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MID DEVON DISTRICT COUNCIL

LICENSING COMMITTEE

A MEETING of the **LICENSING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Thursday, 15 October 2015 at 10.00 am

KEVIN FINAN

Chief Executive

7 October 2015

Councillors: R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, T G Hughes, D J Knowles, P H D Hare-Scott, C J Eginton, J M Downes, Mrs E M Andrews, K Busch, Mrs B M Hull, Mrs G Doe, J L Smith and L D Taylor

A G E N D A

MEMBES 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 relating to items on the agenda from members of the public and replies thereto.
- 3 **MINUTES** (*Pages 3 - 4*)
To approve the minutes of the meeting held on 3 September 2015 (copy attached).
- 4 **CHAIRMAN'S ANNOUNCEMENTS**
The Chairman had no announcements to make.
- 5 **THIRD REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES** (*Pages 5 - 66*)
To receive a report from the Head of Human Resources and Development. Mid Devon District Council is required to set out and formally adopt a Statement of Principles advising how it would carry out its duties under the Gambling Act 2005. That statement has to be reviewed every three years and this is its third review.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. The reports within this agenda have been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on:

Tel: 01884 234310

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 3 September 2015 at 10.00 am

Present

Councillors

Mrs F J Colthorpe, D R Coren, N V Davey,
Mrs E M Andrews, T G Hughes, D J Knowles,
C J Eginton, Mrs G Doe, J Smith and L Taylor

Apologies

Councillors

R J Chesterton, P H D Hare-Scott, K Busch and
Mrs B M Hull

Present

Officers:

Simon Newcombe (Public Health and
Professional Services Manager), Simon
Johnson (Legal Services Manager), Thomas
Keating (Lead Licensing Officer) and Sarah
Lees (Member Services Officer)

1 ELECTION OF CHAIRMAN (THE VICE CHAIRMAN OF THE COUNCIL, CLLR T G HUGHES, IN THE CHAIR)

RESOLVED that Cllr D R Coren be elected Chairman of the Committee for the Municipal Year 2015/15.

Cllr D R Coren then took the Chair.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr Mrs J Doe be elected Vice Chairman of the Committee for the Municipal Year 2015/16.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs K I Busch, Mrs B M Hull, R J Chesterton, and P H D Hare-Scott.

4 PUBLIC QUESTION TIME

There were no members of the public present.

5 MINUTES

The Minutes from the Meeting held on 18 December 2014 were approved as an accurate record and **SIGNED** by the Chairman.

6 REVIEW LICENSING HEARING PROCEDURES (00:10:00)

The Committee had before it a report * from the Head of Human Resources and Development discussing the procedure used for hearings which were in need of revision.

Prior to consideration of the report the Public Health and Professional Services Manager briefly updated the committee with regard to a caution which had been issued since the last meeting. This concerned Lodgehill Hotel, Ashley, Tiverton and related to licensable activities carrying on while the licence had been suspended for non-payment of annual fee. Following a visit by the Enforcement Officer, the licensee had paid the necessary charges and had had their licence reinstated.

Following on from this the Lead Licensing Officer outlined the contents of the report before the Committee highlighting areas within the hearing procedure that had needed revision. He stated that the changes were being proposed in the light of recent training, legal advice and best practice from other authorities. The key benefits resulting from the proposed changes included the following:

- All parties would have an opportunity to ask questions of each other.
- All parties would have an opportunity to suggest a particular condition or conditions which could be opened up for debate.
- The Legal Officer would now retire with Members to form their initial conclusions, thereby supporting Members better.
- Members could make a broad decision regarding a condition but could then delegate the precise technical wording to officers for completion after the hearing.
- Two of the three Panel Members would be experienced in attending licensing hearings.

Discussion followed with regard to:

- The improvements already seen during the previous two licensing hearings as a result of these changes; Members had felt that all parties had left the meetings feeling satisfied with the decisions made and the opportunities given to them express their views.
- It was felt that it was now good practice to use the local knowledge of a Ward Member on a Panel and to positively encourage it providing there were no personal interests involved.
- If a Member was approached by a member of the public to make a representation on their behalf they should not then sit the Panel discussing that application. Members of the public should be encouraged to make their own representations.

RESOLVED that the proposed protocol and procedure documents for hearings held under the Licensing Act 2003 be approved.

(Proposed by Cllr D J Knowles and seconded by Cllr N V Davey)

Note: * Report previously circulated; copy attached to the signed Minutes.

(The meeting ended at 10.25 am)

CHAIRMAN

LICENSING COMMITTEE
15 OCTOBER 2015

REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT

THIRD REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

REASON FOR REPORT

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

RECOMMENDATIONS

1. That the Committee recommends the revised Statement of Principles attached to this report (Annex 1) be adopted by full Council, subject to the proposed amendments made following consultation responses (set out in Annex 4).

