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North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

K. Miles
Chief Executive.

LICENSING AND COMMUNITY SAFETY COMMITTEE

A meeting of the Licensing and Community Safety Committee will be held in the Barum Room - Brynsworthy on **TUESDAY, 10TH SEPTEMBER, 2024 at 10.30 am.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. For meetings held at Brynsworthy only, you can join the meeting virtually via Microsoft Teams. There are also limited spaces to attend the meeting in person. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting. Taking part in meetings (northdevon.gov.uk)

Members of the Licensing and Community Safety Committee Councillor York (Chair)

Councillors Biederman, Cann, Denton, Haworth-Booth, Hunt, Jusef, Lethaby, Maskell, Milton, Norman, Quinn, Renshaw, Whitehead and Williams

AGENDA

1. Apologies for Absence
2. To approve as a correct record the minutes of the meeting held on 14 May 2024 (Pages 5 - 10)
(Attached).
3. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency
4. Declarations of Interests
Declarations of Interests. (Please telephone the Corporate and Community Services team to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called. A declaration of interest under the Code of Conduct will be a Disclosable Pecuniary Interest, an Other Registrable Interest or a Non-Registrable Interest. If the item directly relates to your interest you must declare the interest and leave the room for the item, save in the case of Other Registrable Interests or Non-Registrable Interests where you may first speak on the item as a member of the public if provision has been made for the public to speak. If the matter does not directly relate to your interest but still affects it then you must consider whether you are affected to a greater extent than

most people and whether a reasonable person would consider your judgement to be clouded, if you are then you must leave the room for the item (although you may speak as a member of the public if provision has been made for the public to speak) or, if you are not, then you can declare the interest but still take part).

5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information)

PART 'A'

6. **Community Safety Updates**

Community Safety Partnership Officer to report.

7. **Review of Gambling Act Statement of Licensing Principles** (Pages 11 - 140)

Report by Public Protection Manager (attached)

8. **Licensing and Community Safety Sub-Committees** (Pages 141 - 150)

To consider the minutes of the following meeting (attached):

- (a) Licensing and Community Safety Sub-Committee A: 14 May 2024

PART 'B' (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

2.09.24



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1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chair of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person recording should leave the room ensuring all recording equipment is switched off.
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North Devon Council offices at Brynsworthy, the full address is:
Brynsworthy Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

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NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Committee held at Barum Room - Brynsworthy on Tuesday, 14th May, 2024 at 10.30 am

PRESENT: Members:

Councillor York (Chair)

Councillors Biederman, Cann, Denton, Haworth-Booth, Hunt, Jusef, Lethaby, Maskell, Norman, Quinn and Williams

Officers:

Legal Advisor, Public Protection Manager, Licensing Officer and Community Protection Officer

8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Milton and Renshaw.

NOTE: Following the meeting it was noted that Councillor Whitehead had given her apologies which had been sent via email after the commencement of the meeting.

9. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 9 APRIL 2024

RESOLVED that the minutes of the meeting held on 9 April 2024 (circulated previously) be approved as a correct record and signed by the Chair.

10. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY

There were no items brought forward by the Chair that should be considered as a matter of urgency.

11. DECLARATIONS OF INTERESTS

There were no declarations of interest received.

12. TAXI RANK REVIEW

James Bench, and Sam Bull, from Devon County Council's, Traffic Orders, Policy and Programme Team were present for this item.

The Public Protection Manager advised the Committee that Devon County Council had approached the Council regarding the current number and marking of taxi stands in the North Devon Council area. The Council was required to review taxi stands from time to time and would undertake this review with Devon County Council. The Council had a duty to provide taxi ranks, and taxis provided an important link to public safety, particularly in the service to the night time economy. Comments would first be sought from the Committee on the proposals put forward by Devon County Council (circulated previously) and comments would then be sought from the taxi trade. A report would then be presented back to the Committee prior to potentially placing an advertisement in the local newspaper and going out for formal consultation. She outlined the process to the Committee advising that the Local Government Miscellaneous Provisions Act 1976, section 63, allowed North Devon Council to create hackney carriage stands subject to permission being sought from the landowner i.e. Devon County Council. Ranks could be located on private land such as the rank located at Barnstaple rail station, which was a 24 hour stand. She explained that for the creation of stands, consent needed to be obtained from the Highways Authority and consideration needed to be given as to whether the stand would have an impact on premises or transport operators. Notice was then given to the Chief Officer of Police and a notice placed in a local newspaper with a deadline of 28 days for any comments or objections to be made. Consideration would then be given to any comments or objections received. If no objections were received, then the creation of the rank could go ahead. If objections were received, sufficient to prevent the stand, then the creation of the rank could not go ahead. Devon County Council as the Highways Authority role was to consider the Traffic Regulation Orders. There were a significant number of ranks that were “no waiting” rather than “no stopping”.

James Bench, Devon County Council advised the Committee that the Traffic Regulation Orders (TRO) process required statutory consultation together with a process that must be followed. Proposed TROs were required to be advertised for 21 days. Consultation responses were then considered by the Devon County Council Ward Councillor and by the North Devon Highways and Traffic Orders Committee (HATOC). It was proposed that TROs would only be presented to the North Devon HATOC if significant objections had been received. Minor changes to TROs could be determined under officer delegated powers in consultation with the Devon County Council Ward Councillors and North Devon Council. The main principle was to make improvements to ranks to make them clearer and easier to enforce.

In response to questions raised by the Committee, James Bench, Devon County Council advised the following:

- “No stopping” would result in an instant offence if a vehicle stopped. Clearer signs were put in place. “No waiting” meant that vehicles were permitted to stop and wait for a short period, and Enforcement Officers would make observations regarding the period of time.
- The review of the taxi ranks included suggestions to make restrictions clearer for members of the public and for enforcement.

- Enforcement would be undertaken by Devon County Council Civil Enforcement Officers in accordance with a standard operating procedure. If anyone considered that they had been treated unfairly, then they would be required to make an appeal and the back office would be required to obtain evidence as part of the consideration of the appeal.
- Discussions were taking place in relation to the bus gate at Old Torrington Road. Devon County Council were currently looking at the possibility of installing cameras to identify authorised vehicles to travel through. Discussions would take place with North Devon Council. A report would be presented to a future North Devon HATOC meeting.
- Devon County Council Ward Members had not yet been consulted on the proposals. Ward Members would be consulted following consultation and whether to proceed with a TRO.

Councillor Williams declared a non registerable interest as her son was employed by Devon County Council as a Civil Enforcement Officer.

In response to questions by the Committee, Sam Bull, Devon County Council advised that as part of the review of the taxi ranks, it was proposed that all lines would be remarked.

In response to questions by the Committee, the Public Protection Manager advised the following:

- That the Local Government Miscellaneous Provisions Act 1976, section 63 related to hackney carriage and not private hire vehicles, as private hire vehicles were not permitted to use the rank.
- Hackney Carriage vehicles could ply for hire at any taxi rank in the North Devon Council area. Barnstaple train station rank required a permit from the railway authority.
- Following a number of complaints received regarding taxis not being able to access to bus lanes, the Licensing Team would wish to lobby for taxis to be permitted to use bus lanes by writing to Devon County Council Highways Authority.

