



**West Devon
Borough
Council**

DRAFT

Statement of Principles

Under the Gambling Act 2005

**FOR THE PERIOD OF JANUARY 2016 TO
JANUARY 2019**

Approved by Full Council on XXXXXXXXXX

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Foreword

This document sets out a Statement of Principles (Licensing Policy) which will guide the Licensing Authority for the period of 2013 – 2016 when considering applications under the Gambling Act 2005.

This is the fourth review of our Policy, and following public consultation, the Council adopted this Statement of Principles on XXXXXXXXXXXXX.

West Devon Borough Council Equality Vision

We are committed to acknowledging the full diversity of our community and to promoting equality of opportunity for everyone in policy making, service delivery, employment practice, regulation and enforcement.

If you have any questions or queries about this document:

Write to us at:

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West Devon Borough Council
Kilworthy Park
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Or contact us by fax or email or via our website on:

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Fax: 01822 813 731
Email: licensing@westdevon.gov.uk
Website: www.westdevon.gov.uk

This document can be made available in large print, Braille, tape format or in other languages upon request.

STATEMENT OF PRINCIPLES

Text in the shaded boxes within this Statement of Principles are advisory only intended to give assistance to applicants, interested persons and responsible authorities.

Part A

1 The Licensing Objectives

1.1 The Licensing Authority has a duty under the Gambling Act 2005 to carry out its licensing functions in a manner which is consistent with three licensing objectives. The relevant licensing objectives are:

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

1.2 This Licensing Authority particularly notes the Gambling Commission's Guidance 5.34) to local authorities that:

"Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a Licensing Authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)."

Applicants are also advised to note Part B of this Statement of Principles:-
Premises Licences – General Principles.

2 Introduction

2.1 The Act gives licensing authorities a number of important regulatory functions. The main functions are:-

- license premises for gambling activities;
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.

Current details of the different categories of gaming machines, including the limits on stakes and prizes, can be found in Appendix D.

- 2.1 This Statement of Licensing Principles is written pursuant to the provisions of the Act and the Guidance issued under s.25 of the Act by the Gambling Commission.
- 2.2 All references to 'the Guidance' refer to the Gambling Commissions Guidance to licensing authorities 5th Edition due to be published imminently
- 2.3 The Statement takes effect on 31 January 2016.

The Statement of Principles was approved at a meeting of Council on XXXXXX and was published via our website on XXXXXX. A paper copy of the Policy may be viewed during normal office hours at the offices of West Devon Borough Council, Kilworthy Park, Tavistock, PL19 0BZ.

Should you have any comments to make regards this Statement, please write to us at the above address or email licensing@westdevon.gov.uk

It should be noted that this Statement 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 Act.

3 Description of the Licensing Authority Area



- 3.1 West Devon is one of the largest, geographical local authorities in England with a rural area of 458 square miles, or 1160 square kilometres.
- 3.2 The Borough extends from the northern outskirts of Plymouth to within 13 kilometres of Exeter. Its western boundary is the River Tamar on the Cornish border, from which it stretches eastwards and northwards to encompass a major part of the Dartmoor National Park (520 square kilometres).
- 3.3 With its historic market towns and beautiful countryside, West Devon is a highly desirable area in which to live.
- 3.4 Being predominantly rural in nature; West Devon has a population of 54,000 as measured in the 2011 Census. The largest towns are Tavistock and Okehampton, with populations of 12,280 and 7,647 respectively (National Census 2011) however, nearly 66% of the population of West Devon live outside of these two settlements.
- 3.5 The Borough has a higher proportion of older people than the national average, with a small but steady outward migration of younger people.
- 3.6 At the time of preparing this Policy (August 2015), the Authority has responsibility for 3 betting shops, located in the towns of Tavistock and Okehampton. West Devon currently has 267 licensed premises and members clubs under the Licensing Act 2003, some of which have notifications for gaming machines or hold club machine permits.
- 3.7 The corporate priorities are to promote “Homes, Economy, Community Life and the Environment”.

3.8 Local Area Profile

- 3.8.1 The Gambling Commission recommends that the Licensing Authority completes its own Local Area Profile to ‘map out’ local areas of concern, to develop a better awareness of the local area and risks. It is recommended that when considering risks, possible future emerging risks are taken into consideration, as well as current risks.
- 3.8.2 An effective local area profile will take into account a wide range of factors, data and information held by the Licensing Authority and its partners. An important element would include proactive engagement with Responsible Authorities as well as other organisations in the area that can give input to ‘map’ local risks in the area.
- 3.8.3 Due to the wide range of information required to input into such a profile, this Authority is not currently in a position to publish and consult upon a draft Local Area Profile. However, this will be reviewed and if such a Profile is developed it will be consulted upon and any information that may assist in its production would be welcomed.