RELATIONSHIP TO CORPORATE PLAN

1. Well regulated gambling premises contribute to community well being

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

Financial	None that are not contained within existing resources
Legal	The Council is required to adopt a Statement of Principles
Risk Assessment	If not properly adopted could be subject to legal challenge

CONSULTATION CARRIED OUT WITH :

1. S.349 of the Gambling Act 2005 requires that the licensing authority consult the Chief Officer of Police; one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

1.0 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 Mid Devon District 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 was 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 that they intend to apply in exercising their functions under the Act. The Statement of Principles will last a maximum of three years.
- 1.6 The current Statement of Principles for Mid Devon District Council was formally adopted on 12 December 2012 and came into force on 31 January 2013.

2.0 REVISED STATEMENT OF PRINCIPLES

- 2.1 The Act requires that the Statement of Principles be reviewed on a three yearly basis. The proposed Statement of Principles that was consulted on is attached as Annex 1.
- 2.2 As with previous versions, the new Statement of Principles has been written in pursuant to the provisions of the Gambling Act and also takes account of the Guidance issued under Section 25 of the Act by the Gambling Commission. This guidance provides a clear steer on what Statements of Principles should look to cover.

- 2.3 The Devon Licensing Officer Group also formed a small working party (on which this Council was represented) to look at what amendments / additions may be required to produce the draft document.

Amendments to the Statement of Principles

- 2.4 The suggested amendments are made for three main reasons; in response to legislative changes; to clarify issues; and minor structural changes to aid the flow of the document. A general overview of the main changes is given below. Amendments considered minor are not listed.

Interested Parties (Paragraph 8.3 and 8.4)

- 2.5 Information has been added to expand and clarify the factors this authority may take into account when determining whether a person is an interested party. This is information from Gambling Commission Guidance.

Enforcement (Paragraph 10.5)

- 2.6 A brief overview of the common points that Mid Devon officers will cover in a standard inspection is now provided.

Fees (Paragraph 13)

- 2.7 A statement regarding cost recovery has been added.

Local Risk Assessments (Paragraph 15)

- 2.8 The Gambling Commission has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), requiring operators to produce a local risk assessment which will assist local authorities when considering applications etc. The specific requirements are as follows:
- 2.9 From 6 April 2016 all non-remote licensees must 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 making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
- 2.10 Furthermore, licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks
 - when applying for a variation of a premises licence

- in any case, undertake a local risk assessment when applying for a new premises licence.

2.11 These new requirements are supplemented by an ordinary code provision which states that licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

2.12 In line with the above a new section in the Statement of Principles has been inserted to cover the principles this district will apply.

Local Area Profiles (Paragraph 16)

2.13 The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern. The section added in the Statement of Principles highlights that at present one has not been completed in this area but this may be reviewed in the future.

Duplication with other regimes – Planning (Paragraphs 17.15 and 17.16)

2.14 Two previous paragraphs have been removed as they are covered adequately in points 17.15 and 17.16.

Unlicensed Family Entertainment Centre Gaming Machine Permit (Paragraph 27)

12.15 This section has been rearranged but the content remains largely unchanged.

Members' Clubs (Paragraph 30.4)

12.16 This point has been added to clarify the information that Mid Devon District Council may consider when assessing whether or not a members club is genuine or not.

Small Society Lotteries (Paragraph 33)

12.17 This section has been added and provides a brief overview of the legislation and requirements in relation to Small Society Lotteries.

Appendices B, C and D

12.18 These have been added for the sake of reference and are directly from Gambling Commission Guidance.

3.0 **CONSULTATION**

3.1 S.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.
- 3.2 The consultation took place between 20 July 2015 and 13 September 2015.
- 3.3 The draft policy was published on the Council's website and specific letters / emails were written to:
- Association of British Bookmakers
 - British Amusement and Catering Trade Association
 - British Beer and Pub Association
 - Citizens' Advice Bureau
 - Community Safety Partnership
 - Churches Housing Action Team
 - Devon & Cornwall Constabulary
 - Devon County Council – Local Safeguarding Children's Board
 - Devon County Council – Social Services / Education Department
 - Devon and Somerset Fire and Rescue Service
 - Environmental Health (MDDC)
 - Certain existing licence holders / representatives
 - Federation for Small Business (Mid Devon)
 - Gamblers Anonymous
 - Gambling Commission
 - GamCare (a body that helps people with gambling problems)
 - Mencap
 - NSPCC
 - Planning (MDDC)
 - Primary Care Trust
 - Town and Parish Councils
- 3.4 Two responses were received as well as one acknowledgement. The responses were received from Gosschalks Solicitors on behalf of the Association of British Bookmakers (ABB) and Coral Racing Limited. These are attached as Annexes 2 and 3 respectively.
- 3.5 Specific comments from these responses and recommended amendments to the Statement of Principles based on them are attached as Annex 4.
- 4.0 **RECOMMENDATION**
- 4.1 It is recommended that the draft Statement of Principles originally consulted on is updated to reflect the amendments set out in Annex 4.
- 4.2 It is further recommended that the Statement of Principles (as amended) is adopted as our new policy and the Licensing Committee is asked to make this recommendation to Full Council on 4 November 2015.