In response to questions from the Committee, the Licensing Officer (PF) advised the following:

- Although there were currently no taxi companies based in Braunton, there were other taxi companies from around the surrounding area that could ply for hire and use the taxi ranks.
- Hackney Carriage owners were required to pay an annual fee to use the rank at the Barnstaple train station.
- Officers had written to Devon County Council seeking clarification regarding the use of the bus gate at Old Torrington Road.

Councillor Biederman declared an other registerable interest as a Member of Devon County Council.

Following discussions regarding the potential use of part of Castle Street (at the end closest to the Devon County Council offices) for parking with meters, Councillor York advised that she would raise this at the next Barnstaple Town Council planning meeting to seek their views.

RESOLVED that the following comments be made on the proposals put forward by Devon County Council in relation to the North Devon Taxi Rank review and be included as part of the informal consultation with the trade on the proposals and fed back to Devon County Council:

- (a) Boutport Street (Lower), Barnstaple – no proposal to amend existing “No waiting at any time” rank, but that Devon County Council be requested to explore the possibility of relocating the rank further down by two spaces to allow for the inclusion of a loading bay behind;
- (b) Boutport Street (Mid), Barnstaple – no proposal to amend existing no waiting at any time except taxis rank;
- (c) Butchers Row, Barnstaple – that the taxi rank be removed and be replaced with traffic regulation order for anyone to park between 6.00 pm to 4.00 am and that the number of disabled spaces be increased by one to a total of three;
- (d) Cross Street/Castle Street, Barnstaple - proposal to remove no waiting at any time except taxis rank in Cross Street and create new rank in Castle Street close to its junction with Commercial Road;
- (e) Holland Street, Barnstaple –proposed removal of taxi rank and replace with no loading at any time;
- (f) Mallets Lane, Barnstaple –proposed change from no waiting at any time to no stopping at any time with exception of taxis;
- (g) Queen Street (North), Barnstaple – proposed to amend from no waiting at any time with exception of taxis and change to no stopping at any time except taxis between 7pm and 7am;
- (h) Queen Street (South), Barnstaple – Formally revoke rank outside Fever and Boutique nightclub in TRO (this had already been removed by the District Council under S63 of the Local Government (Miscellaneous Provisions) Act 1976);
- (i) Tuly Street, Barnstaple – proposed to amend from no waiting at any time except taxis to no stopping at any time with exception of taxis;
- (j) Car park off Caen Street, Barnstaple – proposed to remove taxi rank at this location (change to no waiting at any time);
- (k) Exeter Road, Braunton – proposed change from existing no waiting at any time except taxis to no stopping at any time except taxis 7am-7pm (with loading only 7am-7pm) at this location;
- (l) Marlborough Road, Ilfracombe – shorten rank as proposed by Devon County Council and replace no waiting at any time except taxis with no stopping at any time except taxis;
- (m) Mill Head, Ilfracombe – proposed new no stopping at any time except taxis rank on St James Place (outside of The Admiral Collingwood (Wetherspoons) and removal of two ranks on Mill Head;
- (n) Oxford Grove, Ilfracombe – proposed change to no stopping at any time except taxis from no waiting at any time except taxis;

- (o) Capstone Road/The Quay, Ilfracombe – proposed change to no stopping at any time except taxis from no waiting at any time except taxis;
- (p) The Esplanade, Lynmouth – proposed change to no stopping at any time except taxis from no waiting at any time except taxis;
- (q) Lee Road, Lynton – proposed change to no stopping at any time except taxis from no waiting at any time except taxis;
- (r) Broad Street, South Molton –proposed change to no stopping at any time except taxis from no waiting at any time except taxis;
- (s) Barton Road, Woolacombe – no proposed amendment to existing no waiting except taxis 10pm-6am;
- (t) The Esplanade, Woolacombe – proposed change to no stopping at any time except taxis from no waiting at any time except taxis.

13. ADJOURNMENT OF MEETING

RESOLVED that it being 11.58 a.m. that the meeting be adjourned for a short comfort break.

RESOLVED that it being 12.03 pm that the meeting be reconvened.

14. COMMUNITY SAFETY UPDATES

The Service Lead – Community Safety Partnership Officer/Harm Risk advised the Committee that the Community Safety Partnership had met on 30 April 2024. He provided a brief update to the Committee on the outcomes of the meeting and advised that the minutes would be circulated to the Committee in due course.

Sergeant Kevin Connar, Community Safety Partnership provided an update to the Committee following the recent tragic deaths on 27 and 28 April 2024 following substance abuse which had been described as an “unusual batch” of heroin that had been mixed with powerful manufactured drugs. Police had been made aware of similar incidents in the Torbay area over the May bank holiday weekend. The response to the incidents demonstrated joined up working between the Police, statutory and non-statutory authorities. The local police and first responders had been given the power to administer a blocker to synthetic opioids. The police had been working closely with the Freedom Centre. There was a need for vigilance and any information from members of the community to be shared so that appropriate response could be taken.

The Committee extended their condolences to the families of those who had died and to others that had been affected. They also thanked the Police and those involved in responding to the incident over the weekend of 27 and 28 April.

The Committee discussed the circumstances as to why synthetic opioids were being manufactured and being used by individuals.

The Service Lead – Community Safety Partnership Officer/Harm Risk advised the Committee that Public Health Devon had produced guidance on safety when taking drugs. There was increasing concern regarding the manufacture of synthetic opioids in America. The law prevented the provision of safe places where people could go to use drugs in England. Together Drug and Alcohol Services located at Riverside

Court in Barnstaple had replaced the Quay Centre. Public Health Devon were providing testing kits which allowed users to test for synthetic opioids.

In response to questions from the Committee, Sergeant Kevin Connar advised that Councillors were key in obtaining knowledge within their areas and it was then important to connect communications with the Police so that they were aware. Upon receipt of information from any source, the Police undertook an assessment based on threat, risk and harm.

The Service Lead – Community Safety Partnership Officer/Harm Risk advised that a programme of bite size sessions were in the process of being arranged. These sessions were aimed at Councillors and members of the Community Safety Partnership which also included Torrridge District Council. The first session would be held in June. The sessions would include scams, modern slavery and hate crime. Details of the sessions would be sent to the Corporate and Community Services Team to share with Councillors. He also advised of the provision of a new night bus service which would be introduced from July to September 2024. The night bus service would run from Barnstaple to Bideford and Barnstaple to Ilfracombe, costing £2 per fare. This was to ensure that those visiting the night time economy were able to travel home safely and cheaply. Both the Council and Torrridge District Council had provided funding towards the provision of this service. The service would be advertised shortly. A similar service had been run last Christmas which had been successful.

15. EXPLORE INCLUSIVENESS OF DIVERSE COMMUNITIES

The Committee considered and noted a report by the Chair (circulated previously) regarding Exploring inclusiveness of Diverse Communities.

The Chair outlined the report to the Committee which had been produced following a recent meeting with Sergeant Kevin Connar, Community Safety Partnership, Community Safety Lead and the Corporate and Community Services Officer to discuss work which was happening currently and to identify any further opportunities.

In response to questions, Sergeant Kevin Connar advised that the Community Security Trust would be holding a session on 19 June 2024 regarding hate crime. Officers from the Council were working closely with and supporting Afghan families.

Chair

The meeting ended at 12.53 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.



