



**Licensing Authority
Mid Devon District Council
Phoenix House, Phoenix Lane Tiverton,
Devon, EX16 6PP**

Gambling Act 2005

Statement of Principles

31 January 2019 to 30 January 2022

(Adopted by Full Council on 24 October 2018)

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STATEMENT OF PRINCIPLES

Text in the shaded boxes within this Statement of Principles is 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 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 It should be noted that this policy 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.
- 1.3 It should also be noted that considerations such as moral or ethical objections to gambling are not valid reasons to reject applications for premises licences. 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).

2 Introduction

- 2.1 This Statement of Licensing Principles is written pursuant to the provisions of the Gambling Act 2005 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 Commission's Guidance for Local Authorities.
- 2.3 The Statement takes effect on 31 January 2019.

4 Consultation

- 4.1 Licensing authorities are required by the Gambling 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 reconsulted upon. The statement must then be republished.
- 4.2 The Gambling Act requires that the following parties be consulted by Licensing Authorities:
- The Chief Officer of Police;
 - Persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
 - 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.
- 4.3 In adopting this policy, the Licensing Authority have consulted with the following parties:
- All Responsible Authorities under the Gambling Act
 - Citizen’s Advice Bureau
 - Community Safety Partnership
 - Churches Housing Action Team
 -
 - Public Health, Mid Devon District Council
 - Existing licence-holders (or representatives)
 - Federation for Small Business – Mid Devon
 - Gamblers Anonymous
 - Gambling Commission
 - Gamcare
 - Mencap
 - NSPCC
 - Primary Care Trust
 - Residents / Businesses of Mid Devon through the Council website
 - Town & Parish Councils within Mid Devon
- 4.4 Proper weight has been 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 TBC and we followed Cabinet office guidance on public consultation, which is available at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

- 4.5 The Statement of Principles was approved at a meeting of the Full Council on TBC and was published on our website on TBC. Copies were placed in the public libraries of the area as well as being available for viewing at Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP.
- 4.6 Should you have any comments regarding this Statement of Licensing Principles please write to the above address or email licensing@middevon.gov.uk.

5 Declaration

- 5.1 In producing the final statement this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act, the guidance to licensing authorities 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 it is:
- in accordance with the Gambling Act and associated legislation;
 - in accordance with any relevant Code Of Practice;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - to be reasonably consistent with the licensing objectives
 - in accordance with this Statement of Principles
- 6.2 In deciding whether or not to grant a licence, this authority does not have regard to the expected demand for the facilities that are the subject of the application.
- 6.3 The overriding principle does not, however, apply if this Authority resolves not to issue casino premises licences.
- 6.4 Each case will be decided on its individual merits.

7 Responsible Authorities

- 7.1 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.
- 7.2 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.

7.3 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Devon Safeguarding Children Board for this purpose.

8 Interested Parties

8.1 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 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)"

8.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act to determine whether a person is an interested party. The principles are set out below.

8.3 Each case will be decided upon its own merits. This authority will not apply a rigid rule to its decision-making. The factors that this licensing authority may take into account when determining what 'sufficiently close to the premises' means (in each case) might include:

- 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 complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.

8.4 In determining whether a person with business interests might be affected by the premises, the factors likely to be relevant include:

- The size of the premises

- The 'catchment' area of the premises (that is, how far people travel to visit the premises)
- Whether the person making the representation has business interests in that catchment area that might be affected.

8.5 Interested parties can be persons who are democratically elected such as county, parish and town councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Parish and town councils may also 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 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 Team, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP or telephone 01884 255255 or email licensing@middevon.gov.uk

9 Exchange of Information

- 9.1 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act in its exchange of information and comply with the Data Protection Act 1998. This licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act.
- 9.2 Should any protocols be established as regards information exchange with other bodies then they will be made available.

10 Enforcement

- 10.1 The main enforcement and compliance role for this licensing authority in terms of the Act will be to ensure compliance with licences and permits issued and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and registration of small society lotteries.
- 10.2 The licensing authority will act in accordance with the following principles for regulators:
- Proportionate: regulators should only intervene when necessary and 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.

10.3 In line with the Gambling Commission's Guidance for licensing authorities this licensing authority will endeavor to avoid duplication with other regulatory regimes so far as possible.

10.4 This licensing authority will also adopt and implement a risk-based inspection programme based on:

- The licensing objectives and intelligence / complaints received
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

10.5 During inspections this authority may cover:

- details of training policies and training undertaken by staff
- Details of Local Risk Assessments and ensuring the document is available to view and up to date
- records of refusals to serve / admit on age grounds (subject to the terms of any primary authority agreements)
- records of any relevant incidents in or outside the premises, e.g. anti-social behaviour
- approach to managing self-exclusion and numbers of people currently self-excluded
- involvement / impact of any work in local schemes or partnership working with other local businesses
- reviewing paperwork relating to the purchase of machines from licensed manufacturers
- interviews with staff members
- confirming that appropriate signage is in place.

This list is not exhaustive but provides the common factors covered in a standard inspection.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. This can include undertaking enforcement action. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments with regards to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

This licensing authority's enforcement policy is available to view here - <https://www.middevon.gov.uk/residents/public-health/public-health-enforcement-policy/>.

11 Licensing Authority functions

11.1 Licensing Authorities are required under the Gambling 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 by 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 licensing authorities are not involved in licensing remote gambling as this is regulated by the Gambling Commission. Remote gambling is defined by the Act as gambling in which persons participate by the use of remote communication including: the internet, telephone, television and radio.

12 The Licensing Process

- 12.1 A Licensing Committee, a Sub-Committee, or the Licensing Officer acting under delegated authority may carry out the powers of the authority under the Gambling Act.
- 12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are carried out by licensing officers.
- 12.3 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.
- 12.4 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.
- 12.5 Applicants for premises licences are required to copy their applications in full to the responsible authorities under the Gambling Act (see Appendix A).

13 Fees

- 13.1 This Council will aim to ensure that the income it receives in fees matches the costs of providing the service to which fees relate. The Council sets its own fees within a framework set by central government.

14 Administration, Exercise and Delegation

- 14.1 The following table shows the delegation of functions permitted under the Gambling Act. A tick indicates the lowest level to which decisions can be delegated.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing Statement of Principles	✓		
Policy not to permit casinos	✓		
Fee setting (when appropriate)		✓	
Application for premises licences		Where representations have been received and	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		✓	
Application for club gaming/ club machine permits		Where objections have been made	Where no objections made/objections
Cancellation of club gaming/ club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give a counter notice to a temporary use notice		✓	

15 Local Risk Assessments

- 15.1 The Gambling Commissions Licence Conditions and Codes of Practice have required operators with premises licences to consider local risks since 6 April 2016.
- 15.2 The Gambling Commission's Social Responsibility Code requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, licensees should take into account any relevant matters identified in this policy statement.
- 15.3 Licensees will be required to undertake and submit a local risk assessment when applying for a new premises licence. The risk assessment should be reviewed on an annual basis to ensure it is up to date and must also be reviewed (and if necessary updated):
- 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.

Significant Changes in Local Circumstances

- 15.4 The following sets out some examples of what the Licensing Authority consider being significant changes in local circumstances:
- The local area is identified as a crime hotspot by the Police and/or Licensing Authority
 - Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable group are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area)
 - Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment
 - The local area is identified by the Licensing Authority as an area of heightened risk within its Statement of Licensing Principles
- 15.5 The above list is not exhaustive and other significant changes may occur that are considered relevant. The Licensing Authority will provide information to gambling operators when it feels a significant change has occurred in the local area. The licensing authority will set out what the change is and may provide information on any specific concerns it may have that should be considered by operators. However, operators must also consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possible amendment to their risk assessment.

Significant Changes to the Premises

- 15.6 The following list is not exhaustive but sets out some examples of what the Licensing Authority considers to be significant changes to the premises (some of which may also require a variation of the existing premises licence):
- Any building work or premises alteration where gambling facilities are relocated within the premises (including the use of privacy screens)
 - The premises licence is transferred to a new operator who has different policies and procedures to the previous licence holder
 - Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff retraining
 - The entrance or entrances of the premises are changed
 - New gambling facilities are made available on the premises which were not provided previously, for example, Self Service Betting Terminals, bet in play or different category of gaming machines are provided
- 15.7 The Social Responsibility Code provision is supplemented by an Ordinary Code that requires 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.
- 15.8 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, which should be kept on the premises to which it relates, 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.
- 15.9 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
 - How the operator proposes to mitigate these risks
 - How the operator will monitor specific risks
- 15.10 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, its levels of deprivation and the 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 and the appropriate level of supervision at different times of the day/ year
- Specific types of gambling premises in the local area and their density. Whether there is any facility for sharing information between premises for example, in preventing anti-social behavior?
- 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
- How the presentation and marketing of any gambling products does not appeal to children and is clear to anyone wishing to participate in gambling

15.11 Operators will also wish to consider the potential risk of under-age gambling and the increased risk of problem gambling in certain groups, and therefore it is suggested that operators consider:

- 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, 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 potential risk of problems among these groups.

16 Local Area Profile

16.1 There is no mandatory requirement to undertake a local area profile and this authority has decided not to do so at the time of producing this policy statement. This decision will be reviewed should it be felt by the authority that potential or actual risks merit its production.

Part B - Premises Licences: Consideration of Applications

17 General Principles

- 17.1 Premises Licences are subject to the requirements set-out in the Gambling Act 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.
- 17.2 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 Licensing Principles.
- 17.3 It is appreciated that, in line with the Gambling Commission's Guidance for licensing 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.
- 17.4 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, in effect 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.

Definition of premises

- 17.5 - 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. This licensing authority, will, however, 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.
- 17.6 The Gambling Commission states in its Guidance to Licensing Authorities 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”.

17.7 This licensing authority takes particular note of the Gambling Commission’s Guidance for licensing authorities which states that 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 be able to 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
- Adequate separation may be obtained by means of screening, walls, clear signage etc. but each case will be judged on its own merits.
- Customers should be able to participate in the activity named on the premises licence

17.8 The Guidance also gives a list of factors which the 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 authority will consider these and other relevant factors in making its decision, depending on the circumstances of the case.

17.9 This Licensing Authority accepts that there must be no direct access between an adult gaming centre and any other premises licensed under the Act or premises with an FEC, club gaming, club machine or licensed premises gaming permit. There is no definition of ‘direct access’ in the Act or regulations. However it could be said that there should be an area separating the premises concerned (for example, a street or café), which the public go to for the purposes other than gambling, for there to be shown to be no direct access. This must be made clear on the relevant plan. The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Casinos

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

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

Premises “ready for gambling”

17.10 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

17.11 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.

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

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

17.13 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

Location

17.14 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. In line with the Gambling Commission's Guidance to licensing 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 with regards to areas where gambling premises may present a greater risk, 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 own merits with the applicant having to show how they have taken into account and aim to overcome any concerns.

Duplication with other regulatory regimes

17.15 This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will 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. All applicants are advised however, to speak to the Planning Department of this Council before making a formal application to the Licensing Service.

17.16 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives

17.17 In carrying out its licensing functions the Authority will have regard to the licensing objectives which 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

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

17.18 This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance.

17.19

Disorder is intended to mean an activity that is more serious and disruptive than mere nuisance. Factors this authority will consider in determining whether a disturbance was serious enough to constitute disorder will include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

Ensuring that gambling is conducted in a fair and open way

17.20 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 regarding tracks which is explained in more detail in the tracks section.

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

17.21 This licensing authority has noted the Gambling Commission's Guidance to licensing 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). This 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.

17.22 This licensing authority is also aware of the Codes of Practice, which the Gambling Commission issues with regards to this licensing objective, in relation to specific premises.

17.23 With regards to the term "vulnerable persons" it is noted that the Gambling Commission does not seek 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 gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider the licensing objective on a case-by- case basis.

- 17.24 Additionally, this Licensing Authority expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.
- 17.25 The efficiency of such policies and procedures will be considered on their merits; however, they may include appropriate measures/training for staff with regards to suspected truanting school children on the premises, measures/training covering how staff would deal with unsupervised young children being on the premises, or children causing perceived problems.
- 17.26 This Authority will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres. Additional information and examples of appropriate measures to consider for some specific types of premises are provided throughout this policy in each of the relevant sections.

Licensing Conditions - Mandatory

- 17.27 Mandatory conditions may be attached to a premises licence by the Secretary of State under Section 167 of the Act. They can be attached generally to all Premises Licences, or may be attached to all Premises Licences of a particular type, or to a particular type of Premises Licences under certain specified circumstances.
- 17.28 Once Mandatory conditions are attached they can only be removed by further Secretary of State regulations. The Authority has no discretion to decide not to include them, or modify them.

Licensing Conditions - Default

- 17.29 The Secretary of State considers the use of default conditions are most appropriate where a general industry or sector wide approach is desirable in order to assist national consistency, but where licensing authorities ought to be able to respond to local circumstances by altering those conditions if necessary.
- 17.30 Section 169 of the Act gives licensing authorities the ability to exclude from a Premises Licence any default conditions that have been imposed under section 168. However, as default conditions are considered to be the industry norm, and while licensing authorities are free to limit or remove them where appropriate, this Authority will only extend them with reference to the Commission Codes of Practice and Guidance, the Licensing Objectives and this Policy Statement.
- 17.31 It is unlikely that the council will need to apply individual conditions imposing a more restricted regime in relation to matters that have already been dealt with via mandatory or default conditions. However, where there are regulatory concerns of an exceptional nature the Council may do so.
- 17.32 Any conditions attached to licences will only be applied where there is evidence of a risk to the licensing objectives. They 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.

17.33 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 and 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 applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

17.34 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.

17.35 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 the specific relevant premises, including buildings where multiple premises licences are applicable.

17.36 This licensing authority is aware that tracks may be subject to 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.

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

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 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.

Door Supervisors

- 17.38 The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts of 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 condition to this effect.
- 17.39 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.
- 17.40 Licence holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. Gamcare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizen's Advice Bureaux and independent advice agencies.

18 Adult Gaming Centres

- 18.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Provision of information leaflets/helpline numbers for organisations such as Gamcare
- Self-exclusion schemes
- Specific opening hours
- Additional staffing during busier periods / times

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

19 (Licensed) Family Entertainment Centres

- 19.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 19.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Location of entry
- Measures / training for staff on how to deal with suspected truant school children on the premises
- Notices / signage
- Physical separation of areas
- Proof of age schemes
- Provision of information leaflets / helpline numbers for organisations such as Gamcare.
- Self-exclusion schemes
- Specific opening hours
- Supervision of entrances / machine areas
- Additional staffing during busier periods / times

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

20 Casinos – Local Policy

- 20.1 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 policy statement with details of that resolution. Any such decision will be made by the Full Council.

21 Bingo premises

- 21.1 This licensing authority notes that the Gambling Commission’s Guidance states that it should take steps to satisfy itself that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration for new premises and where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 21.2 This authority also notes the Gambling Commission’s Guidance that in the unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 21.3 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.

22 Betting premises

- 22.1 **Gaming machines** - The holder of a betting Premises Licence may make available for use up to four gaming machines of category B, C or D.

Betting machines – When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, in line with Gambling Commission Guidance, will take into account the size of the premises, the number of counter positions available for over the counter transactions, and the ability of staff to monitor and prevent the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

22.2 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, that staff properly monitor and prevent the use of these machines by children and young persons. This licensing authority reserves the right to request that gaming machines are repositioned where circumstances demonstrate that it is appropriate to do so.

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

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

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

23 Tracks

23.1 Section 353 of the Gambling Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

23.2 This licensing authority is aware that tracks may be subject to one or more 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.

23.3 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.

23.4 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-exclusion schemes
- Specific opening hours
- Supervision of entrances / machine areas

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

Gaming Machines

- 23.5 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.
- 23.6 Applicants are advised to consult the Gambling Commission Guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority will also, in line with the Gambling Commission Guidance, consider the location of gaming machines at tracks.

Applications and Plans

- 23.7 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.
- 23.8 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.
- 23.9 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

24 Travelling Fairs

- 24.1 Where category D machines and / or equal chance prize gaming without a permit is to be made available, this Licensing Authority will be responsible for deciding whether the gambling forms ancillary amusement.
- 24.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

25 Provisional Statements

25.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

25.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

25.3 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.

25.4 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.

25.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

25.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

26 Reviews

- 26.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for this licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review 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.
- 26.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 26.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 26.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 26.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 26.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the 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.
- 26.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 26.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 26.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder

- the applicant for review (if any)
- the Gambling Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

Part C - Permits / Temporary & Occasional Use Notice

27 Unlicensed Family Entertainment Centre Gaming Machine Permits

- 27.1 Where a premises does not hold a Premises Licence but wishes to provide category D 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. The permit cannot therefore be granted for an entire shopping centre or bowling alley, for example. Additional information on the documents required for these permits (i.e. plans) is provided in paragraph 27.11 below.
- 27.2 The premises are 'unlicensed' in that they do not require a premises licence but do require a permit. 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.
- 27.3 The Gambling Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it may not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission. The Gambling Commission's Guidance to licensing authorities also states: "A licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits."
- 27.4 Guidance also 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. . . . Licensing authorities might wish to consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 27.5 It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles

- 27.6 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 council to better determine the suitability of the applicant and the premises for a permit.
- 27.7 The principles that this authority intends to adopt will require the applicant to show there are policies and procedures in place to protect children from harm and protect vulnerable persons.

Child Protection Issues

27.8 Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council 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' (or equivalent) 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.

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

Protection of Vulnerable Persons Issues

27.9 The council 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' to familiarise themselves with who the council considers vulnerable. The council 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.

Other miscellaneous issues

27.10 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.

Supporting documents

27.11 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 [the Disclosure and Barring Service. For further details visit the website <https://www.gov.uk/government/publications/basic-checks>.](https://www.gov.uk/government/publications/basic-checks)
- 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:
 - a) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - b) where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes)
 - c) the positioning and types of any other amusement machines on the premises
 - d) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
 - e) the location of any ATM/cash machines or change machines
 - f) the location of any fixed or temporary structures such as columns or pillars
 - g) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - h) the location of any public toilets in the building

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

- 27.12 Within this process the council 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.
- 27.13 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, based on the individual merits of the case.
- 27.14 A guidance document in respect of the expectations of the licensing authority in respect of compliance inspections for these permits is available at: TBC.

28 (Alcohol) Licensed premises gaming machine permits

Automatic Entitlement to Two Machines

- 28.1 There is provision in the Gambling Act 2005 for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.
- 28.2 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. A copy of the relevant Code can be found here: <http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf>.
- 28.3 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
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises

Permit for Three or More Machines

- 28.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based on the licensing objectives, any guidance issued by the Gambling Commission and “other such matters as the Authority think relevant.”
- 28.5 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. The applicant will be expected to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.

- 28.6 Measures may include the adult machines being in sight of the bar, or in sight of staff who will monitor the machines to ensure they are not being used by those under 18. Notices and signage may also be helpful. With regards to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as Gamcare.
- 28.7 It should be noted that the licensing authority could 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.

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 or even hairdressers which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food (will fall outside the scope of this section of the Gambling Act.

29 Prize Gaming Permits

- 29.1 The Gambling Act states that a licensing authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit".
- 29.2 This licensing authority will expect the applicant to set out the types of gaming that he or she is intending to offer and the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law; and
 - clear policies that outline steps to be taken to protect children from harm.
- 29.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 29.4 It should be noted that there are conditions in the Gambling Act with which the permit holder must comply, but the licensing authority cannot attach conditions.

The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in

- the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

30 Club Gaming and Club Machines Permits

- 30.1 Members Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine permit. The Club Gaming Permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C or D (but only one B3A machine can be sited as part of this entitlement), equal chance gaming and games of chance as prescribed in regulations. A Club Gaming Machine permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C and D.
- 30.2 The Act states that members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and whist). A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.”
- 30.3 The Gambling Commission Guidance also notes “licensing authorities may only refuse an application on the grounds that:
- 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;
 - the applicant’s premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the Gambling Commission or the police.”
- 30.4 In determining whether a club is a genuine members’ club, the licensing authority may take account a number of matters, including the following:
- Is the primary purpose of the club’s activities something other than the provision of gaming to its members? This is an indicator that it’s a genuine members’ club.
 - Are the profits retained in the club for the benefit of the members? This is the key difference between a members’ club and a commercial club.
 - Are there 25 or more members? This is the amount of members a club has to have to qualify.
 - Are there genuine domestic addresses on the register of members? Are domestic addresses listed for every member? Are members local to the club? These are all indicators that the member lists are bona fide and are made up of genuine members.
 - Do members participate in the activities of the club via the internet? It is less likely to be a genuine members’ club if this is the case.
 - Do guest arrangements link a member to every guest? Is there evidence of a

signing-in register for guests? Guests must be genuine guests of members and not members of the general public.

- Is the 48 hour rule between applying for membership and participating in any gaming properly applied? This is an indication that the club has a proper membership scheme. This requirement does not apply to commercial clubs.
- Are there annual accounts for more than one year? This would indicate that the club is permanent in nature, rather than temporary.
- How is the club advertised and listed in directories, including on the internet? If the club is categorised under 'gaming' or 'poker', it is less likely to be genuine members' club.
- What information is provided on the club's website? This can be a useful source of information about the club.
- Are children permitted into the club? Appropriate access to the premises by children may indicate that it is less likely that the club is primarily for gambling activities.
- Does the club have a constitution and can it provide evidence that the constitution was approved by the members of the club? This provides further evidence that it is a properly constituted members' club.
- Is there a list of committee members and evidence of their election by the members of the club? Can the club provide minutes of committee and other meetings? These are further evidence that the club is a properly constituted members' club.