3.9 Better Businesses for All (BBfA)

- 3.9.1 West Devon Borough Council are fully committed to the Devon and Somerset Better Business for All (BBfA) Regulatory Services Partnership, which is endorsed by the Better Regulatory Delivery Office (BRDO), part of the Department for Business, Innovation and Skills (BIS). The purpose is to build a local partnership between businesses and regulators across Devon and Somerset to promote economic

prosperity, whilst maintaining public protection. This document will ensure that the Regulator will work in accordance with the BBfA principles. In doing so the Authority will create an environment and culture which will support our local businesses by making the activity that is being regulated easy to access, simple and clear to understand, whilst ensuring public protection

- 3.9.2 The Council will listen to business needs and act in an open and transparent way to help shape the way support is provided, this will be done following business consultations and throughout service use.
- 3.9.3 Better Business for All is business-focused, using business-led improvements to create better regulation, support business growth and create a level playing field for businesses. In order to achieve this the Policy will be implemented in a consistent manner with competent enforcement staff who are working with the right attitudes and behaviours for the benefit of our Communities.

4 Review of Statement of Principles (Consultation)

- 4.1 Licensing authorities are required by the Act 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.
- 4.2 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;
 - 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.
- 4.3 List of persons this authority will consult include the following:
- All Responsible Authorities under Gambling Act 2005 – see Appendix A
 - British Amusement Catering Trade Association (BACTA)
 - Borough Councillors
 - Citizens Advice Bureau
 - Dartmoor National Park Authority
 - Devon Primary Care Trust
 - Devon Safeguarding Children Board
 - Devon County Council Social Services Department
 - Gamble Aware
 - Gamblers Anonymous
 - Gambling Commission
 - GamCare
 - Mencap
 - MIND
 - NSPCC
 - Okehampton Chamber of Trade
 - Police and Crime Commissioner
 - Representatives of existing licence-holders

- South Devon & Dartmoor Community Safety Partnership
- Tavistock and District Chamber of Commerce
- Town and Parish Councils within the Borough

4.4 Proper weight will be given to the views of all those who have been consulted prior to the date of implementation of the Statement of Principles.

Our consultation took place between 28 August 2015 and 23 October 2015 and we followed the HM Government Code of Practice on Consultation (published 2013).

5 Declaration

5.1 In producing the final Statement of Principles, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

6 The Overriding Principle

6.1 In exercising its functions under the Act, this Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks that the practice will:

- be in accordance with the Gambling Act & associated legislation;
- be in accordance with any relevant Code of Practice under section 24;
- have regard to the relevant guidance issued by the Gambling Commission under section 25;
- be reasonably consistent with the licensing objectives; and
- have regard to this Statement of Principles under section 349.

6.2 Each case will be considered on its merits.

6.3 In deciding whether or not to grant a licence, this authority does not have regard to the expected demand for the facilities that are subject to the application.

6.4 The overriding principle does not, however, apply to the consideration of an application for a casino licence if this authority resolves not to issue casino premises licenses.

7 Relationship with other legislation

7.1 This Licensing Authority will seek to avoid any duplication with planning or other statutory / regulatory systems where possible. 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.

7.2 The grant of a licence does not imply the approval of other legislative requirements.

Applicants for Premises Licences for Casinos, Bingo Halls, Adult or Family Entertainment Centres (licensed or unlicensed) or Permits are advised to speak to the Planning Department of this Council before making a formal application to the Licensing Authority. Please quote the 'General Policies of the Local Plan'.

8 Responsible Authorities

- 8.1 Responsible authorities are those public bodies, as specified by the Gambling Act, which must be notified of applications for premises licence. Such bodies are entitled to make representations to the Licensing Authority in relation to the applications. The Responsible Authorities are detailed in Appendix A.
- 8.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 8.3 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates Devon and Torbay Safeguarding Children Boards (formerly known as the Local Safeguarding Children Board) for this purpose.
- 8.4 In relation to the determination of who is competent to advise the Authority about the protection of other vulnerable persons, this Authority has consulted with the Devon County Council Social Services Department and Mencap.

9 Interested Parties

- 9.1 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)"
- 9.2 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.
- 9.3 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 local authorities. The following factors will be taken into account:
- the size of the premises;

- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises. For example, it would be reasonable for an authority to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident; (b) a residential school for children with truanting problems; and (c) residential hostel for vulnerable adults;
- the 'catchment' area of the premises (i.e. how far people travel to visit);
- whether the person making the representation has business interests in that catchment area, that might be affected.

This list is not exhaustive and other factors may be taken into consideration in an individual case.

- 9.4 Interested parties can be persons who are democratically elected such as councillors and MP's. 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.

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 Licensing Section who may be contacted at the address and on the telephone number set out at the beginning of this document.

10 Exchange of Information

Licensing authorities are required to include in their Statement 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 respect to the exchange of information between it and the other persons listed in Schedule 6 of the Act.

- 10.1 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 10.2 Should any protocols be established as regards information exchange with other bodies then they will be made available.

11 Enforcement

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.

- 11.1 This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and in line with the Regulatory Compliance Code:
- 11.2 This Licensing Authority's principles are that enforcement should 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.
- 11.3 In line with the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 11.4 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, in particular at Part 36
The principles set out in this statement of licensing policy
- 11.5 The Licensing Authority will take account of the Gambling Commissions' guidance document issued in February 2015 (or subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises.