North Devon Council

Report Date: 10 September 2024

Topic: Review of Gambling Act Statement of Licensing Principles

Report by: Lead Officer Commercial Regulation

1. INTRODUCTION

- 1.1 North Devon Council is under a legal obligation to review its Gambling Statement of Licensing Principles on a three yearly basis.
- 1.2 A consultation exercise was undertaken in respect of a draft proposed revision to the Council's Gambling Statement of Licensing Principles, which contains amendments to the existing statement. Moreover, the consultation also sought to gain feedback in respect of a proposal to introduce a No-Casino Resolution.
- 1.3 This consultation has closed and feedback has now been gained, which should be considered by Members prior to a recommendation being made for the adoption of an amended Statement of Principles and any No-Casino Resolution.

2. RECOMMENDATIONS

- 2.1 It is **RECOMMENDED** that the Licensing and Community Safety Committee:
 - 2.1.1 Consider the feedback gained from the consultation exercise, which is found within **Appendix A**.
 - 2.1.2 Consider whether to recommend to Strategy and Resources that a No-Casino Resolution be adopted by the Council.
 - 2.1.3 Recommend to Strategy and Resources Committee that they in turn recommend to Full Council, the approval of the proposed revised Gambling Statement of Licensing Principles at **Appendix B** (a tracked document highlighting the amendments made to the current policy is contained in **Appendix C**).



3. REASONS FOR RECOMMENDATIONS

- 3.1 In order to discharge its statutory duties under the Gambling Act 2005, North Devon Council is required to produce a Gambling Statement of Principles and review it at least every three years.
- 3.2 The route proposed through the Council's Committee process will enable the Council to satisfy the legislation requiring the Statement of Principles to be published every three years and prior to the 3 January 2025.

4. REPORT

Introduction

- 4.1 The Gambling Act 2005 ("the Act") received royal assent in April 2005 and consolidated regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling in one Act.
- 4.2 The Act established a non-departmental public body, The Gambling Commission, which has responsibility for advising both central and local government on issues relating to gambling.
- 4.3 North Devon Council has responsibilities under the Act to issue premises licences, permits and notices in respect of premises where it is proposed that gambling should take place. Additionally the Council is responsible for the registration of Small Society Lotteries.
- 4.4 Section 349 of the Act requires all licensing authorities to prepare and publish a Statement of the Principles that they intend to apply in exercising their functions under the Act. This licensing Statement of Principles will last for a maximum of three years, but it can be reviewed and revised by the authority at any time during that three year period.
- 4.5 The revised draft Gambling Statement of Licensing Principles (**Appendix B**) has been written pursuant to the provisions of the Gambling Act 2005 and the Guidance issued under Section 25 of the Act by the Gambling Commission.
- 4.6 The revised Statement of Principles focuses on the on-going responsibilities of licensed premises to proactively uphold the licensing objectives. The proposed changes for which consultation was undertaken included:



- Insertion of hyperlinks to legislation, and codes of practice – e.g. Social Responsibility Code; Code of Practice for Machines and Pubs, Code of Practice on Equal Chance Gaming.
- Insertion of hyperlinks to categories of machines; the inspection templates used by the Council etc.
- Update to population estimates, demographic information; numbers of gambling premises and permits in the 'Geographical Area' Section.
- Addition of new consultees on proposed policy revision.
- Link to the Council's new Corporate Enforcement Policy.
- New section on 'Gambling Prevalence and Social Responsibility' which outlines gambling related harm; the necessity for policies and procedures and marketing communications to promote/be socially responsible.
- Amendment to the general points on gaming machines to cite that machines are to be made available in accordance with relevant Codes of Practice; to recognise concerns about unlawful siting of machines; to outline enforcement actions available to the Council.
- New section on gaming in alcohol licensed premises to provide detail in respect of exempt gaming, and outline relevant limits, for example for low turn-over bingo; detail pertaining the requirements for Category C machines, their use by children and associated supervision; and need for compliance with Codes of Practice. Provision of new links for further information on poker and race nights.
- Improvement to section on three or more machines in alcohol licensed premises to better outline the basis under which applications are considered and the factors that the Licensing Authority will consider relevant, for example comments from responsible authorities; gross turnover of the gaming machines when compared to the premises turnover; and confidence in premises management.
- Clarification that in some instances where applicants are proposing to use premises as an Unlicensed Family Entertainment Centre that proof of right to occupy may not yet be available.

Consultation

- 4.7 Consultation on the proposed revisions to the Council's Gambling Statement of Licensing Principles was undertaken for an eight week period between 7 May 2024 and 2 July 2024. This period provided an opportunity for all stakeholders, interested parties and the general public to make comments on the content of the draft revision and also in respect of whether a No-Casino Resolution should be adopted by the Council.



- 4.8 13 responses to the consultation were gained, all of whom were made by individuals. These responses are found within **Appendix A**.
- 4.9 In terms of whether these individuals believe that the Council should introduce a No-Casino Resolution, the overwhelming majority (82%) agree that a resolution should be made. **Appendix A** details the full comments made by these individuals. Factors being cited which should in their opinion lead the Council to proceed in making such a resolution include: casinos not seen as socially responsible operations; the lack of appropriateness to the area; the addictive nature of gambling; potential damage to individuals and others, a perception that this will not assist the area; and links to increase in crime in areas surrounding a casino.
- 4.10 The remaining 18% of respondents did not support a resolution being adopted, and they cited factors such as: casinos provide a form of adult entertainment that creates an alternative choice and if managed and run correctly can be much more than solely gambling. There was a view that each application should be viewed on merit and, if and when permitted, attendance should be a matter of individual choice.
- 4.11 In terms of the other questions, which included whether there were any comments on the proposed new sections on 'Gambling Prevalence and Social Responsibility' and 'Gaming in Alcohol Licensed Premises' there was general support for the proposals and no suggestions were made which are believed by officers to generate any further need for amendment to the proposed draft revision.
- 4.12 It is worth noting that there were some comments in the consultation such as:

The number of gambling establishments should be capped at a low number.

Slot machines should be banned. They are addictive and harmful to society.

Can we ban all gambling advertising as well?

These areas are unable to be regulated by the Council. They are not within the powers available under the Gambling Act 2005.



No Casino Resolution

- 4.13 Under section 166 of the Act a licensing authority may resolve not to issue casino premises licences. This Council has no casinos, and has not passed a No-Casino Resolution. The Statement of Principles currently cites that the Council is aware that it has the power to create a resolution and should Full Council decide in the future to pass such a resolution, it will update the Statement of Principles with details of that resolution.
- 4.14 The decision to pass such a resolution may only be taken by the authority as a whole and cannot be delegated to Licensing and Community Safety Committee. Where a resolution is passed it must be published by the authority in its three year Statement of Gambling Principles. It is also possible for any person or organisation to challenge a no casinos resolution if adopted by judicial review.
- 4.15 The Gambling Commission's Guidance cites that if passed a resolution "must apply to casino premises generally, so that the authority cannot limit its effect to geographic areas or categories of casinos. The resolution must specify the date it comes into effect. The authority may revoke the resolution by passing a counter-resolution (again the whole authority must pass that resolution). The resolution will lapse after three years so, should the licensing authority wish to keep the policy in place, they should pass a resolution every three years."
- 4.16 In passing such a resolution the authority may take into account any relevant principles or matters, not just the licensing objectives. In the Gambling Commission's Guidance to Local Authorities it notes that "licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)." Thus in passing a resolution it would seem that a wide range of opinion may be considered.
- 4.17 Current casino licences originate from two legislative regimes. The Gaming Act 1968 restricted prescribed numbers of casinos to "permitted areas" based on population density and seaside resorts. The Gambling Act 2005 provided for a new concept of casino, with a small number of



two types of licence created, known as [Large and Small 2005 Act Casinos](#). Section 175 of the 2005 Act states the national permitted numbers of new casinos, this includes no more than one regional casino, eight large and eight small casinos.

