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DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: **Licensing Acts Committee**

Date: **Wednesday 9 July 2025**

Time: **6.30 pm**

Venue: **39 Castle Quay, Banbury, OX16 5FD**

Membership

Councillor Rebecca Biegel (Chair)

Councillor Phil Chapman
Councillor Andrew Crichton
Councillor Lesley McLean
Councillor Robert Parkinson
Councillor John Willett

Councillor Fiaz Ahmed (Vice-Chair)

Councillor Nick Cotter
Councillor Dr Henry Elugwu
Councillor Ian Middleton
Councillor Chris Pruden
Councillor Barry Wood

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interests and the nature of that interest which they may have in any of the items under consideration at this meeting.

3. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

4. Minutes (Pages 5 - 6)

To confirm as a correct record the Minutes of the meeting of the Committee held on 21 May 2025.

5. Chair's Announcements

To receive communications from the Chair.

6. Gambling Act Statement of Licensing Policy 2025 (Pages 7 - 44)

Report of Health Protection, Compliance and Licensing Manager

Purpose of report

To consider the Draft Gambling Act 2005 Policy, with amendments made following consultation on the policy from January 12 2025 to February 14 2025.

Recommendations

The Licensing Acts Committee resolves:

- 1.1 To approve the draft policy and recommend adoption at Full Council.

Councillors are requested to collect any post from their pigeon hole in the Members' Lounge at the end of the meeting.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

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Queries Regarding this Agenda

Please contact Aaron Hetherington / Patrick Davis, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Tuesday 1 July 2025

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Cherwell District Council

Licensing Acts Committee

Minutes of a meeting of the Licensing Acts Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 21 May 2025 at 7.30 pm

Present:

Councillor Rebecca Biegel (Chair)
Councillor Fiaz Ahmed (Vice-Chair)
Councillor Andrew Crichton
Councillor Dr Henry Elugwu
Councillor Lesley McLean
Councillor Ian Middleton
Councillor Robert Parkinson
Councillor Chris Pruden
Councillor Barry Wood

Apologies for absence:

Councillor Phil Chapman
Councillor Nick Cotter
Councillor John Willett

1 Appointment of Chairman for the municipal year 2025/2026

It was proposed by Councillor Crichton and seconded by Councillor Pruden that Councillor Biegel be appointed Chair of the Licensing Acts Committee for the municipal year 2025/2026.

There were no further nominations.

Resolved

- (1) That Councillor Rebecca Biegel be appointed Chair of the Licensing Acts Committee for the municipal year 2025/2026.

2 Appointment of Vice-Chairman for the municipal year 2025/2026

It was proposed by Councillor McLean and seconded by Councillor Wood that Councillor Ahmed be appointed Vice-Chair of the Licensing Acts Committee for the municipal year 2025/2026.

There were no further nominations.

Resolved

- (1) That Councillor Fiaz Ahmed be appointed Vice-Chair of the Licensing Acts Committee for the municipal year 2025/2026.

The meeting ended at 7.32 pm

Chair:

Date:

This report is public	
Gambling Act Statement of Licensing Policy 2025	
Committee	Licensing Acts Committee
Date of Committee	9 July 2025
Portfolio Holder	Portfolio Holder for Safer Communities, Councillor Robert Parkinson
Date Portfolio hold agreed	11 June 2025
Report of	Health Protection, Compliance and Licensing Manager, Jan Southgate

Purpose of report

To consider the Draft Gambling Act 2005 Policy, with amendments made following consultation on the policy from January 12 2025 to February 14 2025.

1. Recommendations

The Licensing Acts Committee resolves:

- 1.1 To approve the draft policy and recommend adoption at Full Council.

2. Executive Summary

- 2.1 The Gambling Act 2005 requires that Local Authorities review their Gambling Act 2005 Statement of Licensing Policy every 3 years. The Council last reviewed its policy in 2022 when it was accepted by full Council and published. During the latest required review changes were made to the population figures in the policy. This policy was then put out for public and trade consultation from the 12 January 2025 until the 14 February 2025. Representations received have been considered and some amendments made to the policy post consultation, see Appendix 2 for consultation responses and Appendix 3 for summary of changes.

Implications & Impact Assessments

Implications	Commentary
Finance	There are no financial implications arising from the amendments made to the Draft Gambling Act 2005 Policy. Kelly Wheeler, Finance Business Partner, 11 March 2025
Legal	The report clearly sets out the statutory basis for the Statement of Policy along with the review and sets out the legal requirements in relation to the Policy.