The main enforcement and compliance role for this Licensing Authority in terms of the Act 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 this Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments as regards the work of the Better Regulation Executive (BIS - Department for Business Innovation and Skills) in its consideration of the regulatory functions of local authorities. Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Section at West Devon Borough Council. Our risk methodology will also be available upon request.

12 Licensing Authority functions

- 12.1 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

It should be noted that this Licensing Authority will not be involved in licensing remote gambling. This being the responsibility of the Gambling Commission via Operator Licences.

13 The Licensing Process

- 13.1 A Licensing Committee, a Sub-Committee, or the Licensing Manager acting under delegated authority may carry out the powers of the authority under the Gambling Act.
- 13.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are carried out by licensing officers.
- 13.3 The Licensing Authority ensures that all Licensing Officers and Members of the Licensing Committee have received adequate training for their role under the Gambling Act.
- 13.4 Where admissible and relevant representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Sub-Committee is delegated to hear the matter.
- 13.5 A table showing a summary of the recommended delegation for decisions made under the Gambling Act 2005 is in Appendix C.
- 13.6 Applicants for premises licences are required to copy their applications in full to the responsible authorities as listed in Appendix A.

Part B - Premises Licences

1 General Principles

- 1.1 Premises Licences will be 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.
- 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:
- 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.
- 1.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a Licensing Authority.
- 1.4 **Definition of "premises"**
- 1.4.1 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.
- 1.4.2 The Gambling Commission states in the fourth edition of its Guidance that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."
- 1.4.3 This Licensing Authority takes particular note of the Guidance 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, 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.

- 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 named on the premises licence

1.4.4 The Guidance also gives a list of factors which this Licensing Authority should be aware of, which may include:

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

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

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

Type of premises	Access provisions
Casinos	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from any other licensed gambling premises
Betting Shops	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • no customer should be able to access the premises directly from: <ul style="list-style-type: none"> - a casino - an adult gaming centre
Bingo Premises	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from: <ul style="list-style-type: none"> - a casino - an adult gaming centre - a betting premises, other than a track

Family Entertainment Centre	<ul style="list-style-type: none"> • No customer must be able to access the premises directly from: <ul style="list-style-type: none"> - a casino - an adult gaming centre - betting premises, other than a track
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1.4.6 Part 7 of the Guidance contains further guidance on this issue, which this Licensing Authority will also take into account in its decision-making.

1.5 Premises “ready for gambling”

1.5.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that this 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.

1.5.2 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.

1.5.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Licensing 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.

1.5.4 Applicants should note that this Licensing 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.

1.5.5 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

1.6 Location

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

1.7 Planning:

1.7.1 The Guidance states:

7.56 – In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant

matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

- 1.7.2 This Licensing Authority will not take into account irrelevant matters as per the above guidance. In addition this Licensing Authority notes the following excerpt from the Guidance:

7.63 - When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

1.8 Licensing objectives

- 1.8.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 1.8.1 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.
- 1.8.2 **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 regarding to tracks which is explained in more detail in the tracks section later.
- 1.8.3 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority 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 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.

1.8.4 This Licensing Authority is also aware of the Gambling Commissions Codes of Practice regards this licensing objective, in relation to specific premises.

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

1.9 **Conditions**

1.9.1 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.

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

1.9.3 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.

1.9.4 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;
- 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.

1.9.5 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.

1.9.6 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences. There are:

- conditions 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.

1.10 Door Supervisors

1.10.1 The Gambling Commission advises in its Guidance 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.

1.10.2 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 (as per the Guidance, Part 33).

1.11 Appropriate Licensing Environment

1.11.1 The Guidance to Local Authorities and the Licence Conditions and Codes of Practice (LCCP) commencing May 2015, set out additional matters that the Council should take into account when considering licence applications for premises licences.

1.11.2 Gambling Commission Guidance and LCCP condition 16 and code 9 prescribe restrictions on gambling activities on premises, previously known as primary gambling activity. The Council will consider any application based on the provisions in these codes and guidance. Where gaming machines are made available for use in licensed gambling premises, they should only be available when sufficient facilities are made available for the primary gambling activity (e.g. bingo, betting etc).

1.11.3 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises, e.g. motorway service areas and shopping malls, the Council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises, and that the premises is adequately supervised at all times.

1.12 Licence Conditions and Codes of Practice

1.12.1 Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

1.12.2 The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

1.12.3 In particular, operators must ensure that:

- all staff are trained
- that all customers are supervised when on gambling premises
- must have procedures for identifying customers who are at risk of gambling related harm

1.12.4 The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

1.12.5 Further provision with regard to self-exclusion and marketing are included in the social responsibility code. The Council will take all conditions and codes into account when considering applications or performing enforcement activities.

1.13 Local Risk Assessments

1.13.1 The Gambling Commissions Licence Conditions and Codes of Practice (as above) will require operators to consider local risks with effect from the 6 April 2016.