5.0 **TIMESCALE**

- 5.1 The Council as the licensing authority for the gambling function is required to publish the adopted Statement of Principles no later than four weeks before the day on which it comes into effect. The effective date is 31 January 2016. It must be published on the Council's website and on a public notice board in or near the main office of the authority as a minimum requirement. It is proposed that it will be published in December, thus fulfilling our statutory requirements.

ANNEXES TO REPORT

- ANNEX 1: Draft Statement of Principles**
ANNEX 2: Response to consultation from Gosschalks Solicitors on behalf of the Association of British Bookmakers
ANNEX 3: Response to consultation from Coral Racing Limited
ANNEX 4: Proposed amendments to draft Statement of Principles

Contact for any more information	Mr Tom Keating (01884) 244618 Mr Simon Newcombe (01884) 244615
Background Papers	Gambling Commission Guidance to Licensing Authorities / LACORS guidance / Previous Statement of Principles
File Reference	Licensing/Gambling Act 2015
Circulation of the Report	Licensing Committee



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

Statement of Principles

UNDER THE GAMBLING ACT 2005
For the period 31st January 2016 to 31st January
2019

(Adopted by Full Council on XX XXXX 2015)

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	12
Local Area Risk Assessments	13
Local Area Profile	15
Part B – Premises Licences	
General Principles	16
Adult Gaming Centres	22
(Licensed) Family Entertainment Centres	23
Casinos	23
Bingo	23
Betting Premises	24
Tracks	24
Travelling Fairs	26
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 - Summary of machine provisions by premises	40
Appendix C - Summary of gaming machine categories and entitlements	42
Appendix D - Summary of gaming entitlements for clubs and alcohol-licensed premises	43

STATEMENT OF PRINCIPLES

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

Part A

1 The Licensing Objectives

- 1.1 The Licensing Authority has a duty under the Gambling Act 2005 to carry out its licensing functions in a manner, which is consistent with three licensing objectives. The relevant licensing objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way, and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.
- 1.3 It should also be noted that considerations such as moral or ethical objections to gambling are not valid reasons to reject applications for premises licences. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with exception of the casino resolution powers).

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

2 Introduction

- 2.1 This Statement of Licensing Principles is written pursuant to the provisions of the Gambling Act 2005 and the Guidance issued under s.25 of the Act by the Gambling Commission.
- 2.2 All references to the Guidance refer to the Gambling Commission's Guidance for Local Authorities.
- 2.3 The Statement takes effect on 31 January 2016.

3 The Geographical Area



- 3.1 Mid Devon is one of the larger local authorities in England with a rural area of 352 square miles but a fairly sparse population of 78,600 consisting of 34,754 households. There are three main towns in the district, Tiverton being by far the largest with a population of approximately 22,000 and the other two, Cullompton and Crediton both have populations of approximately 9,000 and 8,000 respectively. The rest of the population is spread throughout the district in villages and hamlets stretching from Dartmoor to Exmoor to the Blackdown Hills.
- 3.2 Mid Devon 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 July 2015 and experience has shown that the numbers stay fairly constant:

Type of licence / Permit / Authorisation	Number in District
Betting Shop	5
Adult Gaming Centre	3
Family Entertainment Gaming Machine Permit	3
Club Gaming Permit	2
Club Machine Permit	9
Alcohol licensed premises - Gaming Machine Permit – Notification	73
Alcohol licensed premises - Gaming Machine	3

Permit	
Small Society Lottery	113

4 Consultation

- 4.1 Licensing authorities are required by the Gambling Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts reconsulted upon. The statement must then be republished.
- 4.2 The Gambling Act requires that the following parties are 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 List of persons this authority consulted:
- Citizen's Advice Bureau
 - Community Safety Partnership
 - Churches Housing Action Team
 - Devon and Cornwall Constabulary
 - Devon County Council Social Services/Education Department
 - Devon Fire and Rescue Service
 - Environmental Health
 - Existing licence-holders (or representatives)
 - Federation for Small Business – Mid Devon
 - Planning
 - Gamblers Anonymous
 - Gambling Commission
 - Gamcare
 - Mencap
 - NSPCC
 - Primary Care Trust
 - Residents / Businesses of Mid Devon through the Council website
 - Town & Parish Councils within Mid Devon
- 4.4 Proper weight has been given to the views of all those who have been consulted prior to the date of implementation of the Statement of Principles.

Our consultation took place between 20 July 2015 - 13 September 2015 and we followed Cabinet office guidance on public consultations, 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 XX XXXX 2015 and was published on our website on XX XXXX XXX. Copies were placed in the public libraries of the area as well as being available for viewing at Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP.
- 4.6 Should you have any comments regarding this Statement of Licensing Principles please write to the above address or email licensing@middevon.gov.uk.