	<p>The policy itself sets out the key legislative requirements for the policy and the aims of the Council in implementing the policy. Appendix 3 provides a detailed breakdown of the proposed changes and why they are required.</p> <p>There are no legal implications arising directly as a result of this report, but legal services will provide assistance where required to implement and enforce the policy if adopted.</p> <p>It should also be noted that the Council holds a gambling licence itself, and should therefore ensure that it complies with this policy at all times.</p> <p>Denzil – John Turbervill, Head of Legal Services. 12 March 2025</p>			
Risk Management	<p>There are no risk implications arising directly from this report. The revise policy, however, is a mitigating action to avoid the risk of becoming not compliant with the Gambling Act 2005.</p> <p>Celia Prado-Teeling, Performance & Insight Team Leader, 18 March 2028</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		/		N/A
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		/		N/A
Climate & Environmental Impact		/		N/A
ICT & Digital Impact		/		N/A
Data Impact		/		N/A
Procurement & subsidy		/		N/A
Council Priorities	N/A			
Human Resources	N/A			
Property	N/A			

Consultation & Engagement	Consultation was undertaken from the 12 January to the 14 February 2025
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Supporting Information

3. Background

- 3.1 Under the Gambling Act 2005, a regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting which is regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.
- 3.2 Cherwell District Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling is to take place, and to licence other activities (such as registering small society lotteries).
- 3.3 All local authorities are required by the Gambling Act 2005 to have and publish a Gambling Act 2005 Statement of Policy, which the Act states must be reviewed every 3 years. The review required this year has involved some changes to the policy pre and post consultation, the summary of changes can be found in Appendix 3. The Council's policy has consideration for the guidance issued by the Gambling Commission and the licensing objectives contained in the Gambling Act 2005.

4. Details

- 4.1 Pre-consultation minor amendments were made to the Council's Gambling Act 2005 Statement of Policy, these amendments were to the Council's population figure and to add a link to a district map. The policy was then put out for public and trade consultation. Responses were received to the consultation of the policy, and these were considered and additional amendments made to the policy, the draft policy in Appendix 1 includes the changes made and Appendix 3 provides a summary of these. The changes made to the policy do not amount to a change in approach by the Licensing department and do not place additional requirements or costs on applicants or license holders.

5. Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Make no amendments and reject consultation responses. Changes accepted following consultation make minor changes to wording to make some requirements clearer. Also inserts an option for premises which have still to be constructed or altered, which case law has made clear should be available to the applicant.

6 Conclusion and Reasons for Recommendations

- 6.1 Recommend that draft is approved for presentation at Full Council, as above the changes bring the policy more up to date and some wording amendments makes certain duties on licensees clearer. And clarifies the council's decision making, which must be in accordance with s153 of the act when determining licence applications.

Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Draft Gambling Act 2005 Statement of Policy
Appendix 2	Consultation responses
Appendix 3	Summary of changes
Background Papers	None
Reference Papers	The Gambling Commission's guidance for licensing authorities April 2023: https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities
Report Author	Jan Southgate, Health Protection, Compliance and Licensing Manager
Report Author contact details	Jan.southgate@cherwell-dc.gov.uk 01295 227906
Corporate Director Approval	Corporate Director for Communities, 11 June 2025



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

APPENDIX 1

Cherwell District Council

Gambling Act 2005

Policy Statement

This Statement of Principles Post Consultation **Cherwell District Council** 2025

Revisions

Version	Date	Author
Dv01	3 August 2018	EC Draft
Dv02	17 August 2018	NS Draft
Dv03	3 September 2018	NS Draft
Dv04	15 November 2018	NS Post Consultation
Dv05	17 December 2018	NS Full Council
Dv06	22 October 2021	RR Draft
Dv07	26 November 2024	JS Draft
DV08	March 2025	JS Post Consultation

Cherwell District Council Statement of Principles Gambling Act 2005

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PART A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as 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
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives and
 - In accordance with the authority’s statement of licensing policy

2. Introduction

- 2.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 2.2 The Council will consult widely on this statement before finalising and publishing it. A list of Cherwell’s partners is provided in Annex 1. A list of the persons/organisations that we are consulting is provided in Annex 2.
- 2.3 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area; and
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 2.4 Should you have any comments about this policy statement, please send them by email to: licensing@cherwell-dc.gov.uk

- 2.5 It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

- 3.1 When producing the final statement, this licensing authority declares that it will have regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1 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.
- 4.2 This authority designates the Oxfordshire Safeguarding Children Board for this purpose.
- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website, please see Annex 1.