1.13.2 The Gambling Commission's Social Responsibility Code 10.1.1 will require licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, licensees should take into account any relevant matters identified in this policy statement and any associated local area profile produced by this Licensing Authority.

1.13.3 Licensees will be required to review (and update as necessary) their local risk assessments:

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

1.13.4 This above Social Responsibility Code provision is supplemented by an Ordinary Code that will require licensees to share their risk assessments with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises or otherwise on request of the Council.

1.13.5 Whilst there are no plans to request that licensed premises share their risk assessments on a periodic basis, where concerns do exist, perhaps prompted by new or existing risks, the Licensing Authority is likely to request that a licensee share a copy of its risk assessment. The risk assessment will set out the measures the licensee has put in place to address specific concerns, thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required.

1.13.6 When comprising their risk assessments operators should consider:

- The risks posed to the licensing objectives by the provision of gambling facilities at each of their premises in the local authority area.
- Reference to any specific local risks (outlined in any local area profile formulated by the Licensing Authority– see Section 3.8).
- How the operator proposes to mitigate these risks.
- How the operator will monitor specific risks.

1.13.7 Although not forming an exhaustive list, the following factors are ones which operators may wish to consider when comprising and reviewing their risk assessments:

- The geographical location of the premises and socio-economic makeup of the area.
- The type and usage of the premises.
- The layout and size of the premises, e.g. access and egress, position of counters and gaming machines, lines of sight between counters and entrance points and machines, the physical structure of the premises, presence of any visual obstacles.
- Specific types of gambling premises in the local area (e.g. seaside resorts typically have more arcades or FECs) and their density.
- The opening hours of the premises and the possible interaction of the gambling premises with any surrounding night time economy.
- Client demographics, the presence of children and vulnerable adults.
- Staff numbers, training and supervision.
- Staff roles and their engagement with other activities.
- Issues of lone working and staff working closely with children.

Operators will also wish to consider the potential risk of under-age gambling and the increased risk of problem gambling in certain groups. This Authority will therefore expect operators to consider the following when undertaking their risk assessment:

- Self-exclusion data – the number of self-exclusions and underage attempts to gamble.
- The proximity of the premises to any school, centre, or establishment for the education, training or care of young and/or vulnerable persons.
- The proximity of the premises to leisure centres used for sporting and similar activities by young and/or vulnerable persons.
- The proximity to the premises to any youth club or similar establishment.
- The proximity of the premises to any community, ecclesiastical, welfare, health or similar establishment used specifically, or to a large extent, by young and/or vulnerable persons.
- The proximity of any other area or location where young and/or vulnerable persons could congregate.
- The proximity of any hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups.

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 Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- CCTV
- Door supervisors

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

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

- 2.2 The question of sub-division of such premises has been the subject of further Gambling Commission Guidance. This Licensing Authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to such applications.
- 2.3 This Authority accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect to such applications.
- 2.4 This Licensing Authority recognises that the design and layout of adult gaming centres will vary. It will have particular regard to the siting of age restricted gaming machines within individual premises to ensure, so far as is reasonably practicable, that staff properly monitor the use of these machines by children and young persons. This Licensing Authority reserves the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.
- 2.5 Factors to be taken into consideration will include the following:
- CCTV;
 - Re-location of the machines;
 - Door buzzers;
 - Remote cut off switches;
 - Training provision;
 - Any other factor considered relevant.

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 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 Children and young persons will be able to enter licensed family entertainment centres and play on category D machines but will not be permitted to play on category C machines.
- 3.3 As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are

available in licensed family entertainment centres, the Council will normally require that:

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

Applicants are therefore encouraged to consider the steps set out at Part C para 1.8 of this statement in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following:

- Physical separation of areas
- Measures / training for staff on how to deal with suspected truant school children on the premises.

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

4 Casinos

Casino – Local Policy

- 4.1 This Licensing Authority has not passed 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 Statement of Principles with details of that resolution. Any such decision will be made by the Full Council.

5 Bingo premises

- 5.1 This Licensing Authority notes that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. In these circumstances it is not permissible for all the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.

- 5.3 Before issuing additional bingo premises licences, the Licensing Authority will consider whether bingo can be played at each of those new premises. In these cases this Licensing Authority will have particular regard to the Gambling Commission Guidance on the 'meaning of premises' and how it relates to the primary gambling activity.

5.4 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. The Licensing Authority will normally require that:

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

6 Betting premises

6.1 Betting machines

This Licensing Authority will, as per the 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.

6.2 The Licensing Authority recognises that the design and layout of betting premises (or any other premises including tracks) will vary so will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, and that staff properly monitor the use of these machines by children and young persons. This Licensing Authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

6.3 Factors to be taken into consideration will include the following:

- CCTV
- Re-location of the machines
- Door buzzers
- Remote cut off switches
- Training provision
- Any other factor considered relevant

6.4 The Licensing Authority will expect applicants to have fully considered these issues in their application and risk assessments and may ask for alterations to plans where it is not satisfied that adequate supervision of the machines can be ensured.