30.5 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Gambling Commission's Guidance to licensing 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 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."

30.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines. A copy of the relevant Code can be found here: <http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf>.

31 Temporary Use Notices

31.1 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.

- 31.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 31.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act (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.
- 31.4 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 Gambling Commission Guidance to Local Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 31.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 31.6 The same set of premises may not be the subject of a Temporary Use Notice for more than 21 days in any 12 month period, but may be the subject of several Notices provided that the total does not exceed 21 days.

32 Occasional Use Notices

- 32.1 Occasional use notices enable betting on a track for up to eight days a year without a premises licence. Additional information on them can be found here: <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Betting/Occasional-Use-Notices-OUNs.aspx>.
- 32.2 The licensing authority has very little discretion with these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.

33 Small Society Lotteries

- 33.1 These are lotteries operated by non-commercial societies, as defined in Section 19 of the Act, which states that a society is non-commercial if it is established and conducted:
- for charitable purposes, as defined in s.2 of the Charities Act 2006
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
 - for any other non-commercial purpose other than that of private gain
- 33.2 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a licensing authority. The licensing authority with which a small society lottery is required to register must be in the area where their

principal office is located. If the Authority believes that a society's principal office is situated in another area, it will inform the society and the other relevant authority as soon as possible.

33.3 The Gambling Act requires that a minimum proportion of the money raised by the lottery is channeled to the goals of the society that promoted the lottery. If a small society lottery does not comply with the following limits it will be in breach of the Act's provisions, and consequently be liable to prosecution:

- at least 20% of the lottery proceeds must be applied to the purposes of the society
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed

33.4 A small society lottery must send financial returns to the licensing authority with which it is registered, following each lottery held. This information allows the licensing authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

33.5 The following information must be submitted as part of the return:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

33.6 The Act also requires that returns must:

- be sent to the licensing authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged eighteen or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

Appendix A - Responsible Authorities Contacts

1) The Licensing Authority

Mid Devon District Council Phoenix
House
Phoenix Lane
Tiverton
EX16 6PP

Tel: 018884 255 255
E-mail: licensing@middevon.gov.uk

2) The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 233 1058
Email: info@gamblingcommission.gov.uk

3) Her Majesty's Revenue and Customs

Processing Teams, BX9 1GI
Tel: 0141 555 3633
Email: nrubetting&gaming@hmrc.gsi.gov.uk

4) Child Protection

Local Safeguarding Children's
Follaton House, Plymouth Road
Totnes
Devon
TQ9 5RS

Tel: 01392 386067
Email: cpchecks@devon.gov.uk

5) Devon & Cornwall Constabulary

Licensing Department (East)
Devon & Cornwall Police HQ
Middlemoor
EXETER EX2
7HQ
Non-urgent calls: 01392 452225
Fax: 01392 452447
Email: licensingeast@devonandcornwall.pnn.police.uk

6) Devon and Somerset Fire & Rescue Service

Central Command (East)
Middlemoor Fire Station
Sidmouth Road
EXETER EX2
7AP
Tel: 01392 872200
Fax: 01392 266839
<http://dsfire.gov.uk/index.cfm?siteCategoryId=1>

7) Environmental Health Department

Mid Devon District Council Phoenix
House
Phoenix Lane
Tiverton EX16
6PP
Tel: 01884 255 255
E-mail: ehadmin@middevon.gov.uk

8) Planning & Building Control

Mid Devon District Council Phoenix
House
Phoenix Lane
Tiverton EX16
6PP
Tel: 01884 255255
Email for Planning: devcon@middevon.gov.uk
Email for Building Control: bcont@middevon.gov.uk

Appendix B: Additional links for machine provisions, machine categories and gaming entitlements

Summary of machine provisions by premises:

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-A-Summary-of-machine-provisions-by-premises.aspx>

Summary of gaming machine categories and entitlements

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-B-Summary-of-gaming-machine-categories-and-entitlements.aspx>

Summary of gaming entitlements for clubs and alcohol-licensed premises

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-C-Summary-of-gaming-entitlements-for-clubs-and-alcohol-licensed-premises.aspx>