

Licensing Committee

**Wednesday, 2 October 2024 at 12.00 pm
Phoenix Chambers, Phoenix House, Tiverton**

**Next ordinary meeting
Friday, 6 December 2024 at 10.30 am**

Please Note: This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

[To join the meeting – click here](#)

Meeting ID: 390 715 018 433

Passcode: xnDcpM

Membership

Cllr D Broom

Cllr J Buczkowski

Cllr J Cairney

Cllr S Chenore

Cllr F J Colthorpe

Cllr L J Cruwys

Cllr A Cuddy

Cllr J M Downes

Cllr M Jenkins

Cllr S Keable

Cabinet Member for Planning and Economic
Regeneration

Cllr L G J Kennedy

Cllr F W Letch

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2 **PUBLIC QUESTION TIME**
To receive any questions from members of the public and replies thereto.
- 3 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters.
- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 8*)
To consider whether to approve the minutes as a correct record of the meeting held on 28th June 2024.
- 5 **GAMBLING ACT STATEMENT OF PRINCIPLES** (*Pages 9 - 68*)
Mid Devon District Council (the Council) is required to set out and formally adopt a Statement of Principles advising how it will carry out its duties under the Gambling Act 2005. That statement has to be reviewed every three years and this is its next review.
- 6 **STATEMENT OF LICENSING POLICY** (*Pages 69 - 128*)
The Council, as the Licensing Authority, must adopt a Statement of Licensing Policy that sets out how it carries out its duties under the Licensing Act 2003 (the 'Act'). That Policy must be reviewed every five years and this report considers the review of this document.

Stephen Walford
Chief Executive
Tuesday, 24 September 2024

Guidance notes for meetings of Mid Devon District Council

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting.

Notification in this way will ensure the meeting runs as smoothly as possible

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called "turn on live captions" which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 28 June 2024 at 10.30 am

**Present
Councillors**

D Broom, J Buczkowski, J Cairney,
S Chenore, A Cuddy, F J Colthorpe,
L J Cruwys, J M Downes, A Glover,
M Jenkins, L G J Kennedy and F W Letch

**Apologies
Councillor**

S Keable

**Also Present
Officer(s):**

Deborah Sharpley (Operations Manager Legal Services and Monitoring), Harriet Said (Team Leader (Commercial), Public Health), Thomas Keating (Specialist Lead (Licensing) Officer) and Angie Howell (Democratic Services Officer)

Officer Online Laura Woon (Democratic Services Manager)

1 ELECTION OF CHAIR (00:03:01)

The Chair of the Council invited nominations for the election of a Chair for the municipal year 2024/2025.

RESOLVED that Cllr J Cairney be elected as Chair of the Licencing Committee for the municipal year 2024/2025.

(Proposed by Cllr F J Colthorpe and seconded by Cllr A Cuddy)

2 ELECTION OF VICE-CHAIR (00:06:03)

The Chair of the Licensing and Regulatory Committee invited nominations for the election of a Vice-Chair for the municipal year 2024/2025

RESOLVED that Cllr A Cuddy be elected as Vice Chair of the Licencing Committee for the municipal year 2024/2025.

(Proposed by Cllr L Cruwys and seconded by Cllr F Letch)

3 START TIME OF MEETINGS (00:07:40)

It was **AGREED** that the start time of meetings for the remainder of the municipal year continued to be at 10.30am.

4 APOLOGIES AND SUBSTITUTE MEMBERS (00:08:31)

Apologies were received from Cllr S Keable with Cllr A Glover substituting.

5 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (09:00)

There were no declarations of interest received.

6 PUBLIC QUESTION TIME (00:09:18)

There were no members of the public present and no questions were asked.

7 MINUTES OF THE LAST MEETING (00:09:29)

The minutes of the 2nd December 2023 **APPROVED** and signed by the Chairman.

8 LICENSING ACT POLICY REVIEW (00:10:12)

The Committee had before it a report * from the Team Leader, Commercial, Public Health of the Licensing Act Policy Review.

The Specialist Lead (Licensing) presented the report and the following was highlighted:-

- The main amendments to the Policy were:-
 - (i) The removal of Appendix C (Pool of Conditions) and Appendix D (Code of Good Practice for Licensed Premises) to create standalone documents that could be updated independently to the Statement of Policy. The documents would be made available on Mid Devon District Council's (MDDC) website.
 - (ii) Non-licensable entertainment and how issues arising could be addressed. Since the introduction of the Act there had been significant change in the licensing of entertainment. It was now possible for more forms of entertainment to take place without the need for a licence as a way to encouraging live music to continue. Therefore additional safeguarding was in place for residents.
 - (iii) Additional information on large scale public events and the Safety Advisory Group (SAG) – a multi-agency group including the Fire Service, Ambulance Service, Highways and the Police to give free advice to organisers on how they could run their events safely. This section encouraged event organisers to engage in this process at an early stage to ensure adequate time for any required Licensing process.
 - (iv) The prevention of crime and disorder and guidance notes on drink spiking prevention, underage drinking and anti-social behaviour.

- (v) Minor amendments to the Hearing Procedure which would also include Licensing Officers being enabled to ask questions from any party to seek clarification.

Discussion took place regarding:-

- Whether the information from SAG is advisory or enforceable and whether it was stopping events from happening? It was explained that the Panel was advisory and could not stop events from happening but that the Panel may highlight risks and offer alternative ways forward to ensure the safety of members of the public. The Terms of Reference for SAG had recently been updated and would be published on MDDC's website. The detailed minutes of the meetings captured actions so that they could always be referred to.

The Committee **AGREED** to consult on the proposed revised policy.

The Committee **RESOLVED** that the updated Licensing Policy be approved.

(Proposed by Cllr J Cairney, Chair)

Note: * Report previously circulated.

9 LICENSING UPDATE REPORT (00:23:28)

The Committee had before it a report * from the Team Leader, Commercial, Public Health of the Licensing Act Policy Review.

The following was highlighted:

- The update report provided a brief summary of activity of the Licensing Team over the second half of the financial year 2023/2024.
- The total of 448 Temporary Event Notices (TEN) were received during 2023/2024. A 19% increase on 2022/2023.
- There were a number of recommendations for the Committee to consider.
- The Licensing Bulletin was circulated quarterly to Members of the Licensing and Regulatory Committee which was prepared by Legal Service. Licensing Officers and Legal Services proposed to offer a quarterly Teams meeting to support the Committee in terms of provision of information on legislative changes and case law. This would also give Members the opportunity to ask questions that may arise regarding the implications of the changes to service delivery.
- The second recommendations related to the review of the Gambling Act Statement of Principles. As a Local Authority the Council had a statutory requirement to publish a Gambling Act 2005 Statement of Principles every 3 years. A revised Statement would need to be published 4 weeks prior to the implementation date of 31st January 2025.
- There was a requirement for a consultation process to be carried out following a review of the Policy. The proposal was to make minor changes to the Statement with a short consultation lasting 6 weeks during the summer of 2024.

The revised Statement and consultation responses would then be brought to the Licensing Committee with a recommendation to present to Full Council to approve the Statement prior to 19th December 2024. This would then be ready to publish 4 weeks prior to the implementation on 31st January 2025.

- There were also a number of other changes on Pavement Licensing being made permanent by the Levelling Act. A separate report would be presented to Full Council.

Discussion took place regarding:-

- The Pavement Licence and the placing of objects/furniture to ensure there was enough room for people to pass especially visually impaired people. It was explained that responsibility for any objects other than furniture sat with Highways. Anything associated with the consumption of food and drink outside sat with the Local Authority. As part of the application process the Licensing Team would ensure adequate space was made available.
- Whether Pavement Licences were currently available? It was clarified that temporary pavement licensing regime had now been made permanent. Licence holders of an active licence issued under the previous regime would be able to renew under the new regime. New licences could be valid for up to 2 years.
- Whether businesses in town were aware of the requirements? It was explained that businesses always needed to apply for a Pavement Licence and in the past that would have been applied for through Devon County Council. If they wished to continue to have street furniture for the consumption of food and drink on the highway then they would need to apply via MDDC. An educational approach would be applied.

The Committee **AGREED** to meet quarterly for a Teams briefing to support the established quarterly Licensing Bulletin.

The Committee **AGREED** to approve a minor review of the Gambling Act 2005 Statement of Principles and subsequent 6 week consultation during August and September 2024 as outlined in section 4.6 of this report.

(Proposed by Cllr J Cairney, Chair)

Note: * Report previously circulated.

(The meeting ended at 11.15 am)

CHAIRMAN



Report for: Licensing Committee

Date of Meeting:	2 October 2024
Subject:	REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES
Cabinet Member:	David Wulff - Cabinet Member for Quality (Cost) of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe - Head of Housing and Health
Enclosures:	Annex A: Revised Gambling Act 2005 Statement of Principles Annex B: Consultation response– Devon County Council Annex C: Consultation response – GamCare Annex D: Table of responses

Summary:

Mid Devon District Council (the Council) is required to set out and formally adopt a Statement of Principles advising how it will carry out its duties under the Gambling Act 2005. That statement has to be reviewed every three years and this is its next review.

Recommendation:

1. **That the Licensing Committee recommend to Full Council the adoption of the revised Gambling Act 2005 Statement of Principles as attached in Annex A**

1 Introduction

- 1.1 The Gambling Act 2005 ("the Act") came into force on 1 September 2007 and consolidated regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling in one Act.
- 1.2 The Act also created a new unified industry regulator, the Gambling Commission, which has responsibility for advising both central and local government on issues relating to gambling.

- 1.3 The Council has responsibilities under the Act to issue premises licences, permits and notices in respect of premises where it is proposed that gambling take place. The Council is also responsible for the registration of Small Society Lotteries.
- 1.4 The Act is based on three key principles, which are set out in section 1 of the Act:
- Gambling should not be a source of crime or disorder, associated with crime or disorder or be used to support crime;
 - Gambling should be conducted in a fair and open way;
 - Children and other vulnerable people should be protected from being harmed or exploited by gambling.
- 1.5 Section 349 of the Act requires all licensing authorities to prepare and publish a Statement of Principles (SoP) that they intend to apply in exercising their functions under the Act. The SoP will last a maximum of three years.
- 1.6 This report sets out the reason for their being only minor changes to the SoP at this time, the responses received during the consultation and the recommendation that the proposed statement be adopted.

2 Proposed statement of principles

- 2.1 The Gambling Commission set out the overall direction for gambling regulation at a national level and licensing authorities then lead locally.
- 2.2 With this in mind, it is important to note that under section 25 of the Act, the Gambling Commission issue guidance to licensing authorities about the manner in which they exercise their functions under the Act and the principles to be applied. This is therefore important guidance and it was most recently published in April 2021.
- 2.3 As per the report presented to the Licensing Committee on 28 June 2024, the Gambling Commission is expected to issue revised guidance in 2025. The review of the SoP cannot be delayed until then due to its three year cycle and as a result, the Licensing Team are proposing minimal changes at this time.
- 2.4 Although the SoP can last for three years, we are permitted to review it again within this period and we intend to carry out another, more thorough review of the SoP once the updated guidance has been issued.
- 2.5 The proposed SoP is attached as Annex A.

3 Consultation

- 3.1 The consultation started on 12 July 2024 and ended on 23 August 2024.
- 3.2 Section 349 of the Act requires that licensing authorities consult with:

- The chief officer of police
- Representatives of gambling businesses
- Representatives of people who, in the opinion of the authority, are likely to be affected by the exercise of the function.

3.3 The consultation was published on the 'Let's Talk Mid Devon' platform via the Council's website and specific letters / emails were sent to:

- All Councillors
- Association of British Bookmakers
- British Amusement and Catering Trade Association
- British Beer and Pub Association
- Citizens' Advice Bureau
- Community Safety Partnership (East and Mid Devon)
- Churches Housing Action Team
- Devon & Cornwall Police
- Devon County Council - Director of Public Health
- Devon County Council - Local Safeguarding Children's Board
- Devon County Council - Social Services / Education Department
- Devon and Somerset Fire and Rescue Service
- Mid Devon District Council Environmental Health (Public Health)
- Certain existing licence holders / representatives
- Federation for Small Business (Mid Devon)
- Gamblers Anonymous
- Gambling Commission
- GamCare
- HMRC
- Mencap
- NSPCC
- Planning (MDDC)
- Town and Parish Councils

3.4 The Council received five responses to the consultation. Two of these responses raised some issues that are beyond the scope of the review carried

out by the Licensing Team at this time. These were from Devon County Council (Annex B) and GamCare (Annex C).

- 3.5 The Licensing Team plan to consider these broader, more extensive suggestions when we next review the SoP, following the publication of the Gambling Commission's updated guidance.
- 3.6 These responses are attached to this report in full and to be clear, these comments will not need to be made by parties again during the next review – they will be considered before the next consultation period so any proposed changes that result can be commented on by interested parties.
- 3.7 The table of responses attached as Annex D summarises all responses to the consultation and also contains an officer comment / recommendation in light of the information provided.

4 Recommendation and next steps

- 4.1 In accordance with the above, that the Licensing Committee recommend to Full Council the adoption of the revised Gambling Act 2005 SoP as attached in Annex B. This recommendation could be presented to Full Council on 30 October 2024 and revised SoP come into effect from 31 January 2025.
- 4.2 The Council is required to publish the adopted SoP no later than four weeks before the day on which it comes into effect. The SoP will take effect on 31 January 2025 and it will be published on the Council's website, on the notice board of Phoenix House and also in the public libraries of Cullompton and Crediton. It is proposed that it will be published in December, thus fulfilling our statutory requirements.