5. Interested Parties

- 5.1 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 follows:

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

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) Has business interests that might be affected by the authorised activities, or
- c) Represents persons who satisfy paragraph (a) or (b)"

- 5.2 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 as follows.
- 5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 5.4 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 likely to be affected. Likewise, parish councils likely to be affected

will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.5 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 Cherwell District Council Licensing department.

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 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 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority 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.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- the licensing objectives
 - relevant codes of practice
 - guidance issued by the Gambling Commission
 - the principles set out in this statement of principles.

- 7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission, the Primary Authority (if applicable) and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.7 This licensing authority also keeps itself informed of developments as regards the work of the Department for Business, Energy & Industrial Strategy in its consideration of the regulatory functions of local authorities.
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing team (see Annex 1 for relevant contact details).

8. Licensing authority functions

- 8.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
 - issue Provisional Statements
 - regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issue Club Machine Permits to Commercial Clubs
 - grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register *small society lotteries* below prescribed thresholds
 - issue Prize Gaming Permits
 - receive and Endorse *Temporary Use Notices*
 - receive Occasional Use Notices
 - provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
 - maintain registers of the permits and licences that are issued under these functions
- 8.2 It should be noted that licensing authorities are not to be involved in licensing remote gambling as this is regulated by the Gambling Commission via operating licences.

PART B: PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

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

(i) Decision-making

- 1.2 This licensing authority is aware that in making decisions about premises licences, including licence conditions, it should aim to permit the use of premises for gambling if it believes it is in accordance with the following:

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

- 1.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (with the exception of the casino resolution powers).

(ii) Definition of "premises"

- 1.4 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

- 1.5 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling where they are prohibited from participating in but also preventing them from being in close proximity to gambling activities where they are prohibited from participating in. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity names on the premises licence.

- 1.6 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include whether:

- the premises have a separate registration for business rates;
- the premises' neighbouring premises are owned by the same person or someone else?
- the premises can be accessed from the street or a public passageway?
- the premises can only be accessed from any other gambling premises?

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

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

- 1.8 The Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

- 1.9 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 1.10 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. Operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and the licensing authority will determine any such applications on their merits. Such cases will be considered in a two stage process; first, the licensing authority will decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application the licensing authority will consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.11 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
- first, whether the premises ought to be permitted to be used for gambling;
 - second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.12 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 1.13 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

(iv) Location

- 1.14 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 are relevant to its decision-making. 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. This authority has the option of adding conditions to a premises licence to address any such concerns.

(v) Planning:

- 1.15 This authority will not take into account irrelevant matters as per the Gambling Commission guidance.

(vi) Duplication with other regulatory regimes

- 1.16 This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.17 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire

or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.18 Licensing Objectives

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

- 1.19 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.
- 1.20 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document.
- 1.21 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling they are prohibited from participating in (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, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 1.22 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.
- 1.23 Conditions
Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 1.24 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to a way in which the licensing objectives can be met effectively.
- 1.25 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Gambling Commission's Guidance.

- 1.26 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised; supervision can be via CCTV providing the CCTV is monitored by one or more persons whose responsibilities include ensuring under 18s do not enter the areas.
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

- 1.27 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.

- 1.28 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- 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 Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
 - conditions in relation to stakes, fees, winning or prizes.

1.29 Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

- 1.30 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

2. Adult Gaming Centres

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

2.2 This licensing authority may consider measures to meet the licensing objectives 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-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres

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

3.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff on how to deal with children that are not endowed with authority to be absent from school and on the premises, this includes electively home schooled and excluded children.

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

3.3 This licensing authority will, as per the Gambling Commission's guidance, 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.

4. Casinos

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

5. Bingo premises

5.1 This licensing authority will satisfy itself that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo

premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

- 5.2 This authority also notes the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted.

6. Betting premises

- 6.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

- 7.1 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 especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas on days that schools are not open to pupils and 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.
- 7.3 This licensing authority may consider measures to meet the licensing objectives 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-exclusion schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 7.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 7.5 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

- 7.6 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.
- 7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 7.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 7.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 7.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling fairs

- 8.1 This licensing authority is responsible for deciding 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.
- 8.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, 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 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;

- expects to be altered; or
 - expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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.
- 9.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 10.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 10.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 10.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

- 10.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are to:
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 10.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 10.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 10.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

1. Unlicensed family entertainment centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 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 (Section 238).
- 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.

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

Statement of Principles This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards to children that are not endowed with authority to be absent from school and on the premises this includes electively home schooled and excluded children, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

Automatic entitlement: 2 machines

- 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 and pay the prescribed fee.
- 2.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
 - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the 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);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

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

- 2.4 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff 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.
- 2.5 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.
- 2.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize gaming permits

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.
- 3.3 In making its decision on 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 (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

4. Club gaming and Club Machines Permits

- 4.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The 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.

- 4.2 Members clubs and miners' welfare institutes – and also commercial clubs – may apply for a Club Machine Permit. A Club 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.
- 4.3 The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.
- 4.4 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.
- 4.5 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). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.
- 4.6 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.

5. Temporary use notices

- 5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in the Gambling Commission Guidance to Licensing Authorities. 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 licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.5 This licensing authority expects 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, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional use notices (OUNs)

- 6.1 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. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

7. Small society lotteries

- 7.1 This licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
 - submission of incomplete or incorrect returns;
 - breaches of the limits for small society lotteries.
- 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:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting, athletic or cultural activities.
- 7.3 Charities and community groups should contact Cherwell District Councils licensing department.

PART D: ANNEXES

Annex 1: List of Local Authorities and other Partners

Cherwell District Council

Bodicote House
Bodicote
Banbury
OX15 4AA
TEL: 01295 753738
licensing@cherwell-dc.gov.uk

Oxfordshire Fire and Rescue Service

Oxfordshire Fire and Rescue Service
Headquarters
Sterling Road
Kidlington
Oxfordshire OX2 2DU
TEL: 01865 891189

<https://www.oxfordshire.gov.uk/cms/public-site/fire-and-rescue-service>

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP
TEL: 01212306666
info@gamblingcommission.gov.uk

Oxfordshire Safeguarding

Oxfordshire Safeguarding Board
Officer
3rd Floor County Hall
New Road
Oxford OX5 2NX
<http://www.oscb.org.uk/>

Thames Valley Police

Licensing Department
Thames Valley Police
E Block HQ South
165 Oxford Road
Kidlington
Oxfordshire OX5 2NX
TEL: 0845 8505505

<http://www.thamesvalley.police.uk/>

H M Revenue & Customs

Holland House
20 Oxford Road
Bournemouth
BH8 8DZ

www.hmrc.gov.uk

The Planning Authority

Bodicote House
Banbury
OX15 4AA
TEL: 01295 753738

planning@cherwell-dc.gov.uk

Annex 2: List of Consultees on the original Statement of Principles

(Please note not all consultees listed below will be reconsulted in all subsequent policy reviews)

- Association of British Bookmakers Warwick House, 25 Buckingham Palace Road, London, SW1W 0PP
- British Beer and Pub Association, Market Towers, 1 Nine Elms Lane, London, SW8 5NQ
- Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP
- HM Revenue and Customs, Holland House, 20 Oxford Road, Bournemouth, BH8 8DZ
- Thames Valley Police, Thames Valley Police Headquarters, Oxford Road, Kidlington, Oxon, OX5 2NX
- Oxon PCC, The Farmhouse, Thames Valley Police Headquarters, Oxford Road, Kidlington, Oxon, OX5 2NX
- Oxon Safeguarding Childrens Board, 3rd Floor, Oxfordshire County Council, County Hall, New Road, Oxford, OX1 1ND
- Oxon Safeguarding Adults Board, 3rd Floor, Oxfordshire County Council, County Hall, New Road, Oxford, OX1 1ND
- Bingo Association, 75 High Street North, Dunstable, LU6 1JF
- Gamcare, 1st Floor, CAN Mezzanine Old Street, London, N1 6AH
- BACTA, 134-136 Buckingham Palace Road, London, SW1W 9SA
- Public Health Oxfordshire, Public Health Team, OCC, County Hall, New Road, Oxford, OX1 1ND
- Parish Councils
- District Councillors
- Health Protection
- Environmental Protection
- Licensed premises

Annex 3: Local Area Profile

Gambling Act Local Area Profile – Cherwell District Council

Cherwell is predominantly a rural district with 3 main towns; Banbury, Bicester and Kidlington. At the last census in 2021 the population was 161,000 with around 63% of that number living in the 3 main towns. A district area map is available at: <https://www.cherwell.gov.uk/downloads/download/975/district-map>

The licensing authority does not have any information that there are specific issues around gambling at present.