- 4.18 A No-Casino Resolution will only affect new casinos. It will not have any effect on casino premises that were originally licensed under the Gaming Act 1968.
- 4.19 The 2005 Act casinos were intended to be destination venues, with a wider range of activities to attract tourism and investment into areas in need of regeneration. When the 2005 Act was passed, licensees under the 1968 Act could apply to convert those permissions into premises licences under the 2005 Act. 1968 Act casinos are limited to 20 gaming machines only, regardless of size, unless they restrict themselves to lower stakes machines only. The cap is higher for 2005 Act casinos – 80 for Small and 150 for Large. These limits apply where any machines offered are Category B. Nearly all machines in casinos are Category B1, which has a maximum stake of £5 and is restricted to casinos only.
- 4.20 The 2005 Act casinos are also subject to minimum overall and non-gaming space requirements which were introduced alongside a ratio of machines to tables aimed at ensuring a balanced offer of different products. The new space requirements were also expected to encourage customers to have breaks in play. Betting was permitted in all 2005 Act casinos, and bingo was also permitted in Large ones. The 2005 Act licences were allocated by a Casino Advisory Panel following bids from local authorities.
- 4.21 A regional casino, which could have 1000+ machines with unlimited stakes and prizes, was provided for in the Act but the secondary legislation never passed. It was intended that the 2005 Act licences would be taken up and, subject to evaluation, more created, and perhaps that the 1968 Act casinos would be phased out or move over to the 2005 Act system. This has not happened so far and 137 casino licences are still of the 1968 Act type. These include a variety of venues in practice, including 'high-end' casinos which cater for high net worth (mainly international) clients and have a business model based primarily on live gaming tables. When the 2005 Act was passed, the then Government planned to review the changes in 2014, but only two of the new casino licences were active at that stage. The above White Paper cites that there are now seven active 2005 Act casinos from which to draw conclusions, with another one having opened and then closed again.



- 4.22 The House of Lords Select Committee report recommended in 2020 that casinos should be regulated under the same system regardless of when their licence was created. The above White Paper details that the size of Britain's land-based casino sector has remained relatively flat in recent years, in contrast to an expanding online market. The number of active licensed premises increased from 148 (2015) to 156 (2020), but the impact of COVID-19 resulted in a number of permanent closures (active licensed premises were 144 in 2022). In 2021/22 (the most recent full year), online casino gross gambling yield was more than five times that of land-based casinos.
- 4.23 By an Order in 2008 the Secretary of State provided which authorities would be permitted to issue the limited number of casino licences, North Devon Council was not one of these and applicants are prohibited from applying for a new casino licence to the Council.
- 4.24 Whilst the Secretary of State can increase the number of Casino Licences available by way of Order then, so long as this Authority did not bid for such additional licences and was not prescribed by an Order as an authority which could grant such licences, applicants would remain prohibited from making Casino applications to the Council unless there was an amendment to the Gambling Act itself. Consequently there is currently no legal possibility of a licensed casino in North Devon. It is however possible that this position could change in the future and there are other Councils with No Casino Resolutions in place for this reason. None of this of course prevents the Council making a new No Casino Resolution in the future if thought necessary.

5 FINANCIAL AND HUMAN RESOURCE IMPLICATIONS

- 5.1 There are no financial or human resource implications to the Council associated with this report, other than those which have arisen through the required consultation and reporting process.

6 CONSTITUTIONAL CONTEXT

- 6.1 Article of Part 3 Annexe 1 paragraph:4b.
6.2 Referred or delegated power?: delegated.



7 EQUALITIES ASSESSMENT

- 7.1 A documented equality impact assessment will be undertaken prior to Strategy and Resources considering the recommendation of this committee.

8 ENVIRONMENTAL ASSESSMENT

- 8.1 An environmental assessment has been undertaken and revealed a neutral impact.

9 STATEMENT OF CONFIDENTIALITY

- 9.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

10 STATEMENT OF INTERNAL ADVICE

- 10.1 The author (below) confirms that advice has been taken from all appropriate officers.

11 BACKGROUND PAPERS

- Gambling Act 2005.
- Gambling Act 2005 (Licensing Authority Policy Statement (England and Wales) Regulations 2006.
- Gambling Commission's Guidance to Local Authorities (11 April 2023 update).

Author: Katy Nicholls, Lead Officer Commercial Regulation
Date: 25 July 2024

APPENDIX A

Gambling Act 2005 Statement of Principles Policy Review Consultation Responses

The survey ran from Tuesday 7 May 2024 to Tuesday 2 July

13 responses were received.

Survey Responses

Questions 1 and 2 were personal information and will not be published in this summary.

Q 3: Are you answering as:

An individual/ member of the public 13

On behalf of an organisation 0

Q 4: Name of organisation 0

Q5: Postcodes

EX31 3TS

EX36 4FA

EX32 9DJ

EX32 9AL

EX36 4EW

EX18 7BQ

EX31 3AS

EX174SZ

EX31 4NB

EX39 1XE

EX18 7QE

EX34 9QZ

EX31 4AA

Q6: Should North Devon Council introduce a no-casino resolution to cover the district?

No 2

Yes 11

Q7: Please tell us why you have given the answer you did to the question above.

12 responded with the following:

Casinos are not socially responsible operations.

Gambling needs to be controlled. It's an addiction like tobacco, alcohol and power.

Not appropriate to the area

Gambling is an addiction and mainly preys on the vulnerable. Taking advantage of people who likely have underlying trauma is the immoral. NDC have been positive, strong in not wanting this in our area and I fully support this stance.

There is far too much gambling available with the damage and misery it causes to individuals and indirectly to other victims.

Gambling addiction can put vulnerable people especially families of overwhelming debt and ensuing poverty

Having worked my career in mental health, I am very aware of the dangers of both licensed and unlicensed gambling. There is no pleasure nor reward in gambling. The only winners are those collecting the earnings of poor individuals.

I'm aware that there are currently no casinos in the district; a casino is unlikely to bring extra tourism revenue to the area - in my opinion it may have the opposite effect,

It is not the kind of establishment I want to see erected in North Devon. It only benefits the casino, not the town.

Gambling addiction is a growing issue all over the country, tourism is no excuse/reason to add to the problem by giving people with issues another temptation. There is the argument that those who want to gamble have many ways to gamble if they wish to, but this argument is only used by those with a vested interest in the gambling industry. To allow any other gambling opportunity is morally corrupt and socially irresponsible. There is also a link to an increase in crime in areas surrounding a casino.

I believe that Casinos provide a form of adult entertainment that creates an alternative choice for a night out option to those of us who live in North Devon and also to those who visit the district. Casinos if managed and run correctly can be

much more than solely gambling as venues for big screen sporting fixtures, live music, entertainment, restaurants and social gatherings.