5 Declaration

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

6 The Overriding Principle

- 6.1 In exercising its functions under the Act, this licensing authority will aim to permit the use of premises for gambling in so far as it thinks it;
- in accordance with the Gambling Act and associated legislation;
 - in accordance with any relevant Code Of Practice under section 24;
 - having regard to the relevant guidance issued by the Gambling Commission under section 25;
 - as is reasonably consistent with the licensing objectives
 - and having regard to this Statement of Principles under section 349.
- 6.2 In deciding whether or not to grant a licence, this authority does not have regard to the expected demand for the facilities that are the subject of the application.
- 6.3 The overriding principle does not, however, apply if this Authority resolves not to issue casino premises licences.
- 6.4 Each case will be decided on its individual merits.

7 Responsible Authorities

- 7.1 Responsible authorities are those public bodies, as specified by the Gambling Act, which must be notified of applications for premises licence. Such bodies are entitled to make representations to the licensing authority in relation to the applications. The Responsible Authorities are detailed in Appendix A.

- 7.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 7.3 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.
- 7.4 Under the Gambling Act a "child" is an individual who is less than 16 years old and a "young person" is not a child but is less than 18 years old.

8 Interested Parties

- 8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act as follows: "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person –
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) has business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)"
- 8.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act to determine whether a person is an interested party. The principles are set out below.
- 8.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. The factors that this licensing authority may take into account when determining what 'sufficiently close to the premises' means (in each case) might include:
- The size of the premises
 - The nature of the premises
 - The distance of the premises from the location of the person making the representation
 - The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
 - The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.
- 8.4 In determining whether a person with business interests might be affected by the premises, the factors likely to be relevant include:

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

8.5 Interested parties can be persons who are democratically elected such as county, parish and town councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Parish and town councils may also be interested parties. Other than these however, this authority will generally require written evidence that a person/body (eg an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing 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

Licensing authorities are required to include in their Statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

- 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 which includes the provision that the Data Protection Act 1998 will not be contravened. This licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities 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

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 10.1 The main enforcement and compliance role for this licensing authority in terms of the Act will be to ensure compliance with licences and permits issued and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and registration of small society lotteries.
- 10.2 The licensing authority will act in accordance with the following principles for regulators:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 10.3 In line with the Gambling Commission's Guidance for licensing authorities this licensing authority will endeavour 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
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission
 - The principles set out in this statement of licensing policy
- 10.5 During inspections this authority may cover:
- details of training policies and training undertaken by staff
 - 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, eg anti-social behaviour
 - approach to managing self-exclusion and numbers of people currently self-excluded
 - involvement / impact of any work in local schemes or partnership working with other local businesses
 - reviewing paperwork relating to the purchase of machines from licensed manufacturers
 - interviews with staff members
 - confirming that appropriate signage is in place.

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

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

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

Bearing in mind the principle of transparency, this licensing authority's enforcement / compliance protocols / written agreements will be available upon request to the licensing team at Mid Devon District Council. Our risk methodology will also be available upon request.

11 Licensing Authority functions

11.1 Licensing Authorities are required under the Gambling Act to:

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

It should be noted that licensing authorities are not involved in licensing remote gambling as this is regulated by the Gambling Commission. Remote gambling is defined by the Act as gambling in which persons participate by the use of remote communication including: the internet, telephone, television and radio.

12 The Licensing Process

12.1 A Licensing Committee, a Sub-Committee, or the Licensing Officer acting under delegated authority may carry out the powers of the authority under the Gambling Act.

12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are carried out by licensing officers.

- 12.3 The Licensing Authority ensures that all Licensing Officers and Members of the Licensing Committee have received adequate training for their role under the Gambling Act.
- 12.4 Where admissible and relevant representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Sub-Committee is delegated to hear the matter.
- 12.5 Applicants for premises licences are required to copy their applications in full to the responsible authorities as listed in Appendix A.

13 Fees

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

14 Administration, Exercise and Delegation

Recommended delegation functions permitted under the Gambling Act.

(✓ indicates the lowest level to which decisions can be delegated)

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

15 Local Risk Assessments

- 15.1 The Gambling Commissions Licence Conditions and Codes of Practice will require operators to consider local risks with effect from the 6 April 2016.
- 15.2 The Gambling Commission's Social Responsibility Code will require licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, licensees should take into account any relevant matters identified in this policy statement.
- 15.3 Licensees will be required to undertake and submit a local risk assessment when applying for a new premises licence. The risk assessment must 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 premise that may affect the level of risk or the mitigation of those risks.

Significant Changes in Local Circumstances

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

Significant Changes to the Premises

- 15.6 The following list is not exhaustive but sets out some examples of what the Licensing Authority considers to be significant changes to the premises (some of which may also require a variation of the existing premises licence):
- Any building work or premises alteration where gambling facilities are relocated within the premises
 - 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 will require retraining on those policy changes
 - 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 This new Social Responsibility Code provision is supplemented by an Ordinary Code that will require licensees to share their risk assessments with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises or otherwise on request of the Council.
- 15.8 Whilst there are no plans to request that licensed premises share their risk assessments on a periodic basis, where concerns do exist, perhaps prompted by new or existing risks, the Licensing Authority is likely to request that a licensee share a copy of its risk assessment. The risk assessment will set out the measures the licensee has put in place to address specific concerns, thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required.
- 15.9 When comprising their risk assessments operators should consider:
- The risks posed to the licensing objectives by the provision of gambling facilities at each of their premises in the local authority area
 - Reference to any specific local risks
 - How the operator proposes to mitigate these risks
 - How the operator will monitor specific risks
- 15.10 Although not forming an exhaustive list, the following factors are ones which operators may wish to consider when comprising and reviewing their risk assessments:
- The geographical location of the premises and socio-economic makeup of the area
 - The type and usage of the premises

- The layout and size of the premises, e.g. access and egress, position of counters and gaming machines, lines of sight between counters and entrance points and machines, the physical structure of the premises, presence of any visual obstacles and the appropriate level of supervision at different times of the day/ year
- Specific types of gambling premises in the local area and their density. Whether there is any facility for sharing information between premises for example in preventing anti-social behavior?
- The opening hours of the premises and the possible interaction of the gambling premises with any surrounding night time economy
- Client demographics, the presence of children and vulnerable adults
- Staff numbers, training and supervision
- Staff roles and their engagement with other activities
- Issues of lone working and staff working closely with children
- How the presentation and marketing of any gambling products does not appeal to children and is clear to anyone wishing to participate in gambling

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

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

15.12 In order to assist those completing risk assessments this authority has produced a template which is available on the Mid Devon District Council website. It should be noted that this is for guidance only and may be updated from time to time as a result of feedback and experience.

16 Local Area Profile

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

Part B - Premises Licences: Consideration of Applications

17 General Principles

- 17.1 Premises Licences are subject to the requirements set-out in the Gambling Act and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 17.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority's Statement of Licensing Principles.
- 17.3 It is appreciated that, in line with the Gambling Commission's Guidance for licensing authorities, "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.
- 17.4 In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the licensing objectives. One example of a irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 17.5 **Definition of "premises"** - In the Act, "premises" is defined as including "any place". Section 152, therefore, prevents more than one premises licence applying to any place, but a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. This licensing authority, will, however, pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 17.6 The Gambling Commission states in its Guidance to Licensing Authorities that "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example, by ropes or moveable partitions, can properly be regarded as different premises".

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

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

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

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

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

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

Casinos

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

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

Premises “ready for gambling”

- 17.10 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 17.11 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 17.12 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- First, whether the premises ought to be permitted to be used for gambling
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 17.13 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

Location

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

Duplication with other regulatory regimes

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

Licensing objectives

- 17.17 In carrying out its licensing functions the Authority will promote the licensing objectives which are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way, and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling

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

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

consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

- 17.19 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 – see page 24.

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

- 17.20 This licensing authority has noted the Gambling Commission's Guidance to licensing authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). This licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 17.21 This licensing authority is also aware of the Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.
- 17.22 As regards 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 gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider the licensing objective on a case-by-case basis.

Licensing Conditions - Mandatory

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

Licensing Conditions - Default

- 17.25 The Secretary of State considers the use of default conditions are most appropriate where a general industry or sector wide approach is desirable in order to assist national consistency, but where licensing authorities ought to be able to respond to local circumstances by altering those conditions if necessary.

- 17.26 Section 169 of the Act gives licensing authorities the ability to exclude from a Premises Licence any default conditions that have been imposed under section 168. However, as default conditions are considered to be the industry norm, and while licensing authorities are free to limit or remove them where appropriate, this Authority will only extend them with reference to the Commission Codes of Practice and Guidance, the Licensing Objectives and this Policy Statement.
- 17.27 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises: and
 - reasonable in all other respects.
- 17.28 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 17.29 This licensing authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 17.30 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

- 17.31 This licensing authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 17.32 It is noted that there are conditions, which the licensing authority cannot attach to premises licences, which are:

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

Door Supervisors

- 17.33 The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.
- 17.34 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).
- 17.35 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 eg Gamcare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizen's Advice Bureaux and independent advice agencies.

18 Adult Gaming Centres

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

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 may consider 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

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

Applicants for permits for Adult or Family Entertainment Centres (licensed or unlicensed) (formerly known as 'Amusement Arcades') are advised to speak to the Planning Department of this Council before making a formal application to the Licensing Service.