Financial Implications: None that are not contained within existing resources.

Legal Implications: The Council is required to adopt a SoP.

Risk Assessment: If the SoP is not properly adopted it could be subject to legal challenge.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: No equality issues identified for this report.

Relationship to Corporate Plan This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community, People and Equalities within the Corporate Plan 2024-28 and in particular objective 2.3 to support the health, wellbeing and safety of our residents.

Statutory Officer sign-off/mandatory checks

Statutory Officer: Stephen Walford
Agreed by or on behalf of the Section 151
Date: 17.9.24

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 17.9.24

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 12 September 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 13 September 2024

Cabinet member notified: Yes

Contact for more Information:

Harriet Said, Team Leader (Commercial), Public Health or Simon Newcombe, Head of Housing and Health
Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background Papers:

- Gambling Act 2005 - <https://www.legislation.gov.uk/ukpga/2005/19/contents>
- Gambling Commission guidance to licensing authorities - <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>
- MDDC current SoP - <https://www.middevon.gov.uk/business/licensing/licensing-policies/>

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

Gambling Act 2005 Statement of Principles

31 January 2025 to 30 January 2028

(Adopted by Full Council on TBC)

Table of Contents

Item	Page
Part A	
Licensing Objectives	3
Introduction	3
Description of the Licensing Authority Area	4
Consultation	5
Declaration	6
The Overriding Principle	6
Responsible Authorities	6
Interested Parties	7
Exchange of Information	8
Enforcement	8
Licensing Authority Functions	10
The Licensing Process	10
Fees	11
Administration, Exercise and Delegation	11
Local Area Risk Assessments	12
Local Area Profile	14
Part B – Premises Licences	
General Principles	15
Adult Gaming Centres	22
(Licensed) Family Entertainment Centres	22
Casinos	23
Bingo	23
Betting Premises	23
Tracks	24
Travelling Fairs	25
Provisional Statements	26
Reviews	27
Part C – Permits/Temporary & Occasional Use Notices	
Unlicensed Family Entertainment Centre Gaming Machine Permits	29
(Alcohol) Licensed Premises Gaming Machine Permits	32
Prize Gaming Permits	33
Club Gaming & Club Machine Permits	34
Temporary Use Notices	35
Occasional Use Notices	36
Small Society Lotteries	36
Appendix A - Responsible Authorities	38
Appendix B - Additional links for machine provisions, categories and entitlements	40

STATEMENT OF PRINCIPLES

Part A

1 The Licensing Objectives

1.1 The Licensing Authority (Mid Devon District Council) has a duty under the Gambling Act 2005 (the Gambling Act) 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 Statement of Licensing Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act.

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 and the Guidance issued under section 25 of the Gambling Act by the Gambling Commission.

2.2 All references to 'Guidance' refer to the Gambling Commission's Guidance for Local Authorities.

2.3 The Statement takes effect on 31 January 2025.

3 The Geographical Area



- 3.1 [Mid Devon District Council](#) is rural, lying inland within Devon. The Council covers an area of 352 square miles (913 square kilometers). The District boasts a high quality natural environment, bordering Dartmoor and Exmoor National Parks and the Blackdown Hills Area of Outstanding Natural Beauty.
- 3.2 With an approximate population of 82,800, the District is one of the most sparsely populated local authorities within England and Wales, comprising approximately 35,600 households.
- 3.3 50% of the population reside across the three main market towns in the District. Tiverton is the largest of these with a population of approximately 22,291 and Cullompton and Crediton are the other two, having populations of approximately 10,492 and 8,070 respectively.
- 3.4 Mid Devon District Council is the licensing authority for a range of gambling activities in conjunction with the Gambling Commission. ~~To give an indication of the numbers involved, please see the table below. This data was true as of May 2021.~~

Type of licence / Permit / Authorisation	Number in District
Betting Shop	4
Adult Gaming Centre	2
Family Entertainment Gaming Machine Permit	3
Club Gaming Permit	2

Club Machine Permit	5
Alcohol licensed premises – Gaming Machine Permit Notification	74
Alcohol licensed premises – Gaming Machine permit	3
Small Society Lottery	74

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 re-consulted 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, this –Licensing Authority has consulted with the following parties:

- All Responsible Authorities under the Gambling Act
- Citizen’s Advice Bureau
- Community Safety Partnership
- Churches Housing Action Team ([CHAT](#))
- 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~~[Director of Public Health, Devon County Council](#)
- Residents / Businesses of Mid Devon through the [Lets Talk Mid Devon platform](#)~~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 this Statement of Principles.

Our consultation took place between [12th July 2024 to 23rd August 2024](#) (~~insert dates~~) 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 (insert date) and was published on our website on (insert date). 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, and any responses from those consulted on the statement.

6 The Overriding Principle

- 6.1 In exercising its functions under the Gambling 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 Licensing 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 Licensing 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 licences. Such bodies are entitled to make representations to a licensing authority in relation to the applications. The Responsible Authorities for this Licensing Authority are detailed in Appendix A.

7.2 A licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Gambling Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

7.3 The principles are:

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

7.4 In accordance with the suggestion in the Guidance, this Licensing 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 A 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 this Licensing Authority will apply are set out below.

8.3 Each case will be decided upon its own merits. This Licensing 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/constituency likely to be affected. Parish and Town Councils may also be interested parties. Other than these however, this Licensing 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.

8.6 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 2018. 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 Gambling 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 This Licensing Authority will act in accordance with ~~following principles for regulators:~~[its Enforcement Policy and the Regulators Code.](https://www.middevon.gov.uk/residents/public-health/public-health-enforcement-policy/)
<https://www.middevon.gov.uk/residents/public-health/public-health-enforcement-policy/>

~~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 Guidance 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;~~
- [Local and national priorities;](#)
- Relevant codes of practice;
- Any guidance issued by the Gambling Commission;
- The Principles set out in this Statement of Licensing Policy.

10.5 During inspections this Licensing 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 behavior;
- 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.

10.6 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 licensing authorities 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.

- 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 (uFECs);
- 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.

11.2 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 Gambling 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 this Licensing 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 This 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-convened 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 Licensing Authority will aim to ensure that the income it receives in fees matches the costs of providing the service to which fees relate. This Licensing Authority sets its own fees within a framework set by central government.

14 Administration, Exercise and Delegation

14.1 The delegation of functions permitted under the Gambling Act is available to view in Mid Devon District Council's Constitution. This can be viewed here: <https://www.middevon.gov.uk/your-council/councillors-democracy/constitution/>.

15 Local Risk Assessments

15.1 The Gambling Commission's 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 Statement of Principles.

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 a licensing authority considers to be 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. A licensing authority may 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 a 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 licensing authority.
- 15.8 ~~Whilst there are no plans to request that licensed premises share~~ License holders are not required to share their risk assessments on a periodic basis, however, where concerns do exist, perhaps prompted by new or existing risks, this Licensing Authority is likely to request that a licensee share a copy of its risk assessment.
- 15.9 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.
- 15.10 When ~~comprising producing~~ their risk assessments ~~operators licensees~~ 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.
- 15.11 Although not forming an exhaustive list, the following factors are ones which ~~operators licensees~~ may wish to consider when ~~comprising producing~~ 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 Consideration of the presentation and marketing of any gambling products does not appealing to children and is ensuring it is clear to anyone wishing to participate in gambling.

15.12 Operators-Licensees will also wish to consider the potential risk of under-age gambling and the increased risk of problem-harmful gambling in certain groups, and therefore it is suggested that operators-licensees 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 Licensing Authority has decided not to do so at the time of producing this Statement. This decision will be reviewed should it be felt by the Licensing 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 (further information about these can be found here: <https://www.legislation.gov.uk/ukxi/2007/1409/contents/made>).
- 17.2 Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 17.3 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.
- 17.4 It is appreciated that, in line with the 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.
- 17.5 In determining application, a 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

- 17.6 In the Gambling 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.
- 17.7 The Gambling Commission states in 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”.

17.7 This Licensing Authority takes note of the Guidance 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 a licensing authority should be aware of, which may include:

- Does 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 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 Gambling Act or premises with an FEC, club gaming, club machine or licensed premises gaming permit. There is no definition of 'direct access' in the Gambling 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 (FEC)

- 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 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.

17.13 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.

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 Guidance this Licensing 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 of Principles 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 Licensing 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 Mid Devon District Council before making a formal application to the Licensing Service.

17.16 When dealing with a premises licence application for finished buildings, this Licensing 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 this Licensing 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 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 Licensing 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.

17.19 This Licensing Authority is aware of the distinction between disorder and nuisance. Disorder is intended to mean an activity that is more serious and disruptive than mere nuisance. Factors this Licensing 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 Guidance 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 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 FECs. Additional information and examples of appropriate measures to consider for some specific types of premises are provided throughout this Statement of Principles 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 Gambling 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 licence under certain specified circumstances.

17.28 Once mandatory conditions are attached they can only be removed by further Secretary of State regulations. This Licensing 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 is 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 Gambling 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 Licensing Authority will only ~~extend~~exclude them with reference to the Commission Codes of Practice and Guidance, the Licensing Objectives and this Statement of Principles.

17.31 It is unlikely that this Licensing Authority 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 this Licensing Authority 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 are 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 their/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 Guidance.

17.35 This Licensing Authority will ~~also ensure~~require 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 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 a licensing authority cannot attach to premises licences, which are:

- ~~any 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 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 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-Moody](#) 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, 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.

21 Bingo premises

- 21.1 This Licensing Authority notes that the 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 Licensing Authority also notes that the Guidance states 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, this Licensing Authority, in line with the 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 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 Licensing 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, the machines (other than category D machines) should be located in areas from which children are excluded.
- 23.6 Applicants are advised to consult the 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 Guidance, consider the location of gaming machines at tracks.

Applications and Plans

- 23.7 The Gambling Act (section 51) 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 Licensing 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 This 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 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.

25.2 Section 204 of the Gambling Act provides for a person to make an application to a licensing authority for a provisional statement in respect of premises that ~~he or she~~they:

- expect to be constructed;
- expect to be altered; or
- expect 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.

25.6 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 responsible 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.

25.7 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 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 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.

26.3 This Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence ~~on the basis of~~based on any reason which it thinks is appropriate.

26.4 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 the Authority~~, who will publish notice of the application within 7 days of receipt.

26.5 The 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 authority should take any action in relation to the licence. If action is justified, the options open to this Licensing Authority are:-

- add, remove or amend a licence condition imposed by the Licensing Authority;

- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - suspend the premises licence for a period not exceeding three months; and
 - revoke the premises licence.
- 26.7 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 Gambling 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, this 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
 - [Hiser](#) 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 this 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 Guidance 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 The 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 Gambling Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes."

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

Statement of Principles

- 27.5 This Licensing Authority has adopted a Statement of Principles in accordance with paragraph 7 of Schedule 10 of the Gambling Act and they are for the purposes of clarifying the measures that this Licensing Authority will expect applicants to demonstrate when applying for a permit for an unlicensed ~~family Entertainment centre~~ Family Entertainment Centre (uFEC). This will allow the Licensing Authority to better determine the suitability of the applicant and the premises for a permit.

27.6 The Principles that this Licensing Authority ~~has adopted~~~~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

27.7 Harm in this context is not limited to harm from gambling but includes wider child protection considerations. This Licensing Authority will assess these policies and procedures on their merits, ~~which and they should (depending on the particular permit being applied for)~~which 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.
- Provide 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

27.8 This 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 Licensing Authority's 'Statement of Licensing Policy under the Gambling Act' [final-statement-of-principles-for-publishing.pdf \(middevon.gov.uk\)](https://www.middevon.gov.uk/~/media/Files/2017/07/final-statement-of-principles-for-publishing.pdf) to familiarise themselves with who the Licensing Authority considers vulnerable. This 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,~~ on building an employee's ability to identify and provide appropriate support to vulnerable people 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 This 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 Gambling 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>.
- 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 this 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.

27.12 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.

27.13 The measures suggested in this document should be read as guidance only and this 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, based on the individual merits of the case.

28 (Alcohol) Licensed premises gaming machine permits

Automatic Entitlement to Two Machines

28.1 There is provision in the Gambling Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely needs 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:

<https://www.gamblingcommission.gov.uk/authorities/codes-of-practice/guide/page/section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence>.

- 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 this 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 “other 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 this 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.
- 28.8 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 they are 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 this 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 Gambling 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 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 Machine permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C and D (but only one B3A machine can be sited as part of this entitlement). Commercial Clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Gambling Act) and should apply for a club machine permit; however, this permit will not allow the Commercial Club to site category B3A gaming machines.