As long as a license is required and all the legal and moral requirements are met why should the Licensing and Community Safety Committee be recommending a No Casino Resolution over the whole of the district. Each application should be viewed on merit and, if and when permitted, it should then be a matter of individual choice whether to use/attend or not.

Q8: Do you have any comments on the proposed new section on 'Gambling Prevalence and Social Responsibility'?

This section outlines gambling related harm; the necessity for policies and procedures and marketing communications to promote/be socially responsible.

7 responded with the following:

Can we ban all gambling advertising as well?

Gambling as a whole should be stopped. No body wins apart from the owner of the company - it's just greed.

Entirely support it and wish it could be universally applied.

Gambling advertising, with "comments about social responsibility", do not prevent individuals engaging and inflicting harm upon themselves.

I agree with the new section entirely.

To allow any other gambling opportunity is morally corrupt and socially irresponsible.

I understand the responsibilities regarding gambling as a whole which is a current 'hot' topic but still believe that individuals should be allowed to choose what they do with their hard earned money.

Q9: Do you have any comments on the proposed new section on 'Gaming in Alcohol Licensed Premises'?

This section provides detail in respect of exempt gaming; relevant limits, for example for low turn-over bingo; detail pertaining the requirements for Category C machines, their use by children and associated supervision; and need for compliance with Codes of Practice; and provision of links with information regarding poker and race nights.

4 responded with the following:

This section is reasonable

Policies and restrictions are essential to protect children and vulnerable adults

There is a social aspect to activities such as Bingo, with limited loss potential, where the benefits may outweigh the risks. I am less keen on the rampant display of gaming machines where individuals are unsupervised and can spend freely despite seemingly low stakes.

All sensible.

Q 10, Do you have any comments on the proposed amendments to the section on 'Permit: Three or More Machines'?

The proposal is to better outline the basis under which applications are considered and the factors that the Licensing Authority will consider relevant, for example comments from responsible authorities; gross turnover of the gaming machines when compared to the premises turnover; and confidence in premises management?

7 responded with the following:

I personally think that NDC needs to now allow and gambling in North Devon of any form and support trauma recovery rather than allow people to put themselves in debt as they cannot make wise decisions on their own. There is no need for gambling, it is a 'mugs' game.

Anything to reduce the harm caused is a good move, and monitoring, control and management are very necessary

The premises management should be reviewed and the responsibility then lies with the manager/owner/applicant

Appropriate restrictions make sense

As above, the lack of regular oversight can result in harm to the individual. This risk MAY be reduced by reduction in the number of machines. Operating such machines in alcohol-licensed premises may seem sensible as children should not be exposed, but, the consumption of alcohol can increase the risk of ill-considered usage.

It needed this clarification.

Slot machines should be banned. They are addictive and harmful to society.

Q 11: Do you have any other comments on the proposed amendments to the Council's Gambling Act 2005 Statement of Principles?

2 responded with the following:

The number of gambling establishments should be capped at a low number.

Fully support this.

Equality Information

Section 149 of the Equality Act 2010 applies to public sector organisations, whereby Local Authorities must have due regard to the 8 protected characteristics (age, disability, sex, gender reassignment, pregnancy and maternity, race, religion/belief, sexual orientation (and marriage and civil partnership in employment) in its decision making.

Not all questions were answered.

What is your age?

- 19 and under 0
- 20 to 24 0
- 25 to 34 0
- 35 to 49 2
- 50 to 64 4
- 65 to 74 2
- 75 to 84 2
- 85 and over 0
- Prefer not to say 1

Do you consider yourself to have a disability (according to the Equality Act 2010)?

- No 12
- Yes 0
- Prefer not to say 0

How would you describe your ethnicity?

- White 10
- Prefer not to say 2
- Asian, Asian British, or Asian Welsh 0
- Mixed or multiple ethnic groups 0
- Other ethnic group 0

What is your religion or belief?

- No religion 6
- Christian 4
- Prefer not to say 1
- Other religion 0

- Buddhist 0
- Jewish 1
- Hindu 0

Sex

- Female 2
- Male 9
- Prefer not to say 0
- Other 0

Please confirm if this is the same as registered at birth

- Yes 12
- Prefer not to say 0
- No 0

Sexual orientation

- Straight or Heterosexual 10
- Prefer not to say 2
- Bisexual 0
- Gay or Lesbian 0
- Other 0
- Pansexual 0
- Other sexual orientation 0

The results of the equality information responses will be considered alongside the census information for the North Devon Council area. Equality and diversity monitoring can help identify current and future needs, possible inequalities including problems accessing or using services and information, as well as checking that a cross-section of people have been reached and given their views. Results have been published in an anonymised way.

Equality Protected Characteristics:

There were no prevalent themes received in the responses from protected characteristics.

Gambling Statement of Principles



DRAFT Gambling Statement of Principles 2025

Gambling Act 2005

Published by

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PART A – Gambling Policy

1. The Licensing Objectives

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

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

2. Introduction

2.1 This statement of principles is written pursuant to the provisions of the Gambling Act 2005 and the Guidance issued under Section 25 of the Act by the Gambling Commission.

2.2 This Statement of Principles was approved at a meeting of the Full Council on the TBC and is due to take effect from TBC January 2025.

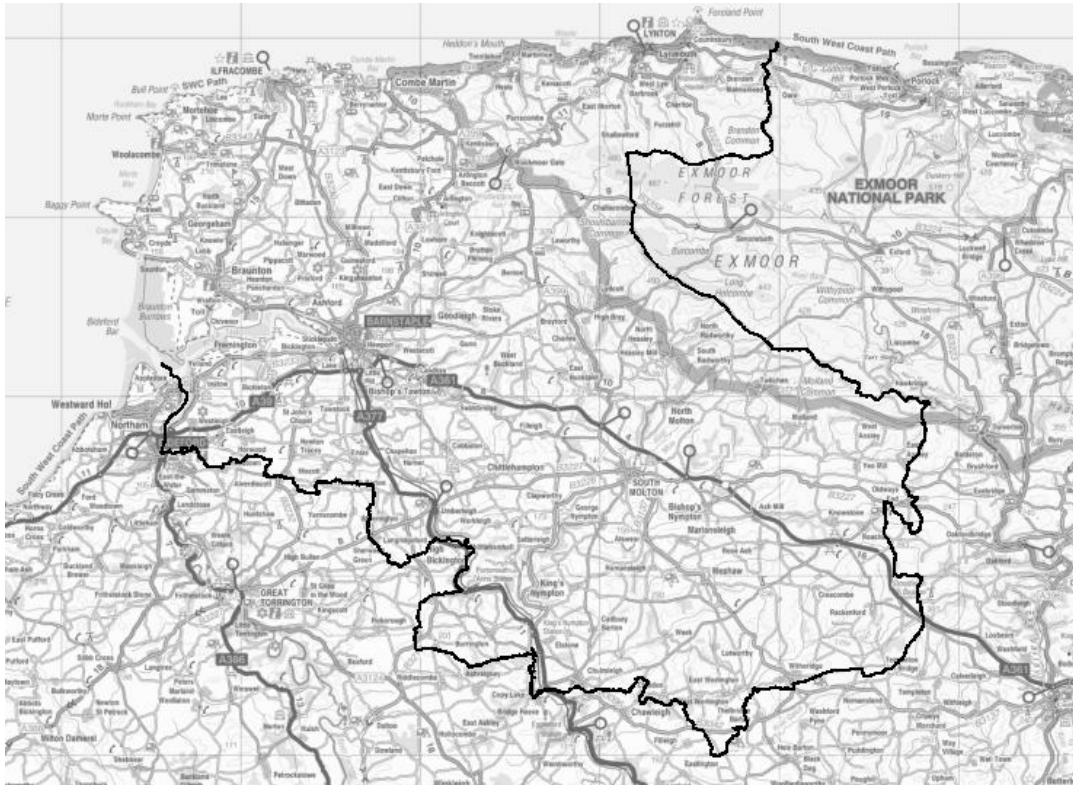
2.3 Copies of the draft consultation statement were available for viewing at the Licensing Team's Offices at Lynton House, Commercial Road , Barnstaple, EX31 1DG and on the Council's website: www.northdevon.gov.uk/licensing