20 Casinos – Local Policy

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

21 Bingo premises

- 21.1 This licensing authority notes that the Gambling Commission's Guidance states that it should take steps to satisfy itself that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

- 21.2 This authority also notes the Gambling Commission's Guidance that in the unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 21.3 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

22 Betting premises

- 22.1 **Betting machines** - The licensing authority, in line with the Gambling Commission's Guidance, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 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 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 than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially

consider the impact upon the third licensing objective (ie the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

23.3 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

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

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

Gaming Machines

23.5 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

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

Applications and Plans

23.7 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

23.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

- 23.9 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

24 Travelling Fairs

- 24.1 This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 24.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 24.3 It is noted that the 27-day statutory maximum for the land being used as a fair, is on a calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

25 Provisional Statements

- 25.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 25.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 25.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 25.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

- 25.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 25.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

26 Reviews

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

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

Part C - Permits / Temporary & Occasional Use Notice

27 Unlicensed Family Entertainment Centre Gaming Machine Permits

- 27.1 Where a premises does not hold a Premises Licence but wishes to provide category D gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238). The permit cannot therefore be granted for an entire shopping centre or bowling alley, for example.
- 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 Commission under section 25. The Gambling Commission's Guidance to licensing authorities also states: "A licensing authority may include a statement of principles that it proposed to apply when exercising its functions in considering applications for permits...., licensing authorities will want to give weight to matters relating to child protection issues."
- 27.4 Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. . . . Licensing authorities might wish to consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 27.5 It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles

- 27.6. This licensing authority has adopted a Statement of Principles in accordance with Paragraph 7 of Schedule 10 of the Act and they are for the purposes of clarifying the measures that the council will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre. This will allow the council to better determine the suitability of the applicant and the premises for a permit.
- 27.7 The principles that this authority intends to adopt will require the applicant to show there are policies and procedures in place to protect children from harm and protect vulnerable persons.

Child Protection Issues

27.8 Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

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

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

Protection of Vulnerable Persons Issues

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

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

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

Other miscellaneous issues

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

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

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

Supporting documents

27.11 The licensing authority will require the following supporting documents to be served with all uFEC gaming machine permit applications:

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

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

27.12 Within this process the council will aim to grant the permit where the applicant is able to demonstrate that:

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

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

28 (Alcohol) Licensed premises gaming machine permits

Automatic Entitlement to Two Machines

28.1 There is provision in the Gambling Act 2005 for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

28.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

Permit for Three or More Machines

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

28.4 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

28.5 Measures which will satisfy the authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be

helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as Gamcare.

- 28.6 It should be noted that the licensing authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 28.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine - <http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf>

Applicants should be aware that only those premises which have a 'bar' (server) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food (the old Part IV restaurant licences under the former Licensing Act 1964) will fall outside the scope to which this section (s.279 – 284) of the Gambling Act applies.

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 has prepared a statement of principles that they will expect the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - 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 Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and

- participation in the gaming must not entitle the player to take part in any other gambling.

30 Club Gaming and Club Machines Permits

- 30.1 Members Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine permit. The Club Gaming Permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C or D (but only one B3A machine can be sited as part of this entitlement), equal chance gaming and games of chance as prescribes in regulations. A Club Gaming Machine permit will enable the premises to provide no more than 3 gaming machines from categories B3A, B4, C and D.
- 30.2 The Act states that members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and whist). A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.”
- 30.3 The Commission 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 Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.”
- 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.
 - Are there annual accounts for more than one year? This would indicate that the club is permanent in nature, rather than temporary.
 - How is the club advertised and listed in directories, including on the internet? If the club is categorised under 'gaming' or 'poker', it is less likely to be genuine members' club.
 - What information is provided on the club's website? This can be a useful source of information about the club.
 - Are children permitted into the club? Appropriate access to the premises by children may indicate that it is less likely that the club is primarily for gambling activities.
 - Does the club have a constitution and can it provide evidence that the constitution was approved by the members of the club? This provides further evidence that it is a properly constituted members' club.
 - Is there a list of committee members and evidence of their election by the members of the club? Can the club provide minutes of committee and other meetings? These are further evidence that the club is a properly constituted members' club.
- 30.5 There is also a 'fast-track' procedure available under the Act for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to licensing authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced," and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 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.

31 Temporary Use Notices

- 31.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 31.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

- 31.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 31.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Local Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 31.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 31.6 The same set of premises may not be the subject of a Temporary Use Notice for more than 21 days in any 12 month period, but may be the subject of several Notices provided that the total does not exceed 21 days.

32 Occasional Use Notices

- 32.1 Occasional use notices enable betting on a track for up to eight days a year without a premises licence.
- 32.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.