30.2 The Gambling 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 Guidance also notes "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 Gambling 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 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 Gambling Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Guidance 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 (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 Gambling 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 Gambling 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: <https://www.gamblingcommission.gov.uk/authorities/guide/occasional-use-notices-ouns>.
- 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 Gambling 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 Gambling 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 Gambling 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 Authority Contact List

<p>Licensing Authority Mid Devon District Council Licensing Section Phoenix House Phoenix Lane Tiverton Devon EX16 6PP Telephone: 01884 255255 Email: licensing@middevon.gov.uk</p>	<p>Devon & Cornwall Constabulary Licensing Hub Devon & Cornwall Police Moorland Road Launceston PL15 7HY Email: licensing.team@devonandcornwall.pnn.police.uk</p>
<p>Devon Fire & Rescue Service Middlemoor Fire Station Sidmouth Road Exeter EX2 7AP Email: centraleastprotection@dsfire.gov.uk</p>	<p>Devon County Council - Child Protection Checks Devon County Council Room 235 County Hall Topsham Road Exeter EX2 4QD Telephone: 01392 383000 Email: childprotectioncheckssecure-mailbox@devon.gov.uk</p>
<p>HM Revenue and Customs National Registration Unit Excise Processing Teams BX9 1GL Email: nrubetting&gaming@hmrc.gsi.gov.uk</p>	<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Email: info@gamblingcommission.gov.uk</p>
<p>Mid Devon District Council Environmental Health Services Phoenix House Phoenix Lane Tiverton Devon EX16 6PP Telephone: 01884 255255 E-mail: Health@middevon.gov.uk</p>	<p>Mid Devon District Council Planning Services Phoenix House Phoenix Lane Tiverton Devon EX16 6PP Telephone: 01884 255255 Email: dcregistration@middevon.gov.uk</p>

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>

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Gambling Statement of Licensing Policy Public Health Devon Statement

Purpose

This Public Health Devon statement, which includes some key points from the Local Government Association, will be provided to all District Council Licensing teams when Public Health Devon are approached as part of the consultation process on Gambling Statement of Licensing Principles and Policies. Public Health Devon continue to appreciate communication and collaboration with colleagues in these matters.

Public Health Devon would advocate for District Council Licensing teams, updating their respective Gambling Statement of Licensing Principles and Policies, to consider the Local Government Association publication '[Tackling gambling related harm: A whole council approach](#)' and continue to seek opportunities for application of highlighted good practice in the local context.

Context

There is increasing awareness about the harms that can be caused by gambling and its impact on families and local communities, as well as the individuals directly affected by it.

The Gambling Act 2005 underpins the legislative approach to betting and gambling in the UK. The Act changed the underlying approach to gambling from permitting but not encouraging it, to increasing the opportunities for adults to gamble, and treating it as a leisure activity.

These changes, coupled with technological advances, have led to significant increases in gambling participation and gambling related harms.

Language and terminology

Public Health Devon would welcome licensing statements that reflect appropriate non-stigmatising language and terminology.

'Harmful gambling' is an umbrella term to describe any frequency of gambling that results in people experiencing harm.

Harmful gambling can impact on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues, employers and wider local communities.

It is important to note that anyone can be negatively affected by gambling.

Narratives which suggest the individual experiencing harm is a 'problem', contributes to stigma and often leads to gambling harms being hidden.

Avoid using stigmatising language, which can include terms like 'problem gambler' and 'gambling addict.'

Individualising gambling harm does not recognise the impact of the gambling industry, addictive and harmful products and practices, and the wider environment in which gambling takes place.

At risk groups

Whilst anyone can be negatively affected by gambling related harms, harms are not distributed equally.

It is acknowledged that the [Gambling Commission 'Statement of Principles'](#) does not offer an exhaustive list of 'vulnerable persons' but states that:

“With regard to ‘vulnerable persons’, whilst the following list is not exhaustive, the Commission considers that this group will include:

- people who spend more money and/or time gambling than they want to
- people who gamble beyond their means
- people who may not be able to make informed or balanced decisions about gambling, for example because of health problems, learning disability, or substance misuse relating to alcohol or drugs.”

(section 5.26)

However, research cited in the LGA publication identifies the following groups or factors that could be considered vulnerable to, or at higher risk of, gambling harms:

- Young people
- unemployed and constrained economic circumstance
- area deprivation
- homeless
- mental ill health
- substance abuse/misuse
- personality traits/cognitive distortions
- people experiencing gambling harms who are seeking treatment

It would be useful to consider this in relation to applications for new or changed licenses, and the proximity of those premises to nearby services which may be frequented by groups considered to be at increased vulnerability to gambling harms. A Local Area Profile would assist in identifying different parts of the local area where there may be greater or specific risks of gambling related harm.

Suicide risk

The LGA publication makes reference to the relationship between gambling and suicides or suicidality, acknowledging that suicide is generally multi-faceted and influenced by various factors, while also stating that it is evident gambling can be a prominent contributor.

The [National Suicide Prevention Strategy for England \(2023-2028\)](#) has been published since the LGA report was last updated, and harmful gambling is identified as a specific risk factor in that strategy.

Staff training

The typical recommendation for staff training seen in policies of “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 people who may be vulnerable” focuses only on the duration of gambling as harmful.

Where possible, in recognition of the at risk groups and risk factor complexities individuals may be experiencing, the training recommended for staff could be broadened to encompass building employee’s ability to identify and provide support to vulnerable people.

Examples of opportunities for training are included in the LGA Guidance.

Support & signposting

Public Health Devon encourage consistent availability and sharing of information on support for those experiencing gambling related harm. Details are listed below, further information is [available on the NHS website](#)

Gambling support

South West NHS Gambling Service

Each region in England now has a specialist NHS gambling treatment service. The [South West Gambling Service](#) provides free confidential support including recovery courses, cognitive behaviour therapy, and support for affected family members.

People can self-refer to the Gambling Service by phoning 0330 022 3175 Monday to Friday, 9am-7pm.

National Gambling Helpline – GamCare

[GamCare](#) provides information, advice and support for anyone affected by gambling harms. Contact the National Gambling Helpline - 0808 8020 133

Gamble Aware

[Gamble Aware](#) raise awareness and identify support available for people affected by harmful gambling including guidance for self-exclusion.

Ara Gambling Support

[Ara offer services](#) in Wales & the South West. Confidential advice for people affected by harmful gambling, and their friends and family. Call 0330 1340 286

Gamblers Anonymous

[Gamblers Anonymous](#) local peer support groups to stop gambling

GAMSTOP

[Free service](#) to bar yourself from online gambling sites in the UK

Mental Health and Suicide

Samaritans

Call 116 123 if you or someone you know is struggling with thoughts of suicide, or [visit their web site](#) for other ways to get help

SHOUT

[Free 24/7 mental health support](#) by text message – text ‘SHOUT’ to 85258

First Response Service

[Devon Partnership NHS Trust](#) 24/7 crisis mental health support (18+) in Devon - call 111.

Talkworks

Devon Partnership NHS Trust [Talking Therapies Service](#). A free, confidential service (18+) in Devon. Tools and techniques to improve mental wellbeing

Every Mind Matters

Search [Every Mind Matters](#) for free, NHS approved advice and simple tips to help you look after your mental wellbeing

Drug & Alcohol Support

Together

[Together drug and alcohol services](#) (18+) for Devon, recovery support including 1-to-1 support and group work

Y-Smart

[Y-Smart drug and alcohol services for under 18's](#), support and advice for young people, parents, families and professionals

Money/Debt Support

MoneyHelper

[Free, impartial guidance](#) about money and pensions, including information on money troubles, and signposting to further, trusted support

National Debt Line

[Free support for anyone struggling with debt](#) - includes impartial, expert, easy-to-read information, and contact by phone or web chat for support

Public Health Devon – harmful gambling

Public Health Devon undertook a [Spotlight Review in 2019](#) on harmful gambling, there are no further updates planned at this time.

In the Devon [Suicide Prevention Strategy & Action Plan \(2024 – 2027\)](#), led by Public Health Devon on behalf of Devon County Council, harmful gambling is identified as a priority risk factor.

As such, connections have been made from the DCC Suicide Prevention Implementation Group (SPIG) with the South West NHS Gambling Service, and information/promotional materials about the service is shared through SPIG, and other related networks and contacts.

In addition, suicide prevention training is promoted to all people, communities and workforces supporting those at risk of/experiencing any of the DCC Suicide Prevention Strategy priority risk factors - including harmful gambling. Information is available via the link above to the strategy and action plan.

This statement is provided in response to District Council consultation processes on Gambling Statement of Licensing Principles and Policies. The content of the statement may change and be updated in response to any new local or national policy and guidance.

Feedback on the content of the statement, and its' usefulness, is welcomed.

For all queries, please contact publichealth-mailbox@devon.gov.uk

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GamCare’s response Mid Devon District Council – Consultation on the revision of statement of principles under the Gambling Act 2005

About GamCare:

GamCare is an independent charity and the leading provider of information, advice, and support for anyone affected by gambling harms. We operate the National Gambling Helpline, provide structured support for anyone harmed by gambling, and create awareness about safer gambling and treatments. For 26 years, our confidential, non-judgemental services, have supported more than half a million people to get their lives back on track.

We hold data locally and nationally through our National Gambling Helpline. We also work closely with those who have lived experience in shaping and delivering our services and programmes, ensuring that all our work is coproduced with our lived experience community at its heart.

GamCare’s comments on the revision of the statement of principles:

- We welcome the position Mid Devon District Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.
- Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council’s licensing responsibilities.
- It is vital that Mid Devon District Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.
- Building on the proactive approach the council is already taking, we would like to see Mid Devon District Council commit in its statement of principles **to a public health approach** to gambling.
- This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.
- In the absence of Cumulative Impact Assessments as a method by which the “aim to permit” approach can be challenged, Mid Devon District Council should pursue a [Local Area Profile](#) approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.
- The changes to Mid Devon District Council’s statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.

*If you have any questions or would like to discuss in more detail, please contact Pollyanna Hopkins,
External Affairs Officer: pollyanna.hopkins@gamcare.org.uk*

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Page / Paragraph of policy	Received from	Comment made	Officer response to comment	Recommendation
<p>See the officer comment column for specific details.</p>	<p>Devon County Council</p>	<p>See Annex B for response</p>	<p>There are some issues raised that we feel can be considered / addressed as part of this current review. These are:</p> <ul style="list-style-type: none"> • Language and terminology – using the term harmful gambling instead of ‘problem’ gambling. (Paragraph 15.12 of SoP). • Additional training requirements for those working in licensed premises to include the ability to identify and provide support to vulnerable people. (Paragraph 27.8 of SoP). • The sharing and signposting to information and support for those experiencing gambling related harm. <p>There are other issues raised in this response that we feel need to be considered in greater detail when the SoP is next reviewed. These are:</p> <ul style="list-style-type: none"> • The possible development and implementation of a Local Area Profile. This would include a review of the groups or factors that could make people higher risk in terms of gambling harms. 	<p>Make changes to the SoP to reflect the comments made about language and terminology and additional training requirements for staff working in licensed premises.</p> <p>Update the website to include links to information and support for those experiencing gambling related harm.</p> <p>We consider the development and implementation of a Local Area Profile as part of the next review.</p>

Various	GamCare	See Annex C for response	<p>There are issues raised in this response that we feel need to be considered in greater detail when the SoP is next reviewed. These are:</p> <ul style="list-style-type: none"> • Exploring ways to gather and analyse data to better understand the level of gambling related harm in Mid Devon. • Understanding what a public health approach to gambling looks like and the partnerships involved in this. • Requiring frontline staff of the Council to undertake training to recognise the signs of gambling harm and develop pathways for subsequent referrals. • The development and implementation of a Local Area Profile. 	No changes at this stage but consider all of these issues as part of the next review. This is intended to take place in 2025 once updated guidance has been issued.
N/A	Parish Council	No comments	N/A	N/A
N/A	Parish Council	No comments	N/A	N/A
N/A	Village Hall	I see nothing in this document that addresses the fact that local bingo for small charities that help combat loneliness. The village hall used to hold regular funds raising bingo's for various community events. These were well supported are very much missed by the community. But unfortunately the rules	The limits referred to are prescribed in Regulations (i.e. <i>The Gambling Act 2005 (Non-Commercial Equal-Chance Gaming) Regulations 2007</i>) and this is not something the SoP can address.	No changes.

around this are very limiting and haven't been reviewed in a very long time making it impossible to run as a fundraiser. Hence they rarely happen.

The restrictions around holding family fundraising bingo should be reviewed and at least an inflationary adjustment made on how much you can charge for an evening of games. Ie currently if you wanted to have 6 books with 12 games you can't charge more than £8 this needs to be moved to £12 (£2 a book) it's still a very cheap night if you can't afford to play 6 books but for the organisers it's impossible to raise money as it currently stands. The figures need to be reviewed. I tried contacting the gaming commission and they have no plans to review the figures which is ridiculous and we are stopping rural areas from bringing forward social activities by not increasing the rates.

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Report for: Licensing Committee

Date of Meeting: 2 October 2024

Subject: **REVIEW OF STATEMENT OF LICENSING POLICY UNDER LICENSING ACT 2003**

Cabinet Member: David Wulff - Cabinet Member for Quality (Cost) of Living, Equalities and Public Health

Responsible Officer: Simon Newcombe - Head of Housing and Health

Enclosures: Annex A: Table of consultation responses
Annex B: Revised Statement of Licensing Policy

Summary:

The Council, as the Licensing Authority, must adopt a Statement of Licensing Policy that sets out how it carries out its duties under the Licensing Act 2003 (the 'Act'). That Policy must be reviewed every five years and this report considers the review of this document.

Recommendation:

- 1. That the Licencing Committee recommend to Full Council the adoption of the Statement of Licensing Policy as attached in Annex B**

1 Introduction

- 1.1 The Act requires this Council, as the Licensing Authority, to produce a Statement of Licensing Policy (the 'Policy') that sets out how it will carry out its duties under the Act.
- 1.2 This report sets out the main proposed changes to the Policy, the responses received during the consultation and the recommendation that the proposed Policy be adopted.