The licensing authority would recommend that the following matters are considered by operators when preparing their local risk assessment:

- the location of the premises to services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the vicinity of the premises to gambling or addiction support or treatment centres where children or vulnerable groups may be present;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, service tills, refreshment and entertainment type facilities;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder;
- local risk assessments should show how vulnerable people, including people with gambling dependencies are protected including the use of Information held by the licensee regarding self- exclusions and incidences of underage gambling.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

The Licensing Authority expects a current copy of the Local Risk Assessment to be kept at the licensed premises.

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Appendix 2 Gambling Act Policy consultation summary

Consultation Date: 12th Jan-14th February 2025

Representations

Response

<p>1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the Act) it is subject to the Regulators' Code. That Code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. The draft references the "relevant codes of practice" under the sections titled Enforcement (para 7 of Part A) and General Principles (para 1 of Part B), which we believe might be to the Regulators' Code. However, that Code has much broader application than those detailed within the Draft. We suggest it would be helpful to include reference to the Code and the above obligations within the Draft.</p>	<p>Section 7 Enforcement already sets out the Licensing Authorities principles and endeavours to be proportionate, accountable, consistent, transparent and targeted. All of which help to reduce unnecessary impacts on those it regulates.</p>
<p>2. Para 1.1 of Part B – This para states the Authority is able to exclude default conditions and also attach others, "<i>where it is believed to be appropriate</i>". The Gambling Commission's guidance on this is that the Authority "<i>must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission's codes of practice and this guidance, or</i></p>	<p>Added wording to make clear any decision on conditions are made in accordance with the decision making set out in 1.2.</p>

<p><i>their own statement of policy. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions”</i> (see para 9.28 of the Gambling Commission’s Guidance for Licensing Authorities). We suggest that this wording is utilised within this para 1.1 to reiterate the Authority’s aim to permit and clarify when default conditions are excluded, or other conditions are attached.</p>	
<p>3. Para 1.5 of Part B (bullet point 1) – The legislation permits children to gamble in some situations on Category D gaming machines, as acknowledged with the use of <i>“where they are prohibited from participating”</i> within this para 1.5. We suggest this para 1.5 should be amended to clarify this further and acknowledge that children are permitted to gamble in these situations. For example, <i>“In practice that means not only preventing them from taking part in gambling”</i> should be removed, and <i>“where they are prohibited from participating”</i> should be repeated after <i>“close proximity to gambling”</i>.</p>	<p>Bullet point reworded to make requirement clear: • <i>the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling where they are prohibited from participating in but also preventing them from being in close proximity to gambling activities where they are prohibited from participating in. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.</i></p>
<p>4. Para 1.10 of Part B - For clarity, we refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then guidance issued by the Gambling Commission was wrong. The Guidance was subsequently amended (please see para 7.59 of the of the Gambling Commission’s Guidance for Licensing Authorities). As such, we suggest that the wording of this para be amended to make it clear that applications for premises licences can be made regardless of whether the building in question is complete or finished or needs to be altered. An applicant may apply for a provisional statement if the building is not complete, but it does not</p>	<p>Added the following to the end of 1.10 of Part B, to make it clear an application can be made. Wording taken from the Gambling Commission Guidance to Local Authorities: <i>Operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and the licensing authority will determine any such applications on their merits. Such cases will be considered in a two stage process; first, the licensing authority will decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application the licensing authority will consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.</i></p>

have to do so and can instead apply for licence.	
5. Para 1.12 of Part B – With respect, the current drafting for this para may be misinterpreted. S153 of the Gambling Act 2005 (the “Act”) sets out that licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it: in accordance with any relevant codes of practice and guidance of the Gambling Commission; reasonably consistent with the licensing objectives; and in accordance with the Authority’s statement. We suggest this para should be amended to reflect the Authority’s ‘aim to permit’ obligation.	<p>Added wording as follows:</p> <p>1.2 This licensing authority is aware that in making decisions about premises licences, including licence conditions, it should aim to permit the use of premises for gambling if it believes it is in accordance with the following:</p> <ul style="list-style-type: none"> • in accordance with any relevant code of practice issued by the Gambling Commission; • in accordance with any relevant guidance issued by the Gambling Commission; • reasonably consistent with the licensing objectives; and • in accordance with the authority’s statement of licensing policy.
6. Para 1.21 of Part B – As set out in bullet point 3 above, preventing children from taking part in gambling does not apply to Category D gaming machines. We suggest this para 1.21 is amended to reflect this exception.	Added wording to 1.21: <i>prohibited from participating in</i> to sentence as this is consistent with previous reference used in 1.5.
7. Para 1.26 of Part B (bullet point 3) – Para 7.27 of the Gambling Commission’s Guidance for Licensing Authorities states that access to the area where the machines are located is supervised by either: “ <u>one or more persons whose responsibilities include ensuring that under- 18s do not enter the areas; or CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas</u> ”. We suggest that para 1.26 is amended to clarify that supervision includes CCTV.	<p>Supervision via CCTV added, wording for CCTV monitoring requirement taken directly from Gambling Commission LA guidance, additional wording added to bullet point in italic:</p> <ul style="list-style-type: none"> • access to the area where the machines are located is supervised; <i>supervision can be via CCTV providing the CCTV is monitored by one or more persons whose responsibilities include ensuring under 18s do not enter the areas.</i>
8. Para 3.2 of Part B (bullet point 9) – The third licensing objective of the Act is to protect children and other vulnerable people from being harmed or exploited <u>by gambling</u> . The obligations placed on the applicant in para 3.2 go beyond this licensing objective. We suggest this para should be removed.	The following is already stated after the bullet points in 3.2: <i>This list is not mandatory, nor exhaustive, and is merely indicative of example measures</i> . It is therefore clear these are not obligations placed, but rather promotion of examples of good practice, so should remain.
9. Para 10.7 of Part B – This para correctly identifies s153 of the Act, but it would be useful to specifically refer to the ‘aim to permit’ language from the Act to reiterate the Authority’s aim to permit obligation	Reference is made in 10.7 to the principles set out in section 153 of the act, addition of “aim to permit” not deemed necessary.

<p>10. Annex 1 of Part D – The Draft does not include an authority in relation to pollution to the environment or harm to human health. This authority should be added within annex 1.</p>	<p>Authorities relevant to pollution and human health are already included as consultees in Annex 2- Annex 2: List of Consultees on the original Statement of Principles. These were consulted during this consultation. No change required.</p>
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Appendix 3 Gambling Act Policy 2025 – Summary of Changes

Section	Change	Notes
Annex 3	Amendment to district population taking data from most recent census.	Done pre-consultation.
Annex 3	Added link to district map.	Done pre-consultation.
Part B 1.5	Reworded first bullet point to make it clear what gambling activities children must not be in close proximity to:	<p>Old Wording:</p> <ul style="list-style-type: none">the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating; <p>New wording:</p> <ul style="list-style-type: none"><i>the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling where they are prohibited from participating in but also preventing them from being in close proximity to gambling activities where they are prohibited from participating in. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.</i>
Part B 1.26	Added wording for CCTV monitoring of access to areas with category C or above machines to bullet point 3.	<p>Old wording:</p> <ul style="list-style-type: none">access to the area where the machines are located is supervised <p>New Wording :</p> <ul style="list-style-type: none"><i>access to the area where the machines are located is supervised; supervision can be via CCTV providing the CCTV is monitored by one or more persons whose responsibilities include ensuring under 18s do not enter the areas.</i>
Part B 1.2	Amended wording to make clear licence conditions are considered with the decision making of licences.	<p>Old wording:</p> <p>1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:</p> <p>New wording:</p> <p><i>1.2 This licensing authority is aware that in making decisions about premises licences, including licence conditions, it should aim to permit the use of premises for gambling if it believes it is in accordance with the following:</i></p>
Part B 1.1	Added wording to make clear any exclusion or adding of conditions will be made in	<p>Old wording:</p> <p>1.1 Premises licences are subject to the requirements set out in the Gambling Act</p>

	accordance with the decision making set out in 1.2	<p>2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.</p> <p>New wording:</p> <p>1.1 <i>Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate and in accordance with the decision making set out below.</i></p>
Part B 1.21	Added phrase "prohibited from participating in" to reflect cat D machines are not prohibited to be used by under 18s. Cat D machines include crane grabs/drop penny machines.	<p>Old wording:</p> <p>1.21 Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance 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, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.</p> <p>New wording:</p> <p>1.21 <i>Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling they are prohibited from participating in (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, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.</i></p>
1.10 Part B	Added additional wording to make clear an application can be made	<p>Old wording:</p> <p>1.10 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a</p>

		<p>provisional statement should be made instead.</p> <p>New Wording:</p> <p><i>1.10 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. Operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and the licensing authority will determine any such applications on their merits. Such cases will be considered in a two stage process; first, the licensing authority will decide whether, as a matter of substance after applying the principles in s.153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application the licensing authority will consider if appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.</i></p>

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