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 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:

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

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

7.4 **Gaming machines**

7.4.1 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.

7.4.2 This Licensing Authority will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

7.5 **Betting machines**

7.5.1 This Licensing Authority will, per the 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.

7.5.2 On tracks where the potential space for such machines may be considerable, there may be significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines. In such cases, this Licensing Authority will generally consider restricting the number and location of betting machines, in the light of the circumstances of each application.

7.6 Applications and plans

- 7.6.1 The Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that this 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 this Licensing Authority to plan future premises inspection activity.
- 7.6.2 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.
- 7.6.3 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.
- 7.6.4 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.
- 7.6.5 The Licensing authority will require the following information from applicants for premises licences in respect of tracks:-
- 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')
 - In the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.
- 7.6.6 Plans will need to make it 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.
- 7.6.7 When considering applications for tracks, the Licensing Authority will take into consideration the Gambling Commission's Guidance and information under Part 20 of the Guidance. It is recommended that applicants are familiar with this information prior to submitting an application.

8 Travelling Fairs

- 8.1 It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. From 28 days per year it would be regarded as "permitted development" under Part 4 of the Town and Country Planning Order 1995 and is thus deemed to require

planning permission. 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.

- 8.4 Higher stake category B and C fruit machines are not permitted. Fairground operators must source their machines from a Gambling Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

9 Provisional Statements

- 9.1 Developers may wish to apply to this Licensing 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 Section 204 of the Act provides for a person to make an application to this 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. This 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.

In addition, this Licensing 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 this Licensing 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 this Licensing Authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this Licensing 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 This 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 this 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 this Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 10.5 This 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 this Licensing Authority should take any action in relation to the licence. If action is justified, the options open to this Licensing Authority are:-
- (a) add, remove or amend a licence condition imposed by this Licensing Authority;
 - (b) exclude a default condition imposed by the Secretary of State (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, this 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, this 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, this 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 Custom

PART C

Permits / Temporary & Occasional Use Notice

1 Unlicensed Family Entertainment Centre

Gaming machine permits (Statement of Principles on Permits – Schedule 10 Para 7)

- 1.1 The term ‘unlicensed family entertainment centre’ is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny-pushers. The premises is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a ‘licensed family entertainment centre’ which does require a premises licence because it contains both category C and D gaming machines.
- 1.2 Unlicensed family entertainment centres (uFECs) will be most commonly located at seaside resorts, in airports and at motorway style service centres, and will cater for families, including unaccompanied children and young persons.
- 1.3 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).
- 1.4 The Licensing Authority will only grant a uFEC gaming machine permit where it is satisfied that the premises will be operated as a bona fide unlicensed family entertainment centre.
- 1.5 In line with the Act, while the Licensing Authority cannot attach conditions to this type of permit, the Licensing Authority can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.
- 1.6 When determining the suitability of an applicant for a permit and when considering applications, the Licensing Authority will have regard to the Gambling Commission’s Guidance and although not required to, will have regard to the licensing objectives.
- 1.7 Gambling Commission Guidance states: “...An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application...” This Licensing Authority will require the applicant to demonstrate:
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 1.8 **Statement of Principles**
 - 1.8.1 This Licensing Authority has adopted a Statement of Principles in accordance with Paragraph 7 of Schedule 10 of the Act and they are for the purposes of clarifying the

measures that the council will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre. This will allow the Licensing Authority to better determine the suitability of the applicant and the premises for a permit.

1.8.2 Within this process the Licensing Authority will aim to grant the permit where the applicant is able to demonstrate that:

- they are a fit and proper person to hold the permit
- they have considered and are proposing suitable measures to promote
- the licensing objectives, and
- they have a legal right to occupy the premises to which the permit is sought.

1.8.3 The measures suggested in this document should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

1.9 Supporting documents

1.9.1 The Licensing Authority will require the following supporting documents to be served with all uFEC gaming machine permit applications:

- proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
- proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
- the result of a criminal records basic disclosure [criminal conviction certificate] (the disclosure must have been issued within the previous month). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) – Basic Disclosures can be obtained from Disclosure Scotland. For further details call their helpline number 0870 609 6006, or visit the website <http://www.disclosurescotland.co.uk/>
- In the case of applications for an uFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission
- A plan of the premises for which the permit is sought showing the following items:
 - (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - (ii) where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes)
 - (iii) the positioning and types of any other amusement machines on the premises
 - (iv) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
 - (v) the location of any ATM/cash machines or change machines
 - (vi) the location of any fixed or temporary structures such as columns or pillars
 - (vii) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - (viii) the location of any public toilets in the building

Unless otherwise agreed with the Licensing Authority, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

1.10 Child protection issues

- 1.10.1 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues. It will expect applicants to demonstrate that they and their staff have a full understanding of the maximum stakes and prizes

The 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 Licensing Authority will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- maintain contact details for any local schools and or the education authority so that any truant children can be reported
- employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
- display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets
- maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.)
- ensure all young children are accompanied by a responsible adult.
- Maintain policies to deal with any young children who enter the premises unaccompanied
- The provision of satisfactory basic disclosure checks (criminal records checks) for all staff who will be working closely with children.
- Training relating to child safeguarding issues.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

- 1.10.2 Staff should be clearly identifiable so that customers, including children, can easily identify them for assistance, guidance or gambling advice.

1.11 Protection of Vulnerable Persons Issues

- 1.11.1 The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the council's 'Statement of Licensing Policy under the Gambling Act 2005' to familiarise themselves with who the council considers vulnerable. The Licensing Authority will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- display Gamcare helpline stickers on all gaming machines
- display Gamcare posters in prominent locations on the premises
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- consider appropriate positioning of ATM and change machines. (including the display of Gamcare stickers on any such machines.)

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

1.12 Other miscellaneous issues

1.12.1 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- maintain an effective CCTV system to monitor the interior and exterior of the premises
- keep the exterior of the premises clean and tidy
- ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

1.12.2 The Licensing Authority encourages applicants for UFEC Permits to consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility, and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

Permits cannot be issued to vessels or vehicles.

The position of premises holding an alcohol licence is dealt with below.

Applicants for Permits for Adult or Family Entertainment Centres (licensed or unlicensed) (formerly known as 'Amusement Arcades') are advised to speak to the Planning Department of this Council and/or the Dartmoor National Park Authority before making a formal application to the Licensing Authority.

2 (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))

2.1 Automatic Entitlement for up to two machines

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 merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the 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

2.2 Permit for three or more machines

If a premises wishes to have more than two 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 “other such matters as the Authority think relevant.” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.4 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 A plan must accompany applications, indicating where and what type, of gambling machines are to be provided. This plan may take the form of an amendment
- 2.6 The Licensing Authority expects permit holders to be mindful of their obligations in relation to supervision arrangements for gaming machines to protect the young and the vulnerable and to comply with the Gambling Commission’s Gaming Machines in Alcohol Licensed Premises Code of Practice. These form a condition of every permit and cover aspects such as the location and operation of machines; access to gambling by children and young persons; and self exclusion.

Applicants should be aware that only those premises which have a ‘bar’ (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food (the old Part IV restaurant licences under the former Licensing Act 1964) will fall outside the scope to which this section (s.279 – 284) of the Gambling Act 2005 applies. For details of Category C & D machines please refer to information provided at www.gamblingcommission.gov.uk

3 Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

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 propose to consider in determining the suitability of the applicant for a permit”.

3.2 Statement of Principles – Prize Gaming Permit

3.2.1 This Licensing Authority has adopted a Statement of Principles in accordance with paragraph 8 of Schedule 14 of the Act and they are for the purposes of clarifying the measures that the Licensing Authority will expect applicants to demonstrate when applying for a prize gaming permit. This will allow the council to better determine the suitability of the applicant and the premises for a permit.

3.2.2 Within this process the Licensing Authority will aim to grant the permit where the applicant is able to demonstrate that:

- they are a fit and proper person to hold the permit
- they have considered and are proposing suitable measures to promote the licensing objectives; and
- they have a legal right to occupy the premises to which the permit is sought.

3.2.3 This Licensing Authority will expect the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

3.2.4 In making its decision on an application for a prize gaming 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)).

3.2.4 The measures suggested in this document should be read as guidance only and the Licensing Authority will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

3.3 Prize gaming permits

3.3.1 Section 288 defines gaming as 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. The operator will determine the prizes before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed.

3.3.2 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

3.3.3 Applicants should be aware of the conditions in the Gambling Act 2005 with which prize gaming permit holders must comply. 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.

3.3.4 In line with the Act, while the Licensing Authority cannot attach conditions to this type of permit, the Licensing Authority can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.

3.4 Supporting documents

3.4.1 The Licensing Authority will require the following supporting documents to be served with all prize gaming permit applications:

- ❑ proof of age (a certified copy or sight of an original birth certificate, photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
- ❑ proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property’s deeds or a similar document
- ❑ the result of a criminal records basic disclosure [criminal conviction certificate] (the disclosure must have been issued within the previous month). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) – Basic Disclosures can be obtained from Disclosure Scotland. For further details call their helpline number 0870 609 6006, or visit the website <http://www.disclosurescotland.co.uk/>.
- ❑ A plan of the premises for which the permit is sought showing the following items:
 - (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - (iii) The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
 - (iv) the positioning and types of any other amusement machines on the premises
 - (v) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
 - (vi) the location of any ATM/cash machines or change machines
 - (vii) the location of any fixed or temporary structures such as columns or pillars
 - (viii) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - (ix) the location of any public toilets in the building

Unless otherwise agreed with the Licensing Authority, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

3.5 Child protection issues

3.5.1 The 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 Licensing Authority will assess these policies and procedures on their merits, and they

should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- maintain contact details for any local schools and or the education authority so that any truant children can be reported
- employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
- display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets
- maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.)
- ensure all young children are accompanied by a responsible adult.
- maintain policies to deal with any young children who enter the premises unaccompanied
- the provision of satisfactory basic disclosure checks (criminal records checks) for all staff who will be working closely with children.
- Training relating to child safeguarding issues.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

- 3.5.2 Staff should be clearly identifiable so that customers, including children, can easily identify them for assistance, guidance or gambling advice.

