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

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

A4.2 In common with its practice under the Licensing Act 2003, the city council designates the Area Child Committee to advise on the protection of children from harm. The Responsible Authorities are therefore:

- The city council's Licensing Service
- The Gambling Commission
- The Metropolitan Commissioner of Police
- The London Fire and Emergency Planning Authority
- The Environmental Health Authority
- The Area Child Committee
- H.M. Revenue and Customs

A4.3 The Secretary of State has not, as yet, prescribed any further Responsible Authorities. The contact details of all the Responsible Authorities under the Act are available via the Council's website at: [www.westminster.gov.uk](http://www.westminster.gov.uk).

## A5. Interested parties

A5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in section 158 of the Act as follows:

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

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

A5.2 When determining whether a person is an interested party for the purposes of the Act the city council will not apply rigid rules but will apply the principle that ‘each case will be decided upon its merits’.

A5.3 In considering whether an interested party lives sufficiently close to the premises the following matters will be taken into account:

- The size of the premises.
- The nature of the premises.
- The distance of the premises from the habitual residence or workplace of the person making the representation.
- The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises).
- The circumstances of the complainants and their interests that may be relevant to the distance from the premises.

A5.4 In determining whether a person or organisation “has business interests” the authority will adopt the widest possible interpretation and include residents’ and tenants’ associations, trade associations, trade unions, partnerships, charities, faith groups and medical practices.

A5.5 The city council will regard bodies such as trade associations, trade unions and residents’ and tenants’ associations, and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The city council will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.

A5.6 In principle, the city council will allow any person to represent an interested party but it may seek to have it confirmed that the person genuinely represents the interested party. The city council will generally require evidence that a person/body (e.g. an advocate or relative) ‘represents’ someone. If persons representing interested parties are Councillors or Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.

A5.7 If individuals wish to approach Councillors to ask them to represent their views then those Councillors cannot sit on a Licensing Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Service for advice.

## A6. Exchange of Information

A6.1 The city council will act in accordance with the provisions of section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 1998 will not be contravened. The city council 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 Act. Should any protocols be established on information exchange with other bodies then they will be made available.

## A7. Enforcement

A7.1 The principles to be applied by the city council in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified, are stated below.

A7.2 The city council will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to avoid duplication with other regulatory regimes as far as possible and to be:

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

A7.3 The city council will also adopt a risk-based inspection programme. Whilst the Guidance suggests that the criteria the authority will utilise in this respect be included in this statement, this has not been possible at this stage. The Gambling Commission has published a consultation document on Licensing Compliance and Enforcement for the operating and personal licences that it will issue itself. It notes that there are special risks involved in gambling and that the Commission will conduct premises visits. It will work to minimise risk, taking into account impact and probability. It places emphasis on working with the industry in the run up period. The outcomes of risk assessments will be shared with the licensing authority and the operator but will otherwise be confidential. Reference is made to working with other regulators but local authorities are not specifically mentioned. The Commission has not yet published its risk criteria, nor have final regulations been issued on mandatory/default conditions although these have been consulted upon in draft form.

- A7.4 The main enforcement and compliance role for the city council will be to ensure compliance with the premises licences and other permissions which it itself grants. 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 city council, but should be notified to the Gambling Commission by the city council.
- A7.5 The city council will take into account the work and recommendations of the Better Regulation Executive on the regulatory functions of local authorities in developing its enforcement protocols and procedures. In line with the principle of transparency, the city council's enforcement and compliance protocols and written agreements and risk methodology will be available upon request to the Community Protection Department.

## A8. The city council's functions

- A8.1 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences.
  - Issue Provisional Statements.
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
  - Issue Club Machine Permits to Commercial Clubs.
  - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.
  - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
  - Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
  - Register small society lotteries below the prescribed thresholds.
  - Issue Prize Gaming Permits.
  - Receive and endorse Temporary Use Notices.
  - Receive Occasional Use Notices for betting at tracks.
  - Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange').
  - Maintain registers of the permits and licences that are issued under these functions.