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

2.5 The Council wishes to make clear that the Gambling Commission's Guidance to Local Authorities (updated 11 April 2023) was the most recent information available at the time of writing and can be the subject of change within the period that this statement of principles is in force. This Licensing Authority will therefore have regard to changes in legislation, court judgements and any updated guidance issued by the Gambling Commission where it is appropriate to the application under consideration

3. The Geographical Area

3.1 In being largely rural in character, and an area of outstanding natural beauty, North Devon, in common with other parts of Devon, has much to offer its residents and visitors. The holiday and entertainment industries, therefore, are major contributors to the economy of the district.



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- 3.2 North Devon is 108,590 hectares (419 square miles) in size, and has an estimated resident population of 98,611, with 82,192 of these persons being aged over 16⁽¹⁾. The population is comprised of 43,198⁽²⁾ households, and forms the fifth least densely populated authority in the South West⁽¹⁾. Of those residents 48,018⁽¹⁾ are male and 50,593⁽¹⁾ are female. ⁽¹⁾. The total population from minority ethnic groups in 2021⁽¹⁾ 1 was 3%.
- 3.3 Almost half of the population lives in, or close to Barnstaple, whilst there are smaller concentrations of population at Braunton, and South Molton. Holiday locations such as Croyde and Woolacombe have national and international renown. This tourist economy brings with it a number of gambling activities, for example Bingo (2)*, Adult Gaming Centres (2)*, Family Entertainment Centres (1)*, and Unlicensed Family Entertainment Centre Permits (12)*.
- 3.4 Towns such as South Molton, Barnstaple and Ilfracombe have a number of betting shops, for which there are 4* across the district. North Devon currently has 705* licensed premises and clubs under the Licensing Act 2003, of which 131* have either a notification or permit for gaming machines. Additionally there are 9* Club Machine Permits across the district.
- 3.5 Despite the popularity and benefits of the area, 11.0% of the population is income deprived and of the 316 local authorities in England, North Devon is ranked 150th most income-deprived. 7 neighbourhoods in the district are in the 20% most income deprived areas in the country⁽²⁾.

Local Area Profile

- 3.6 There is no mandatory requirement for a Licensing Authority to undertake a specific Local Area Profile and this authority has decided not to do so at the time of producing this policy statement.

Data Sources

1. 2021 Population estimates published by Office for National Statistics
 2. 2019 Deprivation estimates published by Office for National Statistics
 2. Household estimate 2021 Office for National Statistics
- * Figures correct as of 17.04.2024

4. Consultation

4.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years.

4.2 The statement must also be revised from 'time to time' and any amended parts consulted upon. The statement must be then be re-published. Before adopting this revised statement of principles, the Licensing Authority has consulted with the following:

All Responsible Authorities under the Act
Representatives of existing licence-holders
Betting and Gaming Council
British Amusement Catering Trade Association (BACTA)
Association of British Bookmakers
The Bingo Association
Local residents/businesses and their representatives by way of its website and an associated press release
North Devon and Torridge Community Safety Partnership
Gamblers Anonymous
Gamcare
Gamble Aware
Mencap
NSPCC
Citizens Advice
Devon Licensing Officers Group
North Devon Voluntary Services
MIND
Young Minds
YSMART
Mencap
Devon MASH (Multi-Agency Safe Guarding Hub)
Freedom Community Alliance Barnstaple

4.3 Proper weight has been given to the views of all those who are consulted prior to the date of implementation of this statement.

4.4 Our consultation took place for a period of 6 weeks between TBC 2024 and TBC 2024, a period considered taking into consideration the Consultation Principles (November 2013) outlined by the Cabinet Office and the Council's [Community Engagement Strategy](#).

4.5 This statement of principles was approved at a meeting of the Full Council on the TBC 2024 and will be published on our website on the TBC (www.northdevon.gov.uk/licensing). Copies were also available for viewing at the Licensing Team's Offices at North Devon Council, Lynton House, Commercial Road, Devon, EX31 1DG.

4.6 Should you have comments regarding this draft statement of principles please write to the above address or email licensing@northdevon.gov.uk.

5. Declaration

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

6. The Overriding Principle

- 6.1 In accordance with section 153 of the Gambling Act 2005, the Council's decision making process shall aim to permit the use of premises for gambling in so far as the authority think it is:

- in accordance with any relevant Code Of Practice;
- in accordance with the relevant guidance issued by the Gambling Commission;
- as is reasonably consistent with the licensing objectives;
- in accordance with this statement.

- 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. In addition the Licensing Authority notes the Gambling Commission's Guidance to local authorities that:

"Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)" (Part 5, Section 5.34).

- 6.3 If this Authority resolves not to issue casino premises' licences, the overriding principle does not apply.

7. Responsible Authorities

- 7.1 Responsible authorities are those public bodies, as specified by the Gambling Act, which must be notified of applications for Premises Licences. Such bodies are entitled to make representations to the Licensing Authority in relation to the applications.
- 7.2 In relation to the determination of who is competent to advise the authority about the protection of children from harm, this authority has designated Devon County Council (Devon Children and families partnership), and they will be duly designated as such in writing.
- 7.3 In relation to the determination of who is competent to advise the authority about the protection of other vulnerable persons, this authority will consult with Devon County Council and Mencap.

8. Interested Parties

8.1 Section 158 of the Act defines interested parties. To accept a representation from an interested party, the Licensing Authority must take the view that the person:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy (a) or (b) (e.g. advocates, neighbours/residents/tenants associations, MPs, councillors etc).

8.2 Whether an individual will be deemed an interested party will be decided on its own merits. The Licensing Authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for licensing authorities.

People Living Close to a Premises

8.3 The following factors are likely to be relevant as to whether a person 'lives sufficiently close to a premises':

- the size of the premises (e.g. a larger premises might be expected to affect people over a broader geographical area;
- the nature of the premises and activities taking place;
- the distance of the premises to a person making the representation;
- the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment;
- the circumstances of the person who lives close to the premises. This is not their personal circumstances, but their interests which may be relevant to the distance from the premises;
- whether there are business interests that might be affected by the authorised activities.

8.4 Relevant factors will depend on the particular application. For example, it is reasonable that the Licensing Authority considers that 'living sufficiently close to premises to be likely to be affected' could have a different meaning for a private resident, a residential school for children with truanting problems and a residential hostel for vulnerable adults.