2 Proposed Policy

- 2.1 As stated in the report presented to the Licensing Committee on 28 June 2024, the main proposed amendments to the Policy are as follows:

Removal of Appendix C (Pool of Conditions) and Appendix D (Code of good practice for licensed premises)

- 2.2 The existing Policy included these two documents as Appendices but on reflection, it is felt they are better as standalone documents as they do not relate to the policy directly but are helpful guidance for the applicants and licence holders.
- 2.3 This will not have an impact on their use or availability as we still intend to make them available online. However, removing them as Appendices ensures any updates to them can be done efficiently in future.

Additional information on non-licensable activities (page 18)

- 2.4 Since the introduction of the Act there has been a significant change in the licensing of entertainment. In general, it is now possible for more forms of entertainment to take place without the need for a licence.
- 2.5 The updated Policy clarifies that issues or concerns as a result of 'non-licensable' activities (including music in certain scenarios) can be addressed either via Environmental Health or Licensing, or both.

Additional information on large scale public events and the Safety Advisory Group (SAG) (page 24)

- 2.6 This has been added to highlight the importance of the SAG, especially with regards to larger events that have the potential to undermine the licensing objectives if not organised and run properly. This section encourages event organisers to engage in this process at an early stage and also highlights the potential need for a premises licence, depending on the number of people due to attend the event.

Prevention of crime and disorder (page 48)

- 2.7 In accordance with the Local Government Association (LGA) guidance note on drink spiking prevention (2022), we have added reference to spiking and sexual harassment. These items have been given as examples of the types of things an applicant should consider in relation to their premises.
- 2.8 The LGA guidance note also suggests that councils should consider referring to relevant training packages in the policy. We intend to update the Code of good practice for licensed premises with information about this as it will give us the flexibility to update details as and when required. An example of such a scheme that we will look to include information about is 'Ask For Angela' - <https://askforangela.co.uk/>.

Safeguarding (page 50)

- 2.9 The section on safeguarding is added to ensure applicants and licence holders consider the potential safeguarding issues their particular application or business may present.

2.10 A wide array of premises are licensed and it is felt appropriate to recommend that those that provide entertainment to children and youths complete basic training in safeguarding - such training is readily available online. We have also highlighted the potential requirement for a DBS check.

3 Consultation

3.1 The consultation started on 12 July 2024 and ended on 23 August 2024.

3.2 The following agencies and parties were consulted:

- Devon & Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Director of Public Health
- Devon County Council - Local Safeguarding Children's Board
- Weights and Measures (Trading Standards)
- Public Health (Mid Devon)
- Community Safety Partnership (Mid Devon)
- Town and Parish Councils within Mid Devon
- Health and Safety Executive
- Mid Devon District Council Environmental Health (Public Health)
- Mid Devon District Council Local Planning Authority (Development Management)
- Home Office
- Persons / bodies representative of local premises licence holders
- Persons / bodies representative of local club premises certificate holders
- Persons / bodies representative of local personal licence holders
- Persons / bodies representative of local businesses and residents in the area

3.3 The consultation was published on the 'Let's Talk Mid Devon' platform via the Council's website.

3.4 Five responses were received but only three of these provided comments on the Policy. The relevant points from these three responses can be seen within the table of responses, attached to this report as Annex A. This Annex also contains an officer recommendation as to whether the Policy should be updated in light of the comment(s) received.

3.5 The other two responses did not provide comments on the Policy as such. One of them noted that they had no observations to make and the other requested that the updated policy be shown in a 'tracked changes' format.

4 Recommendation(s) and next steps

4.1 In accordance with the above, that the Licensing Committee recommend to Full Council the adoption of the revised Statement of Licensing Policy as attached in Annex B. This recommendation could be presented to Full Council on 30 October 2024 and revised Policy come into effect from 1 November 2024.

4.2 If approved, the Licensing Team will update the website with the new Policy and notify Responsible Authorities and relevant parties accordingly.

Financial Implications: None that are not contained within existing resources.

Legal Implications: The Council is required to adopt a licensing policy. See Section 1 of the report.

Risk Assessment: If the licensing policy is not properly adopted it could be subject to legal challenge.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: No equality issues identified for this report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community, People and Equalities within the Corporate Plan 2024-28 and in particular objective 2.3 to support the health, wellbeing and safety of our residents.

Statutory Officer sign-off/mandatory checks

Statutory Officer: Stephen Walford
Agreed by or on behalf of the Section 151
Date: 17.9.24

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 17.9.24

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 12 September 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 13 September 2024

Cabinet member notified: Yes

Contact for more Information:

Harriet Said, Team Leader (Commercial), Public Health or Simon Newcombe, Head of Housing and Health
Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background Papers:

- Licensing Act 2003 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Section 182 Guidance - <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- MDDC Statement of Licensing Policy - <https://www.middevon.gov.uk/business/licensing/new-statement-of-licensing-policy-licensing-act-2003/>
- Licensing Committee 28 June 2024 - <https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=139&MId=1956&Ver=4>

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Page / Paragraph of policy	Received from	Comment made	Officer response to comment	Recommendation
Page 8 / 2.12 and page 32 / 5.2	Public Health, Devon County Council	<i>'Please amend reference on page 8 and page 33 to Director of Public Health to remove '(Devon DAAT)'. It is sufficient to state 'Director of Public Health' – the Devon DAAT no longer exists, but commissioning of drug & alcohol services remains a Public Health function'.</i>	No comment	Policy updated to reflect comment
N/A	Member of public	<p>a) <i>'Many of these points are ONLY relevant to DEVON CC Seems you are not aware of YOUR responsibilities'.</i></p> <p>b) <i>'It is the DUTY of elected members to take responsibility for decisions. It seems to me that your council thinks that officers should take more decisions. This is not the best practice and you should ALL be involved in the decision making process'.</i></p>	<p>The Licensing Officer spoke to this person to try and get more information about the comments made. What follows is a brief summary of the main points discussed.</p> <p>a) The general point being made was that the Council should ensure it works with Devon County Council (DCC) where appropriate and necessary. However, no specific examples could be given of the issues in the policy that were only relevant to DCC.</p> <p>There are elements of the policy where there is a crossover with DCC - they are a Responsible Authority under the Licensing Act 2003 so this is to be expected. They</p>	<p>a) No update recommended.</p> <p>b) No update recommended.</p> <p>Note: As a result of this conversation, the Licensing Team will review the information on the website to ensure it is clear that members of the public can contact</p>

			<p>were consulted on the policy directly and the only comment made can be seen above.</p> <p>b) With regards to the delegation of functions and elected members taking responsibility for decisions, it should be noted that this comment appears to relate to, in part, the table which appears on page 10 (paragraph 3.6) of the policy. So the Committee are aware, this table is based on the table of '<i>recommended delegation of functions</i>' which appears on page 128 of the S182 Guidance. This is guidance issued by the Secretary of State and is something Licensing Authorities must have regard to. It is possible to depart from this guidance but this can only be done with good reason.</p> <p>One of the main issues discussed was the importance of members being involved in the licensing process and the positive impact they can have. It was explained that if just one representation is received against a premises licence application, the matter then goes to a Sub-Committee to be considered.</p> <p>We also discussed:</p> <ul style="list-style-type: none">• Some of the work we do with DCC, including dealing with pavement licences.• That we send certain types of applications to all Councillors (although not a statutory requirement). This allows them to review and, if appropriate and necessary, submit their own representation.	<p>Councillors should they have any licensing concerns.</p> <p>Additionally, the comment about training for all Councillors on licensing has been passed on to the Member Services Team.</p>
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			<ul style="list-style-type: none"> • Members of the public contacting Councillors directly should they have licensing related concerns. • That applications do not go to a hearing unless representations are made. • Training for all Councillors on licensing 	
N/A	Licence holder	<i>This is informative and useful and practical. A good policy.</i>	No comment	N/A

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Statement of Licensing Policy Licensing Act 2003

Date of implementation: TBC

Mid Devon District Council
Phoenix House, Phoenix Lane
Tiverton, Devon, EX16 6PP
Tel: 01884 255255
<https://www.middevon.gov.uk>

Contents

1. Introduction	Page 5
2. Background	Page 6
2.1 Purpose and Scope of the Licensing Policy	Page 6
2.8 Profile of Mid Devon	Page 7
2.12 Consultation and Policy Timeline	Page 8
3. The Licensing Function	Page 10
3.1 Purpose	Page 10
3.3 Delegation of Functions	Page 10
3.7 Related legislation, Policies and Guidance	Page 12
3.17 Integrating Strategies and Avoiding Duplication	Page 15
4. The Licensing Process	Page 17
4.1 General	page 17
4.8 Regulated Entertainment, exemptions and de-regulations	Page 18
4.10 New and Full Variation Process	Page 18
4.14 Beer Gardens and Other Outdoor Spaces	page 19
4.17 Mobile, Remote, Internet and Other Delivery Sales	Page 20
4.19 Vessels	Page 20
4.20 Minor Variation Process	Page 20
4.27 Personal Licence Process	Page 22
4.31 Temporary Event Notices	Page 23

4.38	Large Scale Events	Page 24
4.40	Disapplication of Conditions for Community Premises	Page 24
4.42	Licence Reviews	Page 24
4.49	Licensing Fees	Page 26
4.52	Late Night Levy	Page 26
4.58	Early Morning Restriction orders	Page 27
4.64	Cumulative Impact	Page 28
4.74	Public Space Protection Order	Page 31
4.76	Licensing Register	Page 32
5.	Responsible Authorities and Representations	Page 33
5.1	Responsible Authorities	Page 33
5.4	Licensing Authority	Page 33
5.7	Other Persons	Page 34
5.9	Making Representations	Page 34
5.17	Anonymous Representations and Petitions	Page 35
6.	Decision Making	Page 37
6.1	Determining Applications	Page 37
6.15	Licensing Hours	Page 39
6.21	Conditions	Page 40
7.	Enforcement and Code of Good Practice	Page 44
7.7	Code of Good Practice for Licensed Premises	Page 454

8.	Promotion of the Licensing Objectives	Page 47
8.1	Introduction	Page 47
8.5	Prevention of Crime and Disorder	page 47
8.9	Public Safety	Page 49
8.15	Prevention of Public Nuisance	Page 51
8.19	Protection of Children from Harm	Page 51

Appendices

Appendix A	Responsible Authority contact List
Appendix B	Hearing procedures

1. Introduction

- 1.1 Mid Devon District Council ('the Council') has a duty to administer and enforce the Licensing Act 2003 (the "Act") which gives local authorities responsibility for licensing the sale and supply of alcohol, regulated entertainment and the provision of late night refreshment.
- 1.2 The Act requires that licensing authorities publish a Statement of Licensing Policy for their area to guide them when considering licence applications and controlling licensed premises. This Statement of Licensing Policy is produced in response to this requirement and applies to all applications, notices, representations and requests we receive under the Act. The Policy also aims to provide guidance to applicants, objectors and interested residents, businesses and the wider community about the approach the Council will take as the Licensing Authority. It has been the subject of consultation with local bodies, organisations and residents. A list of consultees is provided within the Policy itself.
- 1.3 The Council's original Policy was published in 2005 and was subsequently reviewed every 3 years, as required by the legislation at that time. Since then changes to the Act mean that licensing authorities are now required to review their statements of Licensing Policy every 5 years. This is the fifth review of this Policy by the Council.
- 1.4 This Policy Statement will come into force on TBC.
- 1.5 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the latest version of Home Office Guidance issued under section 182 of the Act.

2. Background

Purpose and Scope of the Licensing Policy

- 2.1 This Statement of Licensing Policy is produced in response to the requirements of Section 5 of the Act. It aims to ensure a consistent approach to licensing within Mid Devon. The Policy will assist officers and members in reaching a decision on a particular application or licence, setting out those matters that will normally be taken into account. In addition, the Policy seeks to provide clarity for applicants, licence holders, residents, and businesses to enable them to understand the objectives being promoted and the matters that will be considered when determining licences.

2.2 In carrying out its licensing function the Licensing Authority must promote the following four licensing objectives:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

2.3 For the purposes of this Policy, the Council is the Licensing Authority and is referred to as the “Licensing Authority”, unless otherwise stated.

2.4 This Policy covers a wide range of licensable activities under the Act and these are as follows:

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of entertainment to the public or club members or with a view to making profit, including raising money for charity, where the entertainment involves:
 - A theatrical performance
 - Film exhibition
 - Indoor sporting event
 - Boxing or Wrestling
 - Live music
 - Recorded music
 - A performance of dance
- Supply of hot food or drink from premises between 23:00 and 05:00 (the provision of late night refreshment)

2.5 The scope of the Policy includes new applications, variations (including transfers and changes of designated premises supervisors), notices and existing licences. Nothing

in this Policy will prevent a person from making an application under the Act and each application will be determined on its own individual merits.

- 2.6 This Policy sets out the vision for the regulation of licensed premises throughout Mid Devon and outlines the standards expected to ensure the promotion of the four licensing objectives.
- 2.7 The Licensing Authority may depart from the Policy if it considers that doing so would benefit the promotion of the licensing objectives. Reasons will be given for any such departure from the Policy. However, it is expected that any such departure would be likely only in exceptional circumstances.