33 Small Society Lotteries

- 33.1 These are lotteries operated by non-commercial societies, as defined in Section 19 of the Act, which states that a society is non-commercial if it is established and conducted:
- for charitable purposes, as defined in s.2 of the Charities Act 2006
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
 - for any other non-commercial purpose other than that of private gain
- 33.2 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a licensing authority. The licensing authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Authority believes that a society's principal office is situated in another area, it will inform the society and the other relevant authority as soon as possible.
- 33.3 The Gambling Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small

society lottery does not comply with the following limits it will be in breach of the Act's provisions, and consequently be liable to prosecution:

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

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

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

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

33.6 The Act also requires that returns must:

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

Appendix A - Responsible Authorities Contacts

1) The Licensing Authority

Mid Devon District Council

Phoenix House

Phoenix Lane

Tiverton

EX16 6PP

Tel: 018884 255 255

E-mail: licensing@middevon.gov.uk

2) The Gambling Commission

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Tel: 0121 233 1058

Email:- info@gamblingcommission.gov.uk

3) Her Majesty's Revenue and Customs

HM Revenue and Customs

National Registration Unit

Portcullis House

21 India Street

GLASGOW

G2 4PZ

Email:

Tel: 0141 555 3633

nrubetting&gaming@hmrc.gsi.gov.uk

4) Child Protection

The Children's Safeguarding Board

Social Services Directorate

Parkers Barn, Parkers Way

Totnes

Devon

TQ9 5UF

Tel: 01392 386601

Email: cpchecks@devon.gov.uk

5) Devon & Cornwall Constabulary

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

6) Devon and Somerset Fire & Rescue Service

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

7) Environmental Health Department

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

8) Planning & Building Control

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

Appendix B: Summary of machine provisions by premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo premises 1				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Adult gaming centre ²				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
Licensed family entertainment centre ³						No limit on category C or D machines	
Family entertainment centre (with permit) ³							No limit on category D machines
Clubs or miners' welfare institute (with permits) ⁴						Maximum of 3 machines in categories B3A or B4 to D	
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

- 1) Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight⁹⁵ category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.
- 2) Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.
- 3) Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. there is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
- 4) Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.
- 5) Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Appendix C: Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only

Appendix D: Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club or MW institute with club gaming permit	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 / week £250 / day £10 / person per game Other gaming No limit	Poker £1000 / week £250 / day £10 / person per game Other gaming No limit	Poker £100 / premises per day Other gaming £5 / person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 / game Other gaming No limit	Poker £250 / game Other gaming No limit	Poker £100 / game Other gaming No limit
Max particip. fees – per person per day	Bridge/whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge/whist* £18 Other gaming £3 (for a commercial club) £1 (members' club)	Bridge/whist* £18 Other gaming £1	None permitted
Bankers /unequal chance gaming	Pontoon <i>Chemin de fer</i>	None permitted	None permitted	None permitted	None permitted
Limits on bingo **	Maximum of £2,000 / week in stakes or prizes.	No bingo permitted	Maximum of £2,000 / week in stakes or prizes.	Maximum of £2,000 / week in stakes or prizes.	Maximum of £2,000 / week in stakes or prizes.

* On a day when no other facilities for gaming are provided

** If more than the maximum, then an operating licence will be required.

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GOSCHALKS
SOLICITORS

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

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: MCJ / LHK / 097505.00004
#GS357210
Your ref:
Date: 09 September 2015

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review

should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

We have already indicated that we do not believe that it is for the licensing authority to prescribe the form of risk assessment and we note at paragraph 15.12 that your template is intended as guidance only.

At paragraph 17.14, it is indicated that with regard to location, "should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated." We are concerned that there is any possibility that the licensing authority may designate an area as one in which gambling premises should not be located. We respectfully submit that any such designation is unlawful and this statement should be removed. It is accepted that the next sentence indicates that any such designation would not preclude an application being made and that that application would need to be determined on its own merits but thereafter, it is stated that the burden of proof would lie with the applicant to demonstrate how potential concerns could be overcome. This is contrary to the "aim to permit" requirement contained within s153 Gambling Act 2005.

Within paragraph 17.18, there is a statement that the authority is aware of the distinction between disorder and nuisance. We respectfully submit that the policy should expand upon this point and reflect the Gambling Commissions view that disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

Paragraph 22.1 deals with betting machines. We respectfully submit that the policy should be clear that there is a difference between betting machines and gaming machines. Whilst it is possible to limit the number of betting machines (s181 Gambling Act 2005) it is not possible to limit the number of category B, C or D gaming machines. At page 40 of the draft policy there is an indication that a betting premises licence permits a maximum of 4 gaming machines in these categories. We believe that the policy would be assisted if this was also made clear in paragraph 22.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,



GOSSCHALKS



The Licensing Team
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

11th September 2015

Dear Sir

Consultation on the Mid Devon District Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are generally supportive of the document but have concerns with regard to Section 15 (Local Risk Assessments). It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. The Statement correctly includes that the Council should not take into account any moral objections to gambling either.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications, variations as well as local changes, following the consultation completion – effective date is from the 6th April 2016. The document though indicates areas which suggest may give rise to a local amendment in our risk assessment and Coral wish to clarify our position in this regard.

Whilst it is appreciated that each case will be judged on its merits, Coral knows of no evidence that the location of a licensed betting office within the proximity of the wide range of locations listed (sections 15.4 & 15.11) causes harm to the licensing objectives

Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges across the country and no evidence whatsoever that they cause problems.

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.