The Nature and Scope of Business Interests that Could be Affected

8.5 It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain. But that is unlikely to be enough to satisfy the test of being 'a person with business interests that might be affected by the premises' under consideration. Factors which will be likely to whether a business is likely to be affected will 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 the catchment area that might be affected.

8.6 This Licensing Authority will also consider the Gambling Commission's Guidance that 'business interests' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 8.7 Interested parties can be persons who are democratically elected such as Councillors and MPs. Other than these persons, this authority requires written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the proposed activities and/or business interests that might be affected by the proposed activities. A letter from one of these persons, requesting the representation is sufficient.
- 8.8 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 Sub-Committee (hearing) and that advice be sought from the Monitoring Officer regarding the content of this paragraph when dealing with the licence application. Any perceived difficulties should be referred to the Licensing Team who may be contacted at the address and on the telephone number set out at the beginning of this document.
- 8.9 Whilst this authority gives the benefit of the doubt to those seeking to make representations, nonetheless such representations are excluded where the persons concerned cannot demonstrate that they are likely to be affected by the gambling activities.

9. Exchange of Information

- 9.1 The principle that this Licensing Authority applies is that it acts in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that, the General Data Protection Regulation must not be contravened. The Licensing Authority also has regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

10. Enforcement

- 10.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.
- 10.2 The Gambling Commission is the enforcement body for operating and personal licences, they also deal with concerns about manufacture, supply and repair of gaming machines.
- 10.3 When interpreting legislation and determining necessary enforcement action this Licensing Authority will be guided by the Gambling Commission's Guidance to Licensing Authorities; its Codes of Practice; the Regulator's Code; its own Internal Corporate Enforcement Policy, and any Primary Authority partnership that may be in place..
- 10.4 If reports are received of non-compliance, enforcement action will take place in accordance with the above. This authority adopts a graduated approach to enforcement and when seeking to resolve or address issues the general expectation of the authority is that operators promptly work alongside the licensing authority in taking remedial action. However where a serious issue is identified it is likely that the authority will immediately initiate some form of enforcement action.
- 10.5 As an example if the authority becomes aware that a premises is becoming associated with anti-social behaviour issues, it will in the first instance seek to work with the premises to address these through voluntary measures. If this is

not successful in resolving the issues the authority is likely to then consider introducing conditions on the premises licence, or using other tools as appropriate.

10.6 There are tools that the Licensing Authority may consider in addressing issues that may be associated with a gambling premises, often linked to alcohol and/or anti-social behaviour. Licensing authorities have the option under the Act to review, vary or impose conditions on a premises licence, but in practice these might not be the most effective tools to use to tackle problems linked to antisocial behaviour. Under the Antisocial Behaviour, Crime and Policing Act 2014 tools specifically designed to reduce anti-social behaviour such as dispersal powers, community protection notices or new public space protection orders, may have more of an impact and thus the Licensing Authority will in these cases work in close partnership with its partners for example North Devon and Torridge Community Safety Partnership, to examine the full potential of a range of options. In very, very rare instances, where a premises is being used or likely to be used to cause nuisance or disorder and working with the operator has failed to address this a closure notice may also be served.

10.7 In undertaking any enforcement action this authority endeavours to be:

- **Proportionate:** regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised.
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny.
- **Consistent:** rules and standards must be joined up and implemented fairly.
- **Transparent:** regulators should be open, and keep regulations simple and user friendly.
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

10.8 This Licensing Authority also seeks to avoid duplication with other regulatory regimes so far as possible.

Single Named Point of Contact and Primary Authority

10.9 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

10.10 Whilst this authority has not currently adopted any primary authority agreements with local businesses in respect of gambling activity, a number of councils have now signed primary authority agreements with some of the largest gambling operators covering the issue of age verification. Where such arrangements are in place this licensing authority will have regard to the plan agreed between the company and primary authority in developing their own programmes of activity and inspection. It is acknowledged that any primary authority relationship will provide a useful mechanism to feedback general concerns about a particular operator, as the primary authority will have regular contact at senior levels with the operator.

Inspection

- 10.11 This Licensing Authority has adopted a risk-based inspection programme. In order to promote national consistency, where practicable inspections will be undertaken with the use of the premises assessment templates available in the Gambling Commission's [Premises assessments toolkit](#) and where available guidance in respect of the expectations of the district council in respect of compliance inspections (for example expectations in respect of compliance inspections undertaken at Unlicensed Family Entertainment Centres – found at Part C).

Complaints

- 10.12 The authority will seek to robustly investigate and action any complaints received in respect of premises licensed or holding permits etc. with the council. Similarly concerns over activities which are operating unlicensed or unregulated, which appear to require a licence or permit etc. will be similarly investigated. Members of the public wishing to make complaints of this nature should contact the Licensing Office at the address at the commencement of this document. Alongside reacting to complaints received of illegal gambling activity, this authority endeavours to periodically monitor illegal gambling, for example via the examination of media sources.

Appeals

- 10.13 The Licensing Authority will give clear and comprehensive reasons for any rejection of an application and in accordance with good practice will give reasons in relation to all decisions it reaches. These reasons will address the extent to which the decision has been made with regard to this Statement of Principles and the Gambling Commission's Guidance and the reasons will be submitted to all parties concerned.
- 10.14 There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. An appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision, and must be made to Barnstaple Magistrate's Court. Any application for an appeal should be accompanied by a fee payable to the court.
- 10.15 Once an appeal decision has been made the Licensing Authority will implement this without delay unless ordered by the Court to suspend such action.

11. Licensing Authority Functions

- 11.1 The Gambling Act 2005 provides for three categories of licence, namely Operating Licences, Personal Licences and Premises Licences. Under the Act the North Devon District Council ("the Licensing Authority") is responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences for: -
- casino premises
 - bingo premises
 - betting premises, including tracks
 - adult gaming centres (AGC); and
 - family entertainment centres (FEC).

- 11.2 The Licensing Authority may also grant other forms of authorisation: -
- authorisations for the temporary use of premises
 - occasional use notices
 - permits for unlicensed family entertainment centres
 - permits for prize gaming
 - permits for gaming machines on alcohol-licensed premises
 - permits for club gaming
 - permits for club gaming machines.
- 11.3 It should be noted that Licensing Authorities are not involved in licensing remote gambling. This is regulated by the Gambling Commission via Operator Licences.
- 11.4 The purpose of the statement is to assist the Licensing Authority in reaching a decision on any particular application, and in setting out those matters that are normally taken into account. Additionally, the document seeks to provide clarity for applicants, residents and members of the business community, thus enabling them to make plans to move to, remain in, or invest in the District, with some measure of certainty.
- 11.5 Accordingly, the statement of principles sets out how the Licensing Authority intends to promote the objectives of the Act, how it intends to conduct its licensing function, and how it intends to implement its enforcement role. The statement also sets out the licensing process, and the scheme of delegation required for the licensing regime to be operational.
- 11.6 The statement remains in existence for a maximum period of three years during which it is kept under review and revised as appropriate. Any major changes must be preceded by public consultation.

12. The Licensing Process

- 12.1 A Licensing Committee, a Sub-Committee, or a Council Officer acting under delegated authority may carry out the powers of the authority under the Gambling Act 2005.
- 12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, Licensing Officers carry out non-contentious procedures.
- 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 2005.
- 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 prescribed under the Act.