Profile of Mid Devon

- 2.8 The Council is a rural council, lying inland within Devon. The Council covers an area of 352 square miles (913 square kilometres). The district boasts a high quality natural environment, bordering Dartmoor and Exmoor National Parks and the Blackdown Hills Area of Outstanding Natural Beauty.
- 2.9 With an approximate population of 82,800, the district is one of the most sparsely populated local authorities within England and Wales, comprising approximately 35,600 households.
- 2.10 50% of the population reside across the three main market towns in the district. Tiverton is the largest of these with a population of approximately 22,291 and Cullompton and Crediton are the other two, having populations of approximately 10,492 and 8,070 respectively.
- 2.11 The Licensing Authority has responsibility for regulating a range of premises and other licences including (not exhaustive):
- Personal Licences
 - Premises Licence (with alcohol)
 - Premises Licences (without alcohol)
 - Club Premises Certificates (with alcohol)
 - temporary event notices



Consultation and Policy Timeline

2.12 In preparing this Policy the Licensing Authority has consulted the following:

- The Chief Officer of Police
- Devon and Somerset Fire and Rescue Service
- Director of Public Health
- Devon County Council - Local Safeguarding Children’s Board
- Heart of the South West Trading Standards
- Public Health (Mid Devon)
- Community Safety Partnership (Mid Devon)
- Town and Parish Councils within Mid Devon
- Health and Safety Executive
- Mid Devon District Council - Environmental Health Services (Public Health)
- Mid Devon District Council – Local Planning Authority (Development Management)
- Home Office

- Persons / bodies representative of local premises licence holders
- Persons / bodies representative of local club premises certificate holders
- Persons / bodies representative of local personal licence holders
- Persons / bodies representative of local businesses and residents in the area

2.13 This consultation was carried out between TBC.

2.14 Proper weight has been given to the views of organisations and individuals consulted prior to implementing this Policy.

2.15 This Policy was formally adopted by the Council on TBC and had effect from TBC. It will remain in force for a maximum period of five years. It will then be subject to review and further consultation. The Licensing Authority may revise the Policy at any time during the five year period if it considers it appropriate to do so and will consult on any substantial revisions to the Policy.

3. The licensing function

Purpose

3.1 The purpose of the licensing function is to promote the licensing objectives through the effective regulation of licensed premises, qualifying clubs and temporary events. The Licensing Authority is keen to foster a safe and vibrant leisure economy and will work with applicants and licence holders to encourage and sustain well managed premises which make a positive contribution to the community.

3.2 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a “cure all” for solving all problems within the community. The Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, the fire authority, the Council’s Environmental Health Department, the Community Safety Partnership, local businesses and local people towards the promotion of the objectives as outlined.

Delegation of Functions

3.3 The powers of the Licensing Authority under the Act may be carried out by the Licensing Authority’s Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of

between 10 and 15 elected members of the Council and will establish sub-committees consisting of 3 members of the committee. The Council's delegation of functions follow the Home Office Guidance issued under section 182 of the Act.

- 3.4 Many of the licensing procedures will be largely administrative and uncontentious. In the interests of efficiency and effectiveness officers will generally carry these out.
- 3.5 In situations where representations have been made and an agreement has been reached between all relevant parties to amend the application (i.e. to add conditions) the Licensing Authority reserves the right to not hold a hearing and issue the licence as per the agreement (in such situations the application will be considered 'uncontested'). This will only be done when the proposed amendments promote the licensing objectives and consideration will be given to the potential for any party to be disadvantaged.
- 3.6 A list of delegations is available below:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If a police or Immigration Enforcement objection made	If no police objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for minor variation of premises licence/club premises certificate			All cases
Application to vary designated premises supervisor		If a police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection made	All other cases

Applications for interim authorities		If a police objection made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases (except addition of conditions)	Addition of conditions consistent with existing Licence
Determination of application to vary premises licence for community premises to include alternative licence condition		If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Suspension of premises licence/club premises certificate for non-payment of annual fee			All cases
Review of Statement of Licensing Policy	All cases (Full Council)		
Implementation of a Late Night Levy	All cases (Full Council)		
Creation of an Early Morning Restriction Order	All cases (Full Council)		

Related Legislation, Policies and Guidance

3.7 When making licensing decisions, the Licensing Authority will comply with all relevant legislation and have regard to a number of strategies, policies and guidance documents. This includes:

Legislation

- Section 17 Crime and Disorder Act 1998
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000
- Equality Act 2010

- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974
- Environmental Protection Act 1990
- Anti-Social Behaviour, Crime and Policing Act 2014
- Building Regulations
- Regulatory Reform (Fire Safety) Order 2005
- Town and Country Planning Act 1990
- Private Security Industry Act 2001
- Violent Crime Reduction Act 2006
- Police Reform and Social Responsibility Act 2011

Strategies

- Current East and Mid Devon Community Safety Strategy
- Current Government alcohol strategy
- Current Mid Devon Corporate Plan

Policies / Codes of Practice

- Regulators' Compliance Code (BIS – April 2014)
- The Council's Enforcement Policy
- Local Transport Plan

Guidance

- Guidance issued under s.182 of the Licensing Act 2003 (Home Office) [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- Guidance to Health and Safety at Outdoor Events (Purple Book) [The Purple Guide](#)
- Licensed Property: Noise Control (British Beer and Pub Association) [Home | BBPA \(beerandpub.com\)](https://www.beerandpub.com)
- Guidance on running events safely (HSE website) [Event safety - Running an event safely \(hse.gov.uk\)](https://www.hse.gov.uk)
- Managing work-related violence in licensed and retail premises (HSE) [Workplace violence in the retail industry \(hse.gov.uk\)](https://www.hse.gov.uk)
- Any guidance / policy produced by the Council in relation to noise nuisance [Noise nuisances - MIDDEVON.GOV.UK](https://www.middevon.gov.uk)
- The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks [portmangroup.org.uk](https://www.portmangroup.org.uk)

3.8 There are some other notable pieces of legislation and these are as follows:

Gambling Act 2005

- 3.9 The provision of gaming machines and certain forms of low-stakes gambling (i.e. poker and bingo) are permitted in alcohol-licensed premises and qualifying clubs under the Gambling Act 2005. The type of gambling allowed, stakes and prizes are specified in regulations and are set at levels which are designed to keep this form of gaming a low-risk, sociable activity. Generally, such gaming should be ancillary to the primary use of the premises. The Licensing Authority may take action against a premises where it believes that gaming is becoming the dominant activity or is having a detrimental effect on the licensing objectives.
- 3.10 The Council has adopted a Gambling Act Policy which stands separate from this Policy. The Policy may be viewed on the licensing webpages of the Council website.

Health Act 2006

- 3.11 The introduction of the Health Act 2006 which prohibited smoking in enclosed or substantially enclosed spaces in England has had a significant impact on alcohol-licensed premises and qualifying clubs. In many premises, customers wishing to smoke must do so in beer gardens, outdoor patio areas or in the street. This can result in noise, nuisance and anti-social behaviour for nearby residents, businesses and passers-by, especially late at night when background noise levels are low. The Licensing Authority will expect applicants and licence holders to have particular regard to the management of customers in the immediate vicinity of their premises to ensure that their behaviour does not cause offence or undermine the licensing objectives

Sexual Entertainment Venues

- 3.12 Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not affected by the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 3.13 In almost all cases where a performance of dance is potentially licensable as both the provision of *relevant* entertainment (under the 1982 Act) and *regulated* entertainment (under the Act), the 1982 Act disapplies the entertainment licensing regime in the Act in favour of its stricter regime for the control of sex establishments.

3.14 However, the Act will permit the holder of a premises licence to carry out relevant entertainment where the premises are not licensed as a sex entertainment venue under the 1982 Act if:

- The relevant entertainment has only been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

3.15 The Council has an adopted Sex Establishment Policy which stands separate from this Policy.

Promotion of Equality

3.16 This Policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Actions of the Licensing Authority will be undertaken with due regard to equality obligations and where necessary, information will be published at least annually by the Council.

Integrating Strategies and Avoiding Duplication

3.17 This Policy supports the following elements of the Council's Corporate Plan:
(Section to be updated for new Corporate Plan once agreed)

Economy

- Business development and growth
- Improving and regenerating our town centres
- Growing the tourism sector

Community

- Working with local communities to encourage them to support themselves
- Working with town and parish councils
- Increasing activity and promoting health and wellbeing

Environment

- Protecting the natural environment

3.18 The Licensing Authority recognises that unnecessary and over-burdensome regulation can prevent businesses from thriving and growing. The Licensing Authority will therefore endeavour to regulate licensed premises in a proportionate manner in accordance with the Regulators' Compliance Code. Premises will be assessed on the basis of risk to the promotion of the licensing objectives and inspections will only be carried out when and if they are judged to be necessary.

3.19 The Licensing Authority will endeavour to ensure that this Statement of Licensing Policy is aligned with and supports local crime prevention, planning, transport, tourism and cultural strategies. To this end, the Licensing Authority will work closely with other agencies and will contribute, where appropriate, to the development of policies and initiatives to tackle alcohol-related crime and disorder.

Planning

3.20 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

3.21 The Licensing Authority recognises that it is legally permissible for applications for licences to be made before any relevant planning permission has been sought or granted by the planning authority. However the grant of a licence under the Act does not remove the need for applicants to obtain all the necessary planning consents. It should also be noted that grant of a licence in no way means that any planning application would also be granted and vice versa.

3.22 It is strongly recommended that prospective applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It makes operational sense to ensure that planning and licensing are compatible.

3.23 Where, as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of planning permission (and vice versa where the licensing hours finish earlier than the planning permission).

4. The licensing process

General

- 4.1 Application forms may be downloaded from the Licensing Authority's licensing webpages. Applicants are strongly recommended to discuss their application with a member of the Licensing Team prior to formal submission. The Licensing Authority may reject applications which have not been completed correctly or contain insufficient information.
- 4.2 Applications, notices or relevant representations shall be treated as having been "given" to the Licensing Authority in accordance with the principles of "deemed service" as set out in the Civil Procedure Rules.
- 4.3 The Act requires that applications for premises licences / club premises certificates are advertised in accordance with regulations. The Licensing Authority will need to be satisfied that the applicant has complied fully with these regulations and may request copies of notices and advertisements to verify that the application has been properly made. If an application has not been correctly advertised, the Licensing Authority may reject the application. Further guidance on advertising applications is available on the Act pages available on the Licensing Authority's website (to be updated after adoption of updated Statement prior to publication).
- 4.4 When determining applications the Licensing Authority will have regard to this Policy, the Act and the section 182 Guidance. Each application will be considered on its own individual merits.
- 4.5 Applicants should make themselves aware of the relevant sections of this Policy, in particular the issues that will need to be addressed in formulating the operating schedule and offering appropriate conditions. In order to assist with this, the Licensing Authority has created two documents of note, a 'Pool of Conditions' and a 'Code of Practice for Licensed Premises'. These documents can be found on the Licensing Authority website.
- 4.6 The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the location and type of premises, the licensable activities to be provided, and the operational procedures.
- 4.7 Applicants should consider the benefits of exceeding their statutory consultation requirements by proactively seeking the views of parties on the application and

proposed licensable activities. This includes proactively liaising with local residents, local ward Councillors, businesses and responsible authorities.

Regulated entertainment exemptions and de-regulations

- 4.8 Since the introduction of the Act, the Government has de-regulated various types of regulated entertainment. Applicants are advised to consult the Government's website for further information:

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

- 4.9 When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance constitutes regulated entertainment or not. If in doubt, organisers of events should check with the Licensing Authority.

- 4.10 Although some forms of entertainment no longer require a licence in specific circumstances, it is important to note that licence holders must still operate in a way that promotes the four licensing objectives.

Note: If a premises operates in a way that undermines the licensing objectives, including in relation to forms of entertainment that no longer require a licence, then mechanisms exist to address this. For example, if music that does not require a licence is creating a noise nuisance then Environmental Health can take action under the Environmental Protection Act 1990 and from a licensing perspective, the licence itself can be reviewed.

New and full variation process

- 4.11 The procedure for making a new application and changes to existing Premises Licences or Club Premise Certificates are very similar. Both involve the same advertising procedure, a 28 day consultation period and the application is determined by the Licensing Sub-Committee if relevant representations are received. If no relevant representations are received then the application is automatically granted at the end of the consultation period
- 4.12 In brief, applicants must:

- Submit a completed application on the prescribed application form to the Council with the required fee and a plan of the premises of 1:100 scale (unless agreed otherwise). The application form must include an Operating Schedule.
- Submit an entire copy of the application to all Responsible Authorities at the same time as the application is submitted to the Licensing Authority. NB. *If applicants chose to submit the application electronically they are not required to submit copies to the Responsible Authorities.*
- Advertise the application in a prominent position at or on the premises on a pale blue coloured notice of at least A4 size with a minimum font size of 16, for not less than 28 consecutive days starting on the day following the day on which the application was submitted to the Licensing Authority.
- Advertise the application within 10 working days (starting on the day following the day on which the application was submitted to the Licensing Authority) in a local newspaper circulating in the Mid Devon area.
- If the application includes the retail or supply of alcohol, the consent of the individual Personal Licence holder who wishes to be the Designated Premises Supervisor (DPS) is required with the application.

The application will be advertised on the Council's website.

- 4.13 All applicants for the grant or variation of a Premises Licence or Club Premises Certificate are expected to demonstrate within their Operating Schedules how they intend to promote each of the four licensing objectives. The proposals included in the Operating Schedule will form the main body of conditions to be applied to the licence or certificate (if granted).