Licensable activities are described in the Glossary at Appendix 2. It should be noted that local licensing authorities are not involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.



# PART B PREMISES LICENCES

## B1. General Principles

- B1.1 Premises licences will be subject to the requirements set out in the Act and its regulations, as well as specific mandatory and default conditions which will be detailed in regulations that have been consulted upon but have yet to be issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- B1.2 The city council notes the Gambling Commission's Guidance for local authorities (5.27) that "moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives". Also, section 153(2) of the Act specifically sets out that the licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide. This is reiterated in the Gambling Commission's Guidance (6.11) that unmet demand is not a criterion for a licensing authority in considering an application for a premises licence.

## B2. Premises

- B2.1 A premises is defined in the Act as including "any place". Different premises licences cannot apply in respect of a single premises for different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- B2.2 The city council takes particular note of the Gambling Commission's Guidance for local authorities which states that:
- licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. However, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
  - licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

B2.3 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The city council will regard “the premises” as the particular area in a building in which it is proposed that gambling will take place. Thus, a licence to use premises for gambling will only be issued in relation to premises when the relevant parts are ready to be used for gambling. The city council will decide on the basis of fact and degree whether premises are finished to the extent that they can be considered for a premises licence. The city council will have regard to the Gambling Commission’s guidance that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

### B3. Location

B3.1 The city council is aware that in considering the location of premises seeking premises licences, demand issues cannot be considered either at a citywide or more local scale. However, it considers location can be a major factor in terms of the licensing objectives. In line with the licensing objectives, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as the effect of crime and/or disorder on residents and on those working in and visiting the area. The city council will consider the benefits in achieving the gambling licensing objectives and to the betting public of the re-siting of premises and their extension.

B3.2 While being fully aware that persons under 18 cannot be admitted to gambling premises, the city council would, nevertheless, consider applications for new gambling premises that are in close proximity to schools should receive very careful consideration with regard to the potential for exposing children and young people to gambling. As regards the term “vulnerable persons”, it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. The city council will consider very carefully proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties and those with problem gambling or with alcohol or drug abuse problems.

B3.3 It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits in relation to the Gambling Commission’s Guidance, the licensing objectives and the Statement of Principles, with the opportunity given for the applicant to show how potential concerns can be overcome. Should any more specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.

## B4. Duplication with other regulatory regimes

B4.1 The city council will seek to avoid any duplication with other statutory and regulatory systems where possible, including planning. This authority will not consider whether an application for a premises licence is for a premises that is likely to be awarded planning permission or building regulations approval, in its consideration of it. Nor will it regard the granting of a licence as fettering its ability to consider planning applications independently on their planning merits.

## B5. Consideration of the Licensing objectives

B 5.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this city council has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

B5.2 The city council 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 is known to have high levels of crime or for the association of those involved in crime, the city council 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. Gambling premises, because they are frequently cash-based businesses, can afford opportunities for the commission of a variety of organised, opportunistic and situational crimes and the laundering of the proceeds of crime. They can provide places for the association of those involved in crime. Disputes over bets can be the cause of disorder. Some of these are related to the operation of gambling and are matters for the operating licence and the Gambling Commission. The city council will be mindful of any evidence that crime is occurring and take this into account in considering premises licences as well as notifying the Gambling Commission of its concerns. The city council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was sought and how threatening the behaviour was to those who experienced it, so as to make that distinction. Issues of nuisance cannot be considered in making decisions on the applications for premises licenses. However, extreme instances of public nuisance and persistent public nuisance can constitute disorder and criminal offences.

B5.3 The city council notes that the Gambling Commission has stated it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There may be a role for the city council in ensuring that gaming machines are of the appropriate category for the premises and the payouts and stakes conform to the requirement for that category of machine. There is, however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below (page 14).

B5.4 The city council has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at children, or advertised in such a way that makes them particularly attractive to children). The city council will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular categories of premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

## B6. Conditions

B6.1 Any conditions attached to licences will be:

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

B6.2 Certain matters are set out in the Act and may not be the subject of conditions.

These are:

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

B6.3 Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the city council will commonly consider utilising in order to pursue the licensing objectives. These may include such measures as the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; the supervision of gaming machines in non-adult gambling-specific premises; appropriate signage for adult only areas, etc. The city council will expect the licence applicants to offer their own suggestions as to ways in which the licensing objectives can be met effectively through the use of conditions.

B6.4 This authority will ensure that where Category C or above machines are on offer in premises to which children are admitted:

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

## B7. Adult Gaming Centres

B7.1 Adult gaming centres (AGCs) are a new category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. They will be able to make Category B3, B4, C and D gaming machines available to their customers. Gaming machines are a form of gambling which is attractive to children and AGCs will contain machines of a similar format to the Category D machines on which they are allowed to play. Because gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The city council, in considering premises licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to or gain access to the premises. They can also offer prize bingo. The limit on prizes has yet to be set in regulations.

B7.2 The city council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-barring schemes for individuals to bar themselves from premises.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

## B.8 (Licensed) Family Entertainment Centres (LFEC)

B8.1 LFECs must be operated by a person or body having an operating licence from the Gambling Commission (the Act also provides that there is a class of unlicensed Family Entertainment Centres that may be run by individuals or bodies not holding an operators licence). LFECs will be able to offer gaming machines in Categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres will contain machines of the Category D machines on which they are allowed to play. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The city council, in considering applications for LFEC premises licences will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. They can also offer prize bingo. The limit on prizes has yet to be set in regulations.

- B8.2 The city council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:
- CCTV.
  - Supervision of entrances/machine areas.
  - Physical separation of areas for Category C machines.
  - Location of entry.
  - Notices/signage.
  - Specific opening hours.
  - Self-barring schemes for individuals to bar themselves from premises.
  - Provision of information leaflets/helpline numbers for organisations such as GamCare.
  - Measures and training for dealing with children on the premises suspected of truanting.

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

- B8.3 The city council will refer to the Gambling Commission's guidance on any conditions that apply to operating licences covering the way in which the area containing the Category C machines should be delineated but may require further measures on physical separation and controls on entry. The city council must apply the mandatory conditions but will consider whether to exclude any of the default conditions that may be specified by regulation from the Secretary of State.
- B 8.4 Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission operator's licence or premises licence from the local licensing authority but do need to have a gaming machine permit as set out in section C below.

## B9. Casinos

- B9.1 The city council submitted a proposal for the ability to grant premises licences for two small or two large casinos to the Independent Casinos Advisory Panel. However, the Panel did not consider that Westminster should qualify to be recommended to the Secretary of State as a location of one of the initial 17 casinos to be permitted under the Act. A copy of this proposal can be found at [www.culture.gov.uk/cap/proposals/Westminster.pdf](http://www.culture.gov.uk/cap/proposals/Westminster.pdf).
- B9.2 If, at any time in the future, the city council area becomes enabled by the Secretary of State to grant a premises licence for a new-style casino, there are likely to be a number of operators which will want to run such casinos. In such situations, there must be a 'competition' under Schedule 9 of the Act. The city council will run such a competition in line with any regulations/codes of practice issued under the Act.
- B9.3 The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Guidance – paragraph 17.30). This further guidance will be considered by the city council when it is made available.

## B10. Bingo premises

B10.1 The city council is aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the city council once it is made available and it will consider the attachment of specific conditions on the physical layout of gambling premises in pursuit of the gambling objectives.

## B11. Betting machines in Betting Premises

B11.1 The city council takes note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for betting premises licences. The city council when considering the number/ nature/ circumstances of betting machines an operator wants to offer will follow the Gambling Commission's Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines.