3.6 Protection of Vulnerable Persons Issues

- 3.6.1 The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the council's 'Statement of Licensing Policy under the Gambling Act 2005' to familiarise themselves with who the council considers vulnerable. The Licensing Authority will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- display Gamcare helpline stickers on all gaming machines
- display Gamcare posters in prominent locations on the premises
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- consider appropriate positioning of ATM and change machines. (including the display of Gamcare stickers on any such machines.)

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

3.7 Other miscellaneous issues

3.7.1 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- maintain an effective CCTV system to monitor the interior and exterior of the premises
- keep the exterior of the premises clean and tidy
- ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

4 Club Gaming and Club Machines Permits

4.1 Members' Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines 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 forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D).

4.2 Gambling Commission Guidance states: "A members' club is a club that is not established as a commercial enterprise, and is conducted for the benefit of its members. Examples include working men's clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations...The Act states that members' clubs must have at least twenty-five members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to bridge and whist. Members' clubs must be permanent in nature, but there is no need for a club to have an alcohol licence."

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

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

4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As 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 ground upon which an authority can refuse a permit are reduced." The grounds on which an application under the 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."

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

4.6 Where a club does not hold a Club Premises Certificate issued under Licensing Act 2003 and is therefore not eligible for the 'fast-track' procedure, the Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit or a club machine permit. In order to do this, the Licensing Authority may ask for additional information from the operator, for example:

- Is there a list of committee members and evidence of their election by club members?
- Are there minutes of previous meetings (where appropriate)?
- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48 hour rule being applied for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
- Is there a list of Committee members and evidence of their election by the club members?

4.7 When examining the club's constitution (where available), the Licensing Authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (Clubs cannot be temporary).
- Are there suitable rules as to the election and admission to the club of new members?
- What is the usual duration of membership?
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?
- Is there a provision for annual general meetings?
- Is there a provision for the election of officers?

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 This 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 Act (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or 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 Part 7 of the Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 5.5 In considering whether a place falls within the definition of "a set of premises", this Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.6 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 Guidance.

6 Occasional Use Notices

- 6.1 Occasional Use Notices enable betting on a track for up to eight days a year without a premises licence.
- 6.2 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.

7 Licensed Vessels

- 7.1 The Licensing Authority when considering applications for premises licences in respect of vessels will give particular weight to the views of the Maritime and Coastguard Agency in respect of promoting the licensing objectives. Where in the opinion of the Licensing Authority any of the three objectives are undermined, and this cannot be resolved through the imposition of conditions, the application will be refused.

Where a premises licence is sought in connection with a vessel which will be navigated whilst licensable activities take place, the Licensing Authority will be concerned following the receipt of relevant representations, with the promotion of the licensing objectives on-board the vessel. The Licensing Authority will not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers or emergency provisions, all of which are subject to regulations which must be met before the vessel is issued with a Passenger Certificate and Safety Management Certificate. It is expected that if the relevant maritime agencies are satisfied that the vessel complies with Merchant Shipping standards for a passenger ship, the premises will normally be accepted as meeting the public safety objectives.

8 Lotteries

8.1 Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. Promoting or facilitating a lottery will fall into two categories.

- Licensing lotteries (requiring an operating licence from the Gambling Commission).
- Exempt lotteries (including small society lotteries registered with West Devon Borough Council)

8.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- Small society lotteries
- Incidental non-commercial lotteries
- Private society lotteries
- Work lotteries
- Residents' lotteries
- Customers' lotteries

8.3 Small Society Lotteries

8.3.1 West Devon Borough Council will register and administer small society lotteries as defined under the Act. Advice regarding small society lotteries and the definitions of the above exempt lotteries is available from the Gambling Commission website and in the West Devon Borough Council lottery guidance notes available on the Council website.

8.3.2 This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. The 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.

Disclaimer: This Licensing Authority wishes to make clear that the Gambling Commission's Guidance to Local Authorities (5th Edition – XXXXX 2015) was the most recent information available at the time of writing and can be the subject of change

within the period that this statement of principles is in force. I would also draw your attention to the following:

- **Legislation may change over time and the advice given is based on the information available at the time the guidance was produced – it is not exhaustive and is subject to revision in the light of the further information**
- **Only the courts can interpret statutory legislation with any authority; and**
- **This advice is not intended to be definitive guidance nor a substitute for the relevant law and independent legal advice should be sought where appropriate**

Appendix A - Responsible Authorities

Responsible Authority Contacts -

The list of Responsible Authorities and their contact details may change where additional responsible authorities are designated by regulations from the Secretary of State or existing authorities change their address.

An up-to-date list of Responsible Authorities relating to West Devon with their contact details can be obtained by accessing the West Devon Borough Council licensing web pages, or on request to the Licensing Section at licensing@westdevon.gov.uk / 01822 813 600.

1) The Licensing Authority

The Licensing Department
West Devon Borough Council
Kilworthy Park
Tavistock
Devon
PL19 0BZ

Tel: 01822 813 600

E-mail: licensing@westdevon.gov.uk

2) The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 233 1058

Email: info@gamblingcommission.gov.uk

3) Devon & Cornwall Constabulary

Licensing Department (East)
Devon & Cornwall Police HQ
Middlemoor
Exeter
EX2 7HQ

Tel: 01392 452 225

Email: licensingeast@devonandcornwall.pnn.police.uk

4) a) Devon & Somerset Fire & Rescue Service (West Division - for Tavistock, Yelverton & Lifton and areas West of);

The Fire Safety Officer
Devon & Somerset Fire & Rescue
West Division Headquarters
Glenn Road
Plympton
Plymouth

PL7 3XT

Tel: 01752 333 600

Email: westfiresafety@devfire.gov.uk

4) b) (East Division - for Okehampton, Beaworthy, North Tawton, Winkleigh, Exeter, Newton Abbot & Crediton and areas East of)

The Fire Officer
Devon & Somerset Fire & Rescue Service
East Division Headquarters
Agriculture House (Ground Floor)
Pynes Hill
Rydon Lane
Exeter
EX2 5AZ

Tel: 01392 872 200

Email: eastfslicensing@devfire.gov.uk

5) Child Protection

Devon and Torbay Safeguarding Children Boards
C P Checks
MASH
PO Box 723
Exeter
EX1 9QS

Tel: 01392 383000

Email: cpchecks@devon.gcsx.gov.uk

6) Environmental Health Department

West Devon Borough Council
Environmental Health Department
Kilworthy Park
Tavistock
Devon
PL19 0BZ

Tel: 01822 813 600

E-mail: eh@westdevon.gov.uk

7) a) Planning

Development Management
West Devon Borough Council
Kilworthy Park
Tavistock
Devon
PL19 0BZ

Tel: 01822 813 600

Email: dm@westdevon.gov.uk

7) b) Dartmoor National Park Authority

Dartmoor National Park Authority
Parke
Bovey Tracey
Newton Abbot
Devon
TQ13 9JQ

Tel: 01626 832093

Email: planning@dartmoor.gov.uk

8) Her Majesty's Commissioners of Customs & Excise

National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ

Tel: 0141 5553633

Email: nrubetting&gaming@hmrc.gsi.gov.uk

9) Maritime & Coastguard Agency (Boats only)

The Safety Policy Coordinator for Inland Waterways
Maritime & Coastguard Agency
Plymouth Marine Office
Fish Quay
Plymouth
Devon PL4 0LH

Tel: 01752 266211

Email: plymouthmo@mcga.gov.uk

Appendix B - Glossary

DCMS - Department of Culture, Media, and Sport

An Interested Party – is a person, in the opinion of the Licensing Authority who:

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

Responsible Authority –

- (i) The Licensing Authority
- (ii) The Gambling Commissioner
- (iii) The Chief Officer of Devon & Cornwall Constabulary
- (iv) The Devon and Somerset Fire & Rescue Service
- (v) The local planning authority within the meaning given by the Town and Country Planning act 1990 (c.8) for any area in which the premises are wholly or partly situated
- (vi) The local authority by which statutory functions are exercisable in any area in which the premises are wholly or partly situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vii) A body which is designated in writing for the purpose of this paragraph, by the Licensing Authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm:
- (viii) And any other person prescribed by regulations by the Secretary of State.

DCMS - Department for Culture Media and Sport

http://www.culture.gov.uk/what_we_do/gambling_and_racing/3305.aspx

Licensing Documents

Gambling Act 2005

Guidance under Section 25 of the Act

Appendix C - Summary of licensing authority delegations permitted under the Gambling Act

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of the Licensing Authority Policy statement	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X (after recommendation from Licensing Committee and Executive)		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/or have not been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/or have not been withdrawn
Application for a transfer of a licence		Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/or have not been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permit		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits		Where permit holder requests a hearing	Where permit holder does not choose to have representations considered
Consideration of temporary use notice		Where representations are received	Where no representations are received
Decision to give a counter notice to a temporary use notice		X	

Appendix D - Gaming machine (fruit machine, slot machine) categories

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
<u>B1</u>	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
<u>B2</u>	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
<u>B3</u>	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
<u>B4</u>	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
<u>C</u>	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
<u>D money prize</u>	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
<u>D non-money prize (other than crane grab machine)</u>	30p	£8	All of the above.
<u>D non-money prize (crane grab machine)</u>	£1	£50	All of the above.
<u>D combined money and non-money prize (other than coin pusher or penny falls machines)</u>	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
<u>D combined money and non-money prize (coin pusher or penny falls machine)</u>	20p	£20 (of which no more than £10 may be a money prize)	All of the above.