Beer gardens or other outdoor spaces

- 4.14 Applicants should consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is treated as taking place where the alcohol is appropriated to the contract. This means that where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer, this would be treated as an off-sale and any conditions that relate to off-sales would apply.
- 4.15 In such cases it will not be necessary to include the garden or other outdoor space on the plan as part of the area covered by the Premises Licence, assuming the licence

authorises the sale of alcohol for consumption off the premises. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the Premises Licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

- 4.16 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

Mobile, Remote, Internet and Other Delivery Sales

- 4.17 The Licensing Authority shall have due regard to sales of alcohol which are made remotely, by mobile methods, internet or by other delivery sales.
- 4.18 The expectation of the Licensing Authority is that conditions suggested by way of Operating Schedules for these types of activities should be extremely robust. If new applications are made or existing premises are looking to extend into this area they should seek advice from the Licensing Authority or the police as it might be appropriate for provisions in the Operating Schedule for age verification and restriction of delivery times and quantities.

Vessels

- 4.19 The Licensing Authority will give particular weight to the views of the British Waterways Board when considering applications for Premises Licences in respect of vessels. Where, in the opinion of the Licensing Authority, if its discretion is engaged and any of the four objectives are undermined and cannot be resolved through the imposition of conditions, the application may be refused.

Minor Variation process

- 4.20 Small changes to a Premises Licence or Club Premises Certificate that will not impact adversely on the licensing objectives can be dealt with via the 'Minor Variation' process which is a scaled down version of the full variation process detailed above, with a reduced fee.

4.21 We expect that the process will be used for changes such as:

- Small changes to the structure or layout of a premises;
- Additional authorisations required for late night refreshment or regulated entertainment (such as live music, performance of plays or film exhibitions);
- Small changes to licensing hours (see below for changes that relate to alcohol);
- Revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

4.22 Minor variation applications will not apply to:

- Substantial changes to the premises;
- Varying the Designed Premises Supervisor;
- Authorising the sale by retail of alcohol;
- Authorising the supply of alcohol at any time between 23:00 and 07:00 hours;
- Authorising an increase in the amount of time on any day during which alcohol may be sold by retail.

4.23 In brief, applicants must:

- Submit a completed application on the prescribed application form to the Council with the required fee. If you are applying for a variation to the layout of your premises, you must include a revised plan of the premises of 1:100 scale (unless agreed otherwise).
- Advertise the application in a prominent position at or on the premises on a white notice of at least A4 size with a minimum font size of 32 for the header and 16 for the content, for not less than 10 working days starting on the day following the day on which the application was submitted to the Licensing Authority.

4.24 On receipt of a minor variation application, the Licensing Authority will consider the application and consult the relevant Responsible Authorities as it considers

appropriate. In deciding on the application the Licensing Authority will consider any relevant representations received within the statutory time limit (10 working days from the day after the application was received by the Licensing Authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.

- 4.25 If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused but the fee returned. However, in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application thus avoiding the need for a new application to be submitted.
- 4.26 Applications that have been rejected under the minor variations process can then be the subject of a full variation application or a revised minor variation application. The refusal of a minor variation does not affect or pre-determine any subsequent variation application in respect of the same premises.

Personal Licence process

- 4.27 Any premises licensed for the sale of alcohol must specify a Designated Premises Supervisor (DPS). This person must be a Personal Licence holder. In order to obtain a Personal Licence, the applicant must:
- Be aged 18 or over
 - Submit a completed application on the prescribed application form to the Council with the required fee.
 - Possess a licensing qualification accredited by the Secretary of State
 - Not have forfeited a Personal Licence within 5 years of his/her application
 - Produce a satisfactory 'Basic Disclosure' from the Disclosure and Barring Service (DBS), or the results of a subject access search of the police national computer by the National Identification Service (this check must be no more than one month old at the time of application)
 - Not have an objection notice from the police about the grant of a Personal Licence following notification of any unspent relevant offence or foreign

offence; OR must show that such an offence should not lead to refusal on crime prevention grounds

- 4.28 Photographs submitted with the application must be clearly endorsed on the reverse side with the person's name, date of birth and contact number in order to ensure they are correctly processed.
- 4.29 Applicants with unspent criminal convictions for relevant offences set out in the Act are strongly encouraged to first discuss their intention to apply for a Licence with the police and Licensing Authority before making an application.
- 4.30 There is no longer a requirement to renew a Personal Licence and the licence is portable, although changes of name and home address or updates to photos must be notified to the issuing Licensing Authority for a prescribed fee.

Temporary Event Notices (TENs)

- 4.31 The Act sets out the legal requirements relating to TENs. A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use a premises for one or more licensable activities during a period not exceeding 168 hours. They can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.
- 4.32 A TEN is typically used to:
- Authorise a licensable activity at a premises not currently licensed - e.g. selling alcohol at a fete
 - Temporarily extend the hours for providing a licensed activity at an existing licensed premises for a specific event
 - Provide for licensable activities not authorised by the existing licence
- 4.33 The organiser must submit a TEN to the Licensing Authority and where this TEN is submitted in writing, it is the responsibility of the notice giver to ensure that a copy is sent to the police and Environmental Health as stipulated in the Act. Where a TEN has been submitted electronically copies of it will be forwarded to the police and Environmental Health by the Licensing Authority.
- 4.34 The TEN must normally be submitted 10 clear working days' before the proposed event. This does not include the date of submission, the date of the event, weekends or bank holidays. It is recommended that TENs are submitted to the Licensing

Authority at least 28 days prior to the event to allow sufficient time for the organiser to liaise with relevant Council officers and Responsible Authorities to ensure the event takes place with minimum problems.

- 4.35 Where relevant representations are received from the police or Environmental Health, the matter will be referred to the Licensing Sub-Committee for a decision as to whether or not the event can take place. Where representations relate purely to the addition of conditions to the TEN which are consistent with an existing Premises Licence, a statement of conditions will be issued with the TEN without the need for a Licensing Sub-Committee hearing, unless the applicant disagrees.
- 4.36 Late TENs can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the Licensing Authority, must also be sent by the notice giver to the police and the Council's Environmental Health section.
- 4.37 It should be noted that in case of any relevant objections to a late TEN a counter notice will be served and the event cannot take place.

Large Scale Public Events

- 4.38 The Council encourages the promotion of well-run events within the district and recognises the benefits that such events can bring to the local economy and community.
- 4.39 Large scale events, such as outdoor musical festivals and other events, have significant potential to undermine the promotion of the licensing objectives, due to their size, complexity and the potential implications for planning such events.
- 4.40 The Council strongly recommends that organisers of large scale public events consult the Safety Advisory Group (SAG) at the earliest opportunity to discuss arrangements for the licensing of those activities. This will help to ensure that they can obtain expert advice on how best to minimise the risk of injury and public nuisance.
- 4.41 The application may involve the preparation of a substantial Event Management Plan which may take some time to complete. We recommend applicants engage with the SAG process a minimum of 6 months prior to the proposed event starting date. This is important to ensure that there is adequate time to apply for and obtain the relevant licences for the event to take place.
- 4.42 For large scale events that are occasional in nature and where the maximum number of attendees exceeds 499 people, the Licensing Authority will require an application

for a full or time-limited Premises Licence. Risks associated with an event can be adequately mitigated by the submission of an up to date, relevant, detailed and complete Operating Schedule specific to the proposed event.

- 4.43 Through the application process, Responsible Authorities and interested parties will have the opportunity to make representations relevant to the nature of the event which is planned.

Disapplication of Certain Mandatory Conditions for Community Premises

- 4.44 An amendment to the Act allows certain community premises which have or are applying for a Premises Licence that authorises alcohol sales to also apply to include the 'alternative licence condition' instead of the usual mandatory conditions in sections 19(2) and 19(3) of the Act (requirement for a DPS and for alcohol sales to be made or authorised by a Personal Licence holder). Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises.
- 4.45 Where it is not clear whether premises are community premises, the Licensing Authority will approach the matter on a case by case basis. The main consideration will be how the premises are predominantly used. If they are genuinely made available for community benefit most of the time, and accessible by a broad range of persons and sectors of the local community for purposes which include purposes beneficial to the community as a whole, the premises will be likely to meet the definition.

Licence Reviews

- 4.46 A Responsible Authority and any other person can, at any time following the grant of a Premises Licence or Club Premises Certificate, apply to the Licensing Authority to review the licence/certificate because of concerns arising at the premises which may have an adverse impact on any of the licensing objectives. The Licensing Authority regards this as a valuable protection for residents and businesses.
- 4.47 Following receipt of a review application, a 28 day consultation period will begin. The application will then be determined by the Licensing Sub-Committee who will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. Options available to the Licensing Authority include:

- Take no further action
 - Issue a warning to the licence holder
 - Modify the conditions of the Premises Licence
 - Exclude a licensable activity from the scope of the Licence
 - Remove the DPS
 - Suspend the licence for up to 3 months
 - Revoke the licence
- 4.48 Any application for a review should be treated seriously. Responsible Authorities will aim to give licensees early warning of any concerns identified at a premises, and talk to the Licence or Certificate holder to establish whether there are any steps they may be willing to take to rectify the situation. Similarly, those seeking reviews that are not a Responsible Authority are encouraged to take initial steps such as:
- Asking the Licensing Authority to talk to the licence holder on their behalf
 - Asking their local MP or Councillor to speak to the licence holder on their behalf
 - Talking to the relevant Responsible Authority (e.g. Environmental Health in relation to noise nuisance or the police in relation to crime and disorder) to establish whether there is other action(s) that can be taken to resolve the problem
- 4.49 The review process is not intended as a means of challenging the grant of a licence following the failure of representations to persuade the Licensing Authority on an earlier occasion. No more than one review from a person other than a Responsible Authority will be entertained in relation to a particular premises within a period of twelve months on similar grounds, except in compelling circumstances (e.g. where new problems have arisen) or where it arises following a closure order made under s.160 or s.161 of the Act.
- 4.50 When considering a review of a Premises Licence or Club Premises Certificate, the Licensing Authority will expect the applicants for the review to provide evidence of infringements of licensing regulations, failure to comply with licence conditions and/or of failure to promote the licensing objectives.
- 4.51 In cases of serious crime and disorder at premises, the police may apply for a summary review. On receipt of such an application, the Licensing Authority has 48 hours to determine whether any interim steps are required. Further information about this process can be seen in the section 182 guidance.

- 4.52 Any person aggrieved by the decision of the Licensing Authority has the right of appeal to the Magistrates' Court. An appeal must be made within 21 days of the Licensing Authority's decision.

Licensing Fees

- 4.53 The Act requires a Licensing Authority to suspend a Premises Licence or Club Premises Certificate if the annual fee is not paid when it is due.
- 4.54 It is the practice of this Licensing Authority to issue an invoice for annual fees approximately a month before the due date. Non-payment will then result in a suspension notice being served. Regulations state that the Premises Licence or Club Premises Certificate holder will be given notice of a suspension that is at least 2 working days before the suspension is to take place.
- 4.55 No refund is payable for any withdrawn or refused application / notification. In accordance with the Act, the fee for a minor variation is refundable, but only when the application is not determined within the statutory time period.

Late Night Levy (LNL)

- 4.56 A Late Night Levy (LNL) is an optional power available to local authorities to raise a contribution towards the costs of policing the night time economy. The power enables a licensing authority to charge a levy to holders of Premises Licences and Club Premises Certificates authorised to sell alcohol. A LNL must apply across the whole of the local authority area and applies to all on and off licences. Temporary Event Notices are exempt.
- 4.57 A LNL would require that a levy be paid by those persons who are authorised to sell alcohol between the periods specified in the LNL (the late night supply period) regardless of whether they are actually open during that period. This can be no earlier than 00:00 hrs and no later than 06:00 hrs and must be the same period every day. The licensing authority has discretion to exempt certain premises - prescribed by regulations - from the levy and to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes.
- 4.58 At least 70% of the LNL must be paid to the Police and Crime Commissioner. The local authority's portion can be used to tackle alcohol related crime and disorder and to support management of the night time economy in line with the reduction of crime and disorder, promotion of public safety; prevention of public nuisance and street cleansing.

- 4.59 The implementation of a LNL is subject to public consultation and, if it is to be introduced, must be adopted at a meeting of the council.
- 4.60 At the time of preparing this Policy, this Licensing Authority has taken no decision and has no plans to implement a LNL but is aware that it is a power which it may use if it considers it appropriate for the promotion of the licensing objectives.
- 4.61 The Licensing Authority will, however, consider the introduction of a LNL at any time if circumstances change and evidence supports this course of action.

Early Morning Restrict Orders (EMROs)

- 4.62 Early Morning Restriction Orders (EMROs) enable a licensing authority to prohibit the sale of alcohol for a specified time period between 00:00 hrs and 06:00 hrs in the whole or part of its area if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 4.63 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol-related anti-social behaviour which are not directly attributable to specific premises. Unlike the LNL there are no powers to charge a fee in connection with making an EMRO.
- 4.64 The decision to implement an EMRO must be evidence based. Evidence will be considered from partners including Responsible Authorities and the Community Safety Partnership alongside the authority's own evidence to determine whether an EMRO is appropriate for the promotion of the licensing objectives.
- 4.65 Measures that may be considered in advance of making an EMRO include:
- introducing a Cumulative Impact Policy
 - reviewing licences of specific problem premises
 - encouraging the creation of business-led practice schemes in the area
 - other mechanisms designed for controlling cumulative impact
 - encouraging Licence or Certificate holders to make variations with respect of hours for licensable activities.

- 4.66 The only exemptions relating to EMROs are premises which are authorised to sell alcohol between 00:00 hrs and 06:00 hrs on New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 4.67 At the time of preparing this Policy, this Licensing Authority has taken no decision to introduce an EMRO but is aware that it is a power which it can use if it considers it appropriate for the promotion of the licensing objectives.

Cumulative Impact

- 4.68 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the licensing authority can take into account. This should not however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this Policy.
- 4.69 A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new Premises Licences and Club Premises Certificates and applications to vary existing Premises Licences and Club Premises Certificates in a specified area.
- 4.70 Section 5A of the Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the Act. The Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.
- 4.71 The licensing authority will not operate a quota of any kind, which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide

entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community. This may result in the amenity of local residents being placed under severe pressure; it will not always be possible to attribute a particular problem to customers of particular premises. This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.

4.72 Local Community Safety Partnerships and Responsible Authorities, such as the police and environmental health, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
- statistics on local anti-social behaviour offences
- health-related statistics such as alcohol-related emergency attendances and hospital admissions
- environmental health complaints, particularly in relation to litter and noise
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations
- residents' questionnaires
- evidence from local and parish councillors
- evidence obtained through local consultation

4.73 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- trends in licence applications, particularly trends in applications by types of premises and terminal hours
- changes in terminal hours of premises

- premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times
- 4.74 If a CIA is published the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3).
- 4.75 Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a Responsible Authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.
- 4.76 The licensing authority recognises that as well as the licensing function there are a number of mechanisms for addressing issues of unruly behaviour that occurs away from licensed premises. These include:
- planning control
 - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Best Bar None, Pubwatch or Business Improvement District
 - Community Protection Notices
 - the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - the confiscation of alcohol from adults and children in designated areas

- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Raising a contribution to policing the late night economy through the LNL
- EMROs

4.77 Additional information on CIA can be found in the section 182 guidance. This Licensing Authority has not published a CIA at the time of writing this Policy.

Public Spaces Protection Order (PSPOs)

4.78 The Designated Public Place Order has been replaced by the Public Spaces Protection Order (PSPO) – see Anti-social Behaviour, Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable. Before making a PSPO, a council must consult the local police.

4.79 At the time of preparing this Policy, the Council have no alcohol relevant PSPOs.

Licensing register

4.80 The Act requires the Licensing Authority to keep a register containing a record of each Premises Licence, Club Premises Certificate and Personal Licence issued, along with the TENs received. Our register may be accessed online at the following link: <https://www.middevon.gov.uk/business/licensing/online-licensing-register/>.

4.81 Alternatively, the register may be viewed at Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP during normal opening hours. It is recommended that any person wishing to view the register in person should contact the Licensing Team in advance to ensure that your request can be catered for at the time of visit.

5. Responsible Authorities and Representations

Responsible Authorities

- 5.1 Responsible Authorities are public bodies that must be notified of applications under the Act. All Responsible Authorities are entitled to make representations in respect of grant, variation and review applications.
- 5.2 The Responsible Authorities are as follows:
- The Council's Licensing Authority
 - The Council's Environmental Health Service
 - The Council's Planning Services
 - Devon & Cornwall Constabulary
 - Devon Fire & Rescue Service
 - Local Safeguarding Children's Board, Devon County Council
 - Heart of the South West Trading Standards
 - Health and Safety Executive
 - Director of Public Health
 - Home Office (Alcohol Licensing Team)
- 5.3 Complete details for Responsible Authorities, including contact addresses is available in Appendix A.

Licensing Authority

- 5.4 The Police Reform and Social Responsibility Act 2011 amended the Act by making the Licensing Authority a 'Responsible Authority'. This enables the authority to make representations about an application for a Premises Licence or Club Premises Certificate or to apply for a review of a Premises Licence or a Club Premises Certificate.
- 5.5 In cases where the licensing authority is acting in its capacity as a Responsible Authority, it has established a clear separation of responsibilities within the authority's licensing team in order to ensure procedural fairness and to avoid potential conflict of interest.
- 5.6 The licensing authority is unlikely to make representations on behalf of other parties such as individuals, local councillors etc., as these persons can make representations in their own right. Similarly, the licensing authority will expect other Responsible Authorities to make representations on issues falling within their own remit. For example, the licensing authority is unlikely to make representations purely based on crime and disorder as this falls within the remit of the Police.

Other Persons

- 5.7 The Act allows any “other person” to make representations about a licensing application provided that it is relevant to one or more of the licensing objectives.
- 5.8 Other Persons means any individual, body or business affected by the operation of licensed premises regardless of their geographical location. The term also includes local councillors who can make representations in their own right or on behalf of a named Other Person, such as a resident or local business if specifically requested to do so.

Making Representations

- 5.9 When an application is made for the grant or the variation of a premises licence or club premises certificate a Responsible Authority under the Act or any other person may make a representation about the application.
- 5.10 Representations must be made to the Licensing Authority in writing within the 28 day consultation period. For this purpose, a representation can be made using the form available on the Council’s website or by letter or e-mail to the Licensing Team.
- 5.11 Section 18(6) of the Act defines what constitutes a ‘relevant’ representation. To be relevant, a representation must relate to the likely effect of the grant of a licence on the promotion of one or more of the following licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5.12 There is nothing in the Act to say that a representation must be of a negative nature. The Act specifically refers to ‘representations’ rather than ‘objections’ recognising that representations may express positive support for an application. This Licensing Authority will consider both positive and negative representations provided they are relevant.
- 5.13 Where no relevant representations are received, the application will be granted on the terms applied for. Where relevant representations are received, the application will be considered by a Licensing Sub-Committee at a hearing. This Licensing Authority has established its own hearing procedures as provided for by regulations made under the Act and this is included as Appendix B.

- 5.14 Any Other Person attending a hearing may expand on their representation but may not introduce new or different representations.
- 5.15 Representations which are deemed by this Licensing Authority to be repetitious, frivolous or vexatious will be disregarded.
- 5.16 Where relevant representations have been made against an application the Licensing Authority will normally try to see if any mediation is possible between the applicant and any Other Person. The purpose of mediation is to allow each party to express their concerns or views in an attempt to come to an agreed position. A positive mediation result saves time and money as the Licensing Authority and parties involved may not have to attend a contested hearing before a Licensing Sub-Committee.

Anonymous Representations and petitions

- 5.17 The Licensing Authority cannot accept anonymous representations. Full details of all representations must be made available to the applicant, including names and addresses. However, in exceptional circumstances, a person wishing to make a representation may be reluctant to do so because of fears of intimidation or harassment if their personal details are disclosed.
- 5.18 Where this Licensing Authority considers that the Other Person has a genuine and well-founded fear of intimidation and may be deterred from making a representation, the Licensing Authority may consider alternative approaches. For example, the individual may be advised to provide the relevant Responsible Authority with details of how they consider that the licensing objectives are being undermined so that the Responsible Authority can make representations, if appropriate and justified.
- 5.19 Alternatively, the Licensing Authority may advise the Other Person to request their local councillor make a representation on their behalf. Where appropriate, the Licensing Authority may decide to withhold some or all of the Person's details from the applicant. The Licensing Authority will only withhold such details where the circumstances justify such action.
- 5.20 Persons making representations should be aware that their personal details will normally be disclosed during the hearing process. Although, some personal data will be redacted from public documents in accordance with relevant legislation.
- 5.21 Any petitions received will be treated as one representation from the Other Person sending it in, supported by the other signatories. Petitions will not be treated as individual representations from everyone who has signed them.

6. Decision Making

Determining applications

- 6.1 Where relevant representations are received about an application, a hearing will be held unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is not necessary. Applicants and those making representations should seek in advance of any hearing to try and reach agreement or narrow the areas in dispute, particularly where both are professionally represented.
- 6.2 This Licensing Authority has established its own hearing procedures as provided for by regulations made under the Act and this is included as Appendix B.
- 6.3 When determining a licence application, the overriding principle adopted by this Licensing Authority will be that each application will be determined on its merits. The Licensing Authority will have regard to any guidance issued by the Home Office, this Policy and any measures it deems necessary to promote the licensing objectives. The Licensing Authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The Licensing Authority will give reasons for any such departure from the Policy.
- 6.4 The Licensing Authority will expect applicants to demonstrate in their applications active steps for the promotion of the licensing objectives. When determining an application, a key consideration for the Licensing Authority will be the adequacy of measures proposed in the Operating Schedule to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the needs of the local community. It might be that the applicant has considered all of this and decided that no measures will be appropriate to cover the promotion of one or more of the licensing objectives.
- 6.5 The Licensing Authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, antisocial behaviour, littering and noise, particularly late at night and in the early morning.
- 6.6 Since the introduction of the Act, the Licensing Authority's experience is that the vast majority of complaints about licensed premises are caused by public nuisance, in particular excessive noise from live and recorded music and disturbance caused by customers congregating outside licensed premises. The Licensing Authority will expect applicants to have particular regard to these issues and, if considered appropriate, to

include in their Operating Schedules adequate and effective steps to control noise and disturbance from their premises.

- 6.7 When determining an application, the Licensing Authority will consider all relevant evidence, both oral and written, provided by parties to a hearing. Evidence which is irrelevant will be disregarded. The Licensing Authority encourages applicants and persons making representations to attend hearings so that they can give evidence. Where an individual fails to attend the hearing, the Licensing Authority will consider their application or representation but may attach less weight to it.
- 6.8 It should be noted that, when determining an application, the Licensing Authority is making a judgment about risk. A key purpose of the licensing function is not to respond to crime and disorder, nuisance or public harm once it has happened but to make an informed assessment of the risk of such things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks.
- 6.9 Licence conditions will be tailored to the individual application and only those considered appropriate to meet the licensing objectives will be imposed. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection, for example Health and Safety at work, fire safety legislation etc.
- 6.10 The Licensing Authority will also take into account when making its decision that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour, especially once individuals have left licensed premises and are therefore beyond the direct control of licensees. However, when making a decision, the Licensing Authority will focus on the direct impact of the activities taking place on the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 6.11 The 'need' or demand for a licensed premises of any kind or the commercial damage that competition from a new licensed premises would do to other licensed premises in an area will not be matters that the Licensing Authority will consider when discharging its decision making function.
- 6.12 In the majority of hearings a summary of the decision will be given verbally on the day. A full written decision letter will be provided to the applicant and anyone who has made a relevant written representation within 5 working days of the hearing; this will include details on how to appeal a decision.
- 6.13 Any party to a hearing who is dissatisfied with the Licensing Authority's decision may appeal to the Magistrates' Court. An appeal must be made within 21 days of formal notification of the decision. **Anyone wishing to appeal is strongly advised to seek legal**

representation and/or contact the relevant court for further advice. The Council will not be able to assist or provide any legal advice. The relevant court is the North and East Devon Magistrates' Court.

- 6.14 In reaching a decision on whether or not to grant a licence, the Licensing Authority, if relevant representations are made, may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance.

Licensing hours

- 6.15 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the Licensing Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or Other Persons on the basis of the licensing objectives.
- 6.16 In general, applications for licensed premises located in residential areas wishing to open beyond 23.00, and those operating a beer garden or outside area beyond 21:00, will be expected to have a higher standard of control included within their Operating Schedule to address any potential public nuisance issue.
- 6.17 Where representations are received, stricter conditions relating to noise control may be appropriate and necessary in sensitive locations such as residential areas.
- 6.18 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide and promote a range of entertainment during their operating hours including live music, dancing and theatre for the wider cultural benefit of the community. It will be a matter for individual applicants to address the licensing objectives in their Operating Schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 6.19 In considering relevant representations, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case.
- 6.20 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large

numbers of people tend to leave licensed premises at the same time. Flexible licensing hours in relation to the sale of alcohol may therefore be considered as a potential means of reducing friction at late night food outlets, taxi ranks and other 'flashpoints' in areas where there have already been incidents of disorder and disturbance.

Conditions

6.21 The Licensing Authority cannot impose conditions of its own volition. Conditions will only be attached in the following circumstances:

- Mandatory conditions under the Act or introduced by regulation under the Act which will have effect in all circumstances regardless of if they appear on the licence
- If they are consistent with the applicant's Operating Schedule, or agreed/offered by the applicant during the application process
- When considered appropriate, reasonable and proportionate after relevant representations have been received and not withdrawn

6.22 Conditions are crucial in setting the parameters within which premises can lawfully operate. Any contravention of a condition on a Premises Licence or Club Premises Certificate is a criminal offence so it is essential that conditions are worded clearly, precisely and unambiguously. In addition, conditions must:

- be appropriate, reasonable and proportionate
- be enforceable
- not duplicate other statutory requirements
- be relevant to the particular type, location and character of the premises concerned
- not be standardised
- should be justifiable and capable of being met
- be written in a prescriptive format

- 6.23 The Licensing Authority encourages applicants to seek technical advice from the appropriate Responsible Authorities when preparing their Operating Schedules as this will enable any problems to be resolved at an early stage and will reduce the likelihood of representations.
- 6.24 Experience has shown that many of the conditions volunteered by applicants are poorly worded, unclear or ambiguous and therefore unenforceable. As an aid to applicants, this Licensing Authority has compiled a Pool of Conditions available on the Council's website.
- 6.25 The Pool of Conditions is not intended to form an exclusive or exhaustive list of conditions which should be included on a Licence or certificate. Applicants should consider offering conditions that are appropriate, necessary and proportionate in the circumstances of their particular application. Moreover, the Pool does not restrict any applicant, Responsible Authority, or Other Person from proposing any alternative conditions, nor does it restrict the Council's Licensing Sub-Committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives (after representations have been received to an application and by way of a hearing).
- 6.26 Any conditions offered in the Operating Schedule in wording that is not compliant with the principles outlined above will be suitably reworded by the Licensing Authority.
- 6.27 The Licensing Authority will pay particular attention to the effect (or potential effect) of licensable activities on those living, working or otherwise engaged in the area concerned and, where relevant representations are received, may attach conditions if it considers it appropriate for the promotion of the licensing objectives.
- 6.28 Conditions attached by the Licensing Authority to Premises Licences and Club Premises Certificates will relate to matters falling within the control of individual licensees. It is recognised that the licensing function cannot be a mechanism for the control of disorderly behaviour by individuals once they are beyond the direct control of the licence holder. However, the Licensing Authority and Responsible Authorities may take action where it can be established that there is a clear linkage between disorderly behaviour and a specific premises.
- 6.29 The Licensing Authority will not impose inappropriate or over-burdensome conditions on licences. The Licensing Authority may, however, if its discretion is engaged, impose conditions where existing legislation does not provide adequate controls and additional measures are considered to be appropriate for the promotion of the licensing objectives.