## B12. "Tracks" including other sporting venues

B12.1 There are major indoor and outdoor venues in the City where a variety of sporting events take place. Under section 353 of the Act, "tracks" includes premises where a race or other sporting event takes place or is intended to take place. These may be subject to one or more than one premises licence, provided each licence relates to a specified area of the "track". As per the Gambling Commission's Guidance, the city council will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct and that children are excluded from gambling areas where they are not permitted to enter.

B12.2 There are conditions which the city council cannot attach to premises licences:

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

B12.3 The possibility of multiple licences at tracks is noted in Part 20 of the Gambling Commission's guidance. The city council will expect the applicant for a premises licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than Category D machines) are provided. (Children and young persons are not prohibited from playing Category D machines on a track.)

B12.4 Appropriate measures/licence conditions may cover issues such as those listed below. This list is not mandatory, nor exhaustive, and is merely indicative of examples of measures. The city council will expect applicants to offer their own measures to meet the licensing objectives:

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

B12.5 Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The city council notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds or seeks a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded.

B12.6 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.

B12.7 The city council awaits regulations setting out any specific requirements for applications for premises licences, but is in accord with the Gambling Commission's suggestion that licensing authorities will expect applicants to include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring"), pool betting, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

B12.8 The city council concurs with the Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.



## B13. Travelling Fairs

B13.1 It will fall to the city council to decide whether, where Category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

B13.2 The city council will also consider whether the applicant falls within the statutory definition of a travelling fair. The city council notes 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 fair occupying the land.

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

## B14. Door Supervisors

B14.1 The Guidance advises that licensing authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. It is noted that the door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do have to be SIA registered. While the Government has indicated that it does not intend to impose mandatory conditions requiring door supervision at casinos, it envisages the Gambling Commission proposing a code of practice which will include requiring the provision of supervision of entrances to prevent the admission of children. If there is to be such a requirement for door supervisors at casinos or bingo premises, or if the city council itself decided there was a need for door supervisors at particular gambling premises, it would insist that they were suitably qualified and seek that this should be to a standard equivalent to that required by the SIA. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

B14.2 For betting offices and other premises other than casinos and bingo premises, the operator and/or the city council may decide that supervision of entrances or machines is appropriate for particular cases. The authority will make door supervision a requirement only if there is clear evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

## B15. Provisional Statements

B15.1 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

## B16. Reviews

B16.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the city council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, would certainly not cause the city council to wish to alter/ revoke/ suspend the licence, or whether it is substantially the same as previous representations or requests for review:

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

The city council can also initiate a review of a licence for any reason which it thinks is appropriate.

## **PART C Permits/temporary & occasional use notice**

### **C1. Unlicensed Family Entertainment Centre (UFEC) gaming machine permits (Schedule 10 paragraph 7)**

- C1.1 Where premises do not hold a premises licence but wish to only provide gaming machines in Category D, there is no need for an operating licence from the Gambling Commission or a premises licence from the city council but a permit must be obtained from the city council. UFECs can provide Category D machines in which stakes are limited to 10p (or 30p for a prize in goods) and prizes of up to £5 cash (or £8 in goods) can be won. They can also, subject to grant of a permit, offer prize bingo. The limit on prizes for bingo has yet to be set in regulations. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (section 238).
- C1.2 In exercising our function in considering applications for UFEC gaming machine permits, we will set out the matters that we will take into account in determining the suitability of the applicant. Given that the premises will appeal to children and young people, we will want to give weight to child protection issues. Further information on the information that should be obtained from the applicant and others will be provided in the next version of the Guidance (para 24.6).
- C1.3 The city council will grant an application for a permit only if it is satisfied that the premises will be used as an unlicensed FEC, and following consultation with the Chief of Police. The city council will also require applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
  - that staff are trained to have a full understanding of the maximum stakes and prizes (para 24.7).
- C 1.4 It should be noted that the city council cannot attach conditions to this type of permit. However the city council has operated a policy limiting the number of such premises and sought to have its code of practice agreed as to their operation. This forms the basis of its policy on the consideration of applications for permits for unlicensed Family Entertainment Centres and Prize Gaming under the Act.

## Policy for Permits for Unlicensed Family Entertainment Centres and for Prize Gaming

- 1** Without prejudice to the consideration of individual applications on their merits, the issue of new prize gaming permits and unlicensed family entertainment permits shall be confined to premises situated in the 'Central Activities Zone and CAZ frontages' defined in the City of Westminster Unitary Development Plan.
- 2** That in consideration of individual applications for such permits, regard shall be had to the number of arcades/centres already existing in the vicinity of the premises which are the subject of the application.
- 3** In considering applications for permits regard will be had to the licensing objectives and in particular the protection of children and other vulnerable people.
- 4** The suitability of the applicant will be taken into account, and in considering this regard will be had to the extent to which they have complied with or are prepared to comply with other relevant regulatory regimes including any relevant byelaws.
- 5** The extent that the grant of a permit may affect the amenity of the area for residents, those who work or have business there and others who may visit the area will be taken into account.
- 6** Guideline numbers of permits:
  - (a) the guideline number of Unlicensed Family Entertainment Centres in the Central Activities Zone is eight; and
  - (b) the guideline number of Unlicensed Family Entertainment Centres outside the Central Activities Zone is four.
- 7** In coming to a reasonable decision as to the suitability of an applicant, the Licensing Sub-Committee will take into account, amongst other things, their understanding of the limits on stakes and prizes and whether the applicant is prepared to abide by the city council's code of practice.
- 8** Code of Practice
  - (a) Not to admit children under the age of 16 unless accompanied by a parent or guardian or adult family member;
  - (b) To close no later than midnight in the Central Activities Zone and 10pm outside the Central Activities Zone;
  - (c) To consult with the city council as to the location and numbers of machines in premises and to notify the city council of the arrangements prevailing and of any variation to those arrangements;
  - (d) To equip the premises with self-closing doors to mitigate the emission of noise;
  - (e) To display notices on all entrances to the premises which can be easily read by persons before entering, indicating:
    - (i) that the management reserves the right of admission and removal of persons from the premises;
    - (ii) that no person under 16 years of age will be admitted unless accompanied by an adult over the age of 21 years;
  - (f) To have sufficient staff on duty at all times the premises are open;
  - (g) To allow at all times any police officer and Council official on and in the premises to inspect the same and to check the ages of those admitted;
  - (h) To illuminate the premises brightly to provide easy surveillance by the staff on duty of the whole premises.
- 9** The Licensing Sub-Committee considering a renewal application when a permit expires will take into account, amongst other things, the permit holder's conduct and management of the premises throughout the previous period.
- 10** The Licensing Sub-Committee will be mindful that it is not bound by decisions on planning matters in considering the granting or renewal of permits.

## C2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

C2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of Categories C and/or D. The premises needs merely to notify the city council (accompanied by a prescribed fee), and comply with any relevant Codes of Practice issued by the Gambling Commission concerning location and operation of the gaming machines.

C2.2 The city council can remove the automatic authorisation in respect of any particular premises under section 284 if:

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

C2.3 If a premises wishes to have more than two machines then it needs to apply for a permit and the city council must consider that application based upon the licensing objectives, the guidance issued by the Gambling Commission under section 25 of the Act, and “such matters as they think relevant”. The city council 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, and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult-only gaming machines. The measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. The provision of information leaflets/helpline numbers for organisations such as GamCare near to machines will be taken as good practice for the protection of vulnerable persons. It should be noted that the city council can decide to grant a permit 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.

C2.4 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. As part of its consideration, the city council will take into account the number of machines applied for and whether this is appropriate to the premises and its effect on the nature of the premises.

### C3. Prize Gaming Permits – (Statement of Principles on Permits – Schedule 14 paragraph 8(3))

- C3.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Section 293 of the Act sets out the conditions for prize gaming. These include prescribed fees, it being carried out on one day and the result made available that day, prizes conforming to prescribed limits and that participation does not entitle a person to participate in other gaming. It may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.
- C3.2 The Act states that a city council may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the city council proposes to consider in determining the suitability of the applicant for a permit”.
- C3.3 Therefore the city council's Statement of Principles is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that s/he understand the limits to stakes and prizes that are set out in Regulations;
  - and
  - that the gaming offered is within the law.
- C3.4 In making its decision on application for this permit, the city council does not need to have regard to the licensing objectives but must have regard to the Gambling Commission's guidance.
- C3.5 It should be noted that there are conditions in the Act with which the permit holder must comply, but the city council cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in regulations (if a monetary prize), or the prescribed value (if non-monetary prize);
  - and
  - participation in the gaming must not entitle the player to take part in any other gambling.
- C3.6 The city council has operated a policy limiting the number of such premises. It will continue to operate this as the basis of its policy in the consideration of permits under the Act and prize gaming permits where required will only be granted in family entertainment centres.

## C4. Club Gaming and Club Machines Permits

- C4.1 Members clubs (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of Categories B, C or D), equal chance gaming, and games of chance as set-out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of Categories B4, C or D).
- C.4.2 The Gambling Commission Guidance states: “Members’ clubs must have at least 25 members and be established and conducted ‘wholly or mainly’ for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of the Royal British Legion and clubs with political affiliations”.
- C4.3 The Guidance also notes that “licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) the applicant’s premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police”.
- C 4.3 There is also a “fast-track” procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Gambling Commission’s Guidance for local authorities states: “Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced” and “The grounds on which an application under this process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled”.

## C5. Temporary Use Notices

C5.1 There are a number of statutory limits as regards temporary use notices. They can only be issued for a “set of premises” for 21 days in 12 months. They can only be issued to the holder of a relevant operating licence. The gambling uses that they may permit will be specified in regulations yet to be issued. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act, “premises” is defined as including “any place”. In considering whether a place falls within the definition of “a set of premises”, the city council will need to look at, amongst other things, the ownership/occupation and control of the premises. It will be likely to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.” The city council has the obligation to issue a counter notice if the number of days on which temporary use notices have been given exceed 21 days in a twelve month period for a single premise or set of premises.

## C6. Occasional Use Notices For Betting on Tracks

C6.1 The city council has very little discretion as regards these notices to accept bets at “tracks”, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The city council will, however, consider the definition of a “track” and whether the applicant is responsible for the administration of the “track” or is an occupier and therefore permitted to avail him/herself of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Westminster. If notices are given for a single track which would cause betting to occur for more than 8 days per year the city council has an obligation to issue a counter notice preventing such a breach occurring.



# Appendix 1

## List of Bodies consulted

Operators of Casinos in Westminster

British Casino Association

Ladbrokes

Coral

William Hill

Paddy Power

British Amusement Catering Trade Association (BACTA)

Individual operators of amusement arcades

Metropolitan Police

The London Fire and Emergency Planning Authority (LFEPA)

Recognised Amenity Societies

Members of Westminster's Entertainment Forum

## Appendix 2

### Glossary

#### **Adult Gaming Centres**

Adult gaming centres (AGCs) are a new category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B machines, any number of Category C machines, and any number of Category D machines. In regulations the Secretary of State will specify that the Category B machines should be restricted to Sub-Category B3 and B4 machines.

#### **Amusement arcades**

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

#### **Betting**

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

#### **Bingo**

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

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

#### **Casino**

"An arrangement" whereby people can participate in casino games.

#### **Casino Games**

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

## Categories of Casinos

	Minimum number of gaming tables	Minimum table gaming area sq.ms Section 7 (5) Regulations	Additional gambling area sq.ms Section 7 (5) Regulations	Minimum non gambling areas Proposed Mandatory conditions	Highest Categories of gaming machines permitted	Maximum stake/prize for gaming machines	Machine/table ratio	Max number of gaming machines
<b>Existing</b>	One	None	None	10% of total gaming area	B1	£2/£4000	None	20 B1 or unlimited C-D machines
<b>Small</b>	One	500	999 max	250 sq.ms	B1	£2/£4000	2:1	80
<b>Large</b>	One	1000	500 min 2499 maximum	500 sq.ms	B1	£2/£4000	5:1	150
<b>Regional</b>	40	1000	2500 minimum	1500 sq.ms	A	Unlimited/unlimited	25:1	1250

### Equal chance gaming

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

### Exempt activities

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

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

### Non-commercial Gambling

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

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

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

## Gambling

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

## Games of chance

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

## Gaming

Gaming means playing a game of chance for a prize.

## Gaming machines – Categories

DCMS has issued draft regulations for consultation proposing these categories This table sets out the current proposals for the different categories with the maximum stakes and prizes that apply. This could be subject to change and will be updated in due course.

CATEGORY	MAXIMUM STAKE	MAXIMUM PRIZE
A	Unlimited	Unlimited
B1	£2	£4000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 or £8 when non-monetary prize

## Gaming Machines by Premises Type

Type	Gaming Tables (Minimum)	Gaming Machines
Regional Casino	40	25 gaming machines for each table available for use Category A to D Maximum of 1,250 machines
Large Casino	1	5 gaming machines for each table available for use Category B1 to D Maximum of 150 machines
Small Casino	1	2 gaming machines for each table available for use Category B1 to D Maximum 80 machines
Existing 1968 Act casino premises	No machine/table ratio	Maximum 20 machines Category B1 to D or unlimited Category C and D machines instead
Bingo Premises	n/a	4 gaming machines Category B3 to B4 Unlimited Category C and D machines
Betting Premises	n/a	4 gaming machines Category B2 to D
Track Betting Premises where pool betting licence held	n/a	4 gaming machines Category B2 to D
Adult Gaming Centre	n/a	4 gaming machines Category B3 to D Unlimited Category C and D
Family Entertainment Centre with operating licence	n/a	Unlimited gaming machines Category C and D
Family Entertainment Centre with gaming permit	n/a	Unlimited gaming machines Category D
Members' Club Premises or miners' welfare institute	n/a	3 gaming machines Category B4 to D
On Sales Alcohol Licensed Premises without food restriction	n/a	2 Category C and D gaming machines by notification Unlimited Category C and D gaming machines may be granted with permit
Travelling fairs	n/a	Unlimited gaming machines Category D

**Licensed Family Entertainment Centres**

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

**Lottery**

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

**Unlicensed Family Entertainment Centres**

These premises can provide Category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo. The limit on prizes has yet to be set in regulations.

## Appendix 3

### BYELAWS:

#### PLEASURE FAIRS (AMUSEMENT PREMISES)

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

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

#### **Regulation of opening hours**

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

### **Provision for safe ingress and egress**

5. (1) The manager shall take such steps as are reasonably practicable to ensure that there are provided such entrances and exits to the amusement premises as will enable persons using the amusement premises (including disabled persons) to be safe and free from risks to health and while such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.
- (2) The manager shall cause to be exhibited over each exit from the amusement premises a notice bearing the word 'EXIT' in letters of sufficient size to ensure it is legible at the maximum viewing distance.
6. No person shall place or cause to be placed any obstruction in any exit or gangway provided in accordance with these byelaws while any persons are using the amusement premises.

### **Nuisances, sanitary conditions, cleanliness, order and public safety**

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

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

#### **Fire protection**

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

#### **Penalty**

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

#### **Defence**

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



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