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For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications & variations from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list specific locations.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail

Specific responses received to draft Statement of Principles under the Gambling Act 2005

Part of Statement	Consultee	Comments	Relevant Points / Recommendations
Paragraph 15.12 (page 15)	Gosschalks on behalf of Association of British Bookmakers (ABB).	<i>... we do not believe that it is for the licensing authority to prescribe the form of risk assessment and we note at paragraph 15.12 that your template is intended as guidance only.</i>	As stated in the comment, this document will be guidance only and is aimed at assisting those who require help. No changes to the policy recommended.
Paragraph 17.14 (page 19)	As above	<i>At paragraph 17.14, it is indicated that with regard to location, "should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated." We are concerned that there is any possibility that the licensing authority may designate an area as one in which gambling premises should not be located. We respectfully submit that any such designation is unlawful and this statement should be removed. It is accepted that the next sentence indicates that any such designation would not preclude an application being made and that that application would need to be determined on its own merits but thereafter, it is stated that the burden of proof would lie with the applicant to demonstrate how potential concerns could be overcome. This is contrary to the "aim to permit" requirement contained within s153 Gambling Act 2005.</i>	<p>This Paragraph has been in the Statement of Principles previously and it is recommended the wording be updated to reflect the introduction of Local Area Profiles.</p> <p>Local Area Profiles, although not mandatory, can be produced by Local Authorities to look at and highlight potential and actual risks in the area. Operators will then have to take these risks into account when completing their assessments.</p> <p>It is recommended that the paragraph be amended as follows:</p> <p><i>"should any specific policy be decided upon with regards to areas where gambling premises may present a greater risk, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its own merits with the applicant having to show how they have taken into account and aim to overcome any concerns.</i></p>
Paragraph 17.18 (page 19)	As above	<i>Within paragraph 17.18, there is a statement that the authority is aware of the distinction between disorder and nuisance. We respectfully submit that the policy should expand upon this point and reflect the Gambling Commissions view that disorder is intended to mean activity that is more serious and disruptive than mere nuisance.</i>	<p>Based on Gambling Commissions Guidance to Local Authorities it is recommended that the relevant section of Paragraph 17.18 be amended as follows:</p> <p><i>This licensing authority is aware of the distinction between disorder and nuisance. Disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors this authority</i></p>

			<i>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.</i>
Paragraph 22.1 (Page 24)	As above	<i>We respectfully submit that the policy should be clear that there is a difference between betting machines and gaming machines. Whilst it is possible to limit the number of betting machines (s181 Gambling Act 2005) it is not possible to limit the number of category B, C or D gaming machines. At page 40 of the draft policy there is an indication that a betting premises licence permits a maximum of 4 gaming machines in these categories. We believe that the policy would be assisted if this was also made clear in paragraph 22.</i>	Recommended that Paragraph 22.1 be amended as follows: <i>Gaming machines - The holder of a betting Premises Licence may make available for use up to four gaming machines of category B, C or D. Betting machines – When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, in line with Gambling Commission Guidance, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.</i>
Paragraph 15.4 & 15.11 (Pages 13 & 15)	Coral	<i>Coral Racing Limited are generally supportive of the document but have concerns with regard to Section 15 (Local Risk Assessments). It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. The Statement correctly includes that the Council should not take into account any moral objections to gambling either.</i> <i>Coral Racing Limited recognise the requirement to supply risk assessments with future applications, variations as well as local changes, following the consultation completion – effective date is from the 6th April 2016. The document though indicates areas which suggest may give rise to a local amendment in our risk assessment and Coral wish to clarify our position in this regard.</i>	The points referenced in paragraph 15.4 in relation to local circumstances are provided as examples to what the local authority considers to be significant changes. Paragraph 15.5 sets out that the Licensing Authority will provide operators with information on what it feels to be a significant change and any specific concerns that occur, while pointing out operators must also consider what is happening locally. The aim here is to promote a working relationship where potential risks can be mitigated without unnecessarily burdening operators with requirements. As such, if a specific operator can demonstrate that safeguards already in place can tackle potential risks then no further action may be required. Other operators may not have these safeguards in place however and as such, further action may be required. As stated in the response,

		<p><i>Whilst it is appreciated that each case will be judged on its merits, Coral knows of no evidence that the location of a licensed betting office within the proximity of the wide range of locations listed (sections 15.4 & 15.11) causes harm to the licensing objectives.</i></p> <p><i>Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges across the country and no evidence whatsoever that they cause problems.</i></p> <p><i>The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.... (see complete response from Coral for specific points they have listed to support this point)</i></p> <p><i>Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications & variations from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list specific locations.</i></p>	<p>each case will be judged on its individual merits.</p> <p>The points referenced in paragraph 15.11 are prefixed with the following, '<i>it is suggested that operators consider...</i>' Essentially, these are considerations and aimed to assist. Operators may well have already taken them into account, in which case no further action is required.</p> <p>It is recommended that the draft policy remain the same in relation to this response.</p>
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