6.30 When determining the appropriate set of conditions the Licensing Authority will focus primarily on the individual style of the premises and the licensable activities proposed. Consideration should also be given to the following:

- The size, nature and style of the operation
- Whether the premises is part of a multiple operator's chain and therefore more likely to have an operating schedule that is tried and tested
- The cumulative effect of conditions in terms of cost and practical implementation
- The likely cost of the condition(s) for the operator
- Whether a simpler or better way of dealing with a perceived problem could be found
- Whether there is an actual risk of undermining an objective, as opposed to a conceivable risk. In the latter case, there is no need for the condition
- Whether the condition will be enforceable, if it is not specific or could be considered subjective it may not be enforceable

7. Enforcement and Code of Good Practice

7.1 It is the role of the Licensing Authority to protect the public from any harm that might arise from the provision of licensable activities at licensed premises. As part of this role Council licensing officers conduct visits to licensed premises to monitor compliance with the requirements of the Premises Licence and ensure the promotion of the licensing objectives.

7.2 Enforcement may be carried out independently by these authorised persons or in partnership with other enforcement agencies and Responsible Authorities. Where joint enforcement work is envisaged, the Licensing Authority will establish appropriate protocols, which will be reviewed at regular intervals.

7.3 In general, action will be taken in accordance with the Council's Environmental Health Enforcement Policy. This document can be viewed here:

<https://www.middevon.gov.uk/residents/public-health/public-health-enforcement-policy/>

- 7.4 Each enforcement action will be considered on its own individual merits.
- 7.5 In Mid Devon we aim to visit all premises licensed under the Act in accordance with an allocated risk rating. The premises risk rating is based on factors such as the nature of the premises, the range of licensable activities authorised, the times of activities and confidence in the management of the business.
- 7.6 It is strongly recommended that those responsible for the day to day management of licensed premises carry out regular licence compliance checks themselves. To ensure compliance levels, the relevant person(s) should consider the following matters:
- Is the listed DPS current?
 - Has the DPS authorised staff in writing to sell alcohol on their behalf?
 - Do you have a written age verification policy?
 - Are your staff familiar with, and trained in licensing requirements?
 - Can you show records of relevant staff training?
 - Are your staff training records up to date?
 - Is your Part A licence (or certified copy) available for inspection at the premises?
 - Is your Part B (licence summary) prominently displayed at the premises?
 - Is the premises plan accurate and up to date?

If the answer to any of these questions is 'no', remedial actions need to be taken.

[Code of good practice for licensed premises](#)

- 7.7 In order to assist in the general management of licensed premises, the Licensing Authority has created a 'Code of good practice for licensed premises' which is available on the Council's website. It includes some templates of standard documents, as well as some links to useful information and resources. Completing these templates and using the resources provided will help premises to promote the licensing objectives.
- 7.8 The information in the Code of good practice should not be considered as standard requirements for all premises. It is very important that each premises is considered on its own individual merits and only relevant and required actions are requested and / or expected of them. Having said that, it is intended that the document will be used by the following:

Applicants and licence holders

- 7.9 It is important to take a proactive and preventative approach to managing a licensed premises as this will ensure problems either do not occur to begin with, or if they do, are dealt with quickly.
- 7.10 Applicants should therefore read this document before submitting an application. It is considered a good starting point in assessing the potential risks of your premises. The identification of a risk will not necessarily warrant a condition on a licence. Additionally, licence holders should be familiar with this document as it will highlight any additional operational measures they may need to put in place.

The Licensing Authority and Responsible Authorities

- 7.11 This code is not a statutory document but it may be taken into consideration and used:
- When offering advice to applicants pre-application
 - When offering advice to licence holders in general
 - As a starting point to dealing with licensed premises encountering problems, in order to promote the licensing objectives and address issues
 - When enforcement action is required as a result of continued issues with premises not promoting the licensing objectives i.e. reviewing a Premises Licence

Dealing with premises not promoting the four licensing objectives

- 7.12 Where problems or concerns are identified at a licensed premises this will be addressed as early as possible by the Licensing Authority. We aim to work in partnership with licence holders to address issues and we will offer guidance and advice where we can.
- 7.13 The Licensing Authority and Responsible Authorities will agree appropriate measures with licensed premises and this may include points within the Code of good practice. This may be in the form of an 'action plan' and will provide a clear framework for actions to be undertaken. The ultimate aim of the Code and its application is to try and avoid the need for more formal enforcement action such as a prosecution or review.

8. Promotion of the Licensing Objectives

Introduction

8.1 When carrying out its functions and exercising its powers under the Act the Licensing Authority will aim to promote the licensing objectives at all times. In promoting these licensing objectives, the Licensing Authority aims to encourage a safe, crime free environment where everyone can enjoy the full range of licensable activities offered.

8.2 The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

8.3 Each licensing objective is of equal importance and they are the only factors that can be taken into account in determining an application and any conditions attached to a licence.

8.4 The Licensing Authority will require applicants to take appropriate and proportionate measures to promote the licensing objectives. The Council has produced two documents to assist applicants (and existing licence holders) with this and these are the Pool of Conditions and a Code of good practice for licensed premises'. Both of these documents are split into different sections covering each of the different licensing objectives. Additional information can also be found in the section 182 Guidance.

Prevention of Crime and Disorder

8.5 The Licensing Authority will endeavour to reduce crime and disorder throughout the district in accordance with its statutory duty under s.17 of the Crime and Disorder Act 1998.

Partnership working

- 8.6 The Licensing Authority looks to the police as the main source of advice on crime and disorder, but where appropriate, we will also seek to involve the local Community Safety Partnership. It should be noted however that any Responsible Authority under the Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations
- 8.7 In the exercise of its functions, the Licensing Authority seeks to co-operate with the Security Industry Authority (“SIA”) as far as possible and will consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, appear intoxicated by drugs, drug dealers, known sex predators or people carrying firearms do not enter the premises and ensuring that the police are kept informed and / or paramedics called where there are health concerns.
- 8.8 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. The Licensing Authority will work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a Premises Licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Applicant or duty holder’s responsibilities

- 8.9 The applicant should consider factors arising from activities at the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of crime and disorder, including but not limited to:
- Underage drinking

- Drunkenness on premises
- Drugs, including legal highs
- Spiking of drinks
- Violent behaviour
- Anti-social behaviour
- Sexual harassment and discrimination
- Theft
- Alcohol related driving offences

More information on these areas for consideration can be found in the Code of good practice for licensed premises.

Public Safety

- 8.10 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.

Fire Safety

- 8.11 Fire precautions and means of escape from licensed premises are particularly important. Large numbers of people, some of whom may be under the influence of alcohol, must be safely contained, managed and, if necessary, evacuated from premises. The attachment of conditions to a Premises Licence or Club Premises Certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform Fire Safety Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. As part of the risk assessment process, the premises / event maximum capacity must be calculated and complied with.

Risk Assessments

- 8.12 When addressing public safety, an applicant or licence holder should initially identify any particular issues (having regard to their particular type of premises and/or activities), which are likely to adversely affect the promotion of the public safety objective. Such steps as are required to deal with these identified issues may be suitable to include within the applicant's Operating Schedule.
- 8.13 It is also recognised that special issues may arise in connection with outdoor and large scale events. Risk assessment must be used to assess whether any measures are necessary in the individual circumstances of any premises.

Disability Equality

- 8.14 Consideration should be given to matters to ensure that:
- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency
 - disabled people on the premises are made aware of those arrangements
- disabled people may have physical and / or mental problems which should be considered

Safeguarding

- 8.15 Protecting children and vulnerable adults from harm and promoting their welfare is everyone's responsibility. An applicant and licence holders will need to demonstrate an ongoing commitment and ability to take appropriate steps to fulfil their safeguarding responsibilities.

It is recommended that persons employed on premises providing entertainment for children and youths complete training in basic child protection and safety and safeguarding, and if appropriate, have necessary DBS checks.

It is important that any safeguarding concerns in relation to children or vulnerable adults are recorded and reported to the Police and/or Devon County Council.

Prevention of Public Nuisance

- 8.16 The Act covers a wide variety of premises, including cinemas, concert halls, theatres, nightclubs, public houses, cafes, restaurants, fast food outlets and takeaways. Each of these premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is important that premises are constructed or adapted and maintained so as to acknowledge and safeguard occupants and neighbours against these risks, as far as is practicable.
- 8.17 Public nuisance is not narrowly defined in the Act and retains its broad common law meaning. It may include issues around nuisance, noise, disturbance, light pollution, noxious smells, vermin and pest infestations and accumulations of rubbish and litter.
- 8.18 The Licensing Authority recommends that applicants and licensees apply a higher standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises where:
- They are located in a residential or noise sensitive area
 - They have or are proposing extended open hours
- 8.19 The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence holder can exert over its customers diminishes and individuals who engage in anti-social behaviour are accountable in their own right. The licensing regime is not a mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the licence holder.

However, where nuisance or anti-social behaviour is experienced in the vicinity of a licenced premises, the licensing authority expects the licensee to work in co-operation with the Council's Regulatory Team and the Police to improve the situation.

Protection of Children from Harm

- 8.20 The protection of children from harm objective includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).
- 8.21 The Council expects licensed businesses to work actively to prevent:

- Child sexual exploitation
- The sale or supply of alcohol to persons under the age of 18
- The sale or supply of alcohol to adults seeking to purchase on behalf of persons under the age of 18
- The sale or supply of any other age restricted products to underage persons
- Access by children to gambling activities
- Access by children to any entertainment of a sexual nature

Child Sexual Exploitation (CSE)

- 8.22 Child sexual exploitation involves children being groomed and then sexually abused. The Council recognises that CSE is a major child protection issue across the UK.
- 8.23 The Council takes a strict “zero tolerance” approach in respect of CSE and expects licensed businesses to do the same. Conditions may be added by way of review of a licence if there is a specific CSE issue at a premises.
- 8.24 Measures designed to prevent underage sales and other harmful activities will have the secondary effect of preventing CSE by reducing or removing opportunities for abusers to groom children for sexual purposes.

Underage Sales and Age Verification

- 8.25 The Council expects licenced premises to work rigorously to prevent the sale or supply of alcohol to children. The mandatory licence conditions include a condition which requires all premises which are licensed to sell or supply alcohol to adopt an age verification policy whereby those who appear to be under 18 will be asked to provide photographic ID to prove their age before selling or supplying them with alcohol.
- 8.26 The Council encourages licensed businesses to go further than the requirements of the mandatory conditions and asks premises which are licensed for the sale or supply of alcohol to adopt the voluntary “Challenge 25” scheme. This scheme requires members of staff who carry out sales of alcohol to request photographic ID from anyone who appears to be under the age of 25 years. This does not preclude anyone over the age of 18 from purchasing alcohol, but does provide a much clearer framework for staff members in deciding when to ask for ID.
- 8.27 Applicants for Premises Licences or other permissions to sell or supply alcohol are encouraged to include the challenge 25 scheme within their Operating Schedule and it will be included as a condition, where appropriate.

8.28 Holders of Premises Licences and other permissions to sell or supply alcohol and their DPS must ensure that all staff employed at their premises receive regular training. Training must include child protection issues and the prevention of underage sales and proxy sales.

Children in Licensed Premises

8.29 The Licensing Authority recognises the great variety of premises for which licences may be sought. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from physical, moral or psychological harm.

8.30 When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children include premises:

- where entertainment of an adult or sexual nature is provided
- where there is a strong element of gambling taking place
- with a known association with drug taking or dealing
- where there have been convictions of the current management for serving alcohol to minors or with a reputation for allowing underage drinking
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

8.31 In such circumstances as listed above the Licensing Authority would expect the applicant to suggest restrictions in relation to access for children. If such restrictions are not contained within the Operating Schedule and if relevant representations are made, the Licensing Authority will consider applying conditions deemed necessary to meet the licensing objectives.

8.32 Conditions may be imposed, if not covered in other legislation, on licences for premises where children will be present at places of regulated entertainment to the effect that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may be present at an event as entertainers there may be a requirement for there to be a nominated adult responsible for such child performers at such performances.

8.33 The options available for limiting access by children would include:

- a limit on the hours when children may be present
- a limitation or exclusion when certain activities are taking place
- the requirement to be accompanied by an adult
- access may be limited to parts of the premises but not the whole
- an age limitation (for under 18s)

8.34 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder or club.

Display of Films and Theatrical Entertainment

8.35 In the case of premises giving film exhibitions, the Licensing Authority expects the holders of Premises Licences or other permissions to include in their Operating Schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself.

8.36 In relation to theatrical entertainment, it may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions. It may also be necessary where entertainment is provided specifically for children, to consider whether a condition should be attached requiring the presence of a sufficient number of adult staff to ensure the wellbeing of children during an emergency.