13. Administration, Exercise and Delegation

13.1 Recommended delegation functions permitted under the Gambling Act:

Three year statement of principles	Full Council
Policy not to permit casinos	Full Council
Fee setting (when appropriate)	Full Council
Application for Premises Licences	Sub-committee of licensing committee where representations have been received and not withdrawn; Officers where no representations received/or have been withdrawn
Application for a variation to a licence	Sub-committee of licensing committee where representations have been received and not withdrawn; officers where no representations received/or have been withdrawn
Application for a transfer of a licence	Sub-committee of licensing committee where representations have been received from the Commission; officers where no representations received from the Commission
Application for a provisional statement	Sub-committee of licensing committee where representations have been received and not withdrawn; officers where no representations received/or have been withdrawn
Review of a Premises Licence	Sub-committee of licensing committee
Application for club gaming/	Sub-committee of licensing committee where objections have been made (and not withdrawn) club machine permits; officers where no objections made/objections have been withdrawn
Cancellation of club gaming/ club machine permits	Sub-committee of licensing committee
Applications for other permits	Officers
Cancellation of licensed premises gaming machine permits	Officers
Consideration of temporary use notice	Officers
Decision to give a counter notice to a temporary use notice	Sub-committee of licensing committee

14. Gambling Prevalence and Social Responsibility

- 14.1 Gambling related harm is defined as any type of repetitive gambling that disrupts or damages a person, family, or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances and affect a wide range of people, such as families, colleagues and wider local communities (for example, where problem gambling is associated with crime or homelessness) and society as a whole (in terms of the costs that may be created by problem gambling). Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts.
- 14.2 Gambling Operators must comply with the Gambling Commission's [Licence Conditions and Codes of Practice - Gambling Commission](#) (LCCP). The Social Responsibility Code 3 requires gambling operators to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of, and seek to identify, problem gambling.
- 14.3 The requirements on gambling premises under the social responsibility code are based upon key areas:
- Provision of information on gambling responsibly – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.
 - Customer interaction – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.
 - Layout of the premises - operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
 - Self-exclusion – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. In addition to operating their own self-exclusion schemes all licensees must offer the facility for customers to self-exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.
- 14.4 Any marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons, and other vulnerable persons from being harmed or exploited. Licensees are required to comply with the Social Responsibility Code 5 of the [Licence Conditions and Codes of Practice - Gambling Commission](#) (LCCP).

15. Local Risk Assessments

- 15.1 The Gambling Commission's Social Responsibility Code (Licence Conditions and [Codes of Practice](#) (LCCP) 10.1.1) requires operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to

mitigate those risks. In undertaking their risk assessments, licensees should take into account any relevant matters identified in this Statement of Principles

- 15.2 Operators will be required to undertake local risk assessment when applying for a new premises licence. Their risk assessment will also need to be updated:
- when applying for a variation of a premises licence.
 - to take account of significant changes in local circumstances, including those identified in this policy.
 - when there are significant changes at a licensee's premises that may affect the level of risk or the mitigation of those risks. This includes inclusion of screens/privacy booths around machines and any changes to the interior layout of the premises. Significant changes will require a variation to the premises licence.
- 15.3 The Social Responsibility Code provision is supplemented by the LCCP: Ordinary Code 10.1.2 that requires licensees to share their risk assessments with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises.
- 15.4 The risk assessment must be updated annually, kept on the premises to which it relates and be available for inspection by an authorised officer of the Licensing Authority or Gambling Commission.
- 15.5 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.
- 15.6 The Licensing Authority in the first instance would seek to work with the licence holder to address any issues through introducing voluntary measures. It would only seek to impose licence conditions in exceptional circumstances where there is clear evidence for doing so.
- 15.7 The Statement of Principles indicates in point 14.9 that the risk assessment will set out the measures the licensee considers putting in place to address specific concerns thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required.
- 15.8 In some circumstances it may be appropriate for the Licensing Authority to offer a licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.
- 15.9 The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment:
- information held by the licensee regarding self-exclusions and incidences of underage gambling.
 - assessing staffing levels to cover peak periods, e.g. summer season, college closures.
 - gaming trends that may reflect benefit payments

- arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- urban setting such as proximity to schools, commercial environment and factors affecting footfall.
- the range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- proximity of machines to the entrance door

Matters relating to children and young persons, including;

- institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues.
- any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- recorded incidents of attempted underage gambling.
- have in place an age verification policy.

Matters relating to vulnerable adults, including:

- information held by the licensee regarding self-exclusions and incidences of underage gambling.
- gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

Other issues that may be considered could include:

- matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

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

16. General points regarding Gaming Machines

- 16.1 Gaming machines are made available through a variety of permissions established by the granting of premises licences and permits. There are different [categories of machine](#) (the category will determine the level of stakes and prizes) and the number permitted to be made available for play by each operator is controlled by the licence or permit in question. For example, the allowance for an Adult Gaming Centre will differ from a Bingo premises. The

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council undertakes regular inspections of premises where licences and/or permits are in place to ensure that these requirements are complied with.

- 16.2 In view of the above, regardless of the permission involved, the council requires operators to:
- clearly display the classification (e.g. Category D) of each machine on the machine itself.
 - Undertake consultation with the Licensing Authority in advance of applying screening and/or erection of booths to category B machines within licensed premises and where deemed necessary make a full premises licence variation application to the council when intending to apply screening and/or booting to machines within licensed premises. A copy of the updated local risk assessment must also be included within the application to evidence that any risks presented have been recognised and mitigated.
 - Ensure that gaming machines situated in premises licensed to sell/ supply alcohol (authorised by way of notification of automatic entitlement and/or permit) are made available strictly in accordance with the Gambling Commission's code of practice with regards to gaming machines in alcohol-licensed premises.
- 16.3 The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, such machines by children and young persons. [Section C - Gaming machines in clubs and premises with an alcohol licence.](#)
- 16.4 The Licensing Authority recognises concerns about unlawfully sited gaming machines because they are:
- Provided in prohibited places such as takeaways and taxi offices.
 - Provided without a Responsible permit.
 - Provided from an unregistered supplier and/or are uncategorised.
 - Known to have links with organised crime.
- 16.5 In circumstances where illegal machines are being provided, the following actions may be taken by the Licensing Authority:
- Initial enforcement, visit and verbal/written warning issued to remove the machines.
 - Removal of the gaming machines in partnership with the Commission/ Police.
- 16.6 There are a variety of reasons why the provision of gaming machines may be illegal, and operators are advised to seek the advice of the Licensing Authority or the Gambling Commission before making them available. Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 16.7 Where the Licensing Authority has concerns about the manufacture, supply, or repair of a gaming machine it will bring this to the attention of the Gambling Commission.

17. Gaming in Alcohol Licensed Premises

- 17.1 The Licensing Authority recognises that low level (exempt) gaming (e.g., bingo, poker and race nights) may take place in alcohol licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. Further information can be found here: [Exempt gaming in pubs - Gambling Commission and Section B - Equal chance gaming in clubs and premises with an alcohol licence](#).
- 17.2 Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice [Section B - Equal chance gaming in clubs and premises with an alcohol licence](#) and advice issued by the Gambling Commission. High turnover bingo (where stakes and prizes exceed £2,000 in any 7-day period will require a Bingo Operating Licence from the Gambling Commission.
- 17.3 Where the Licensing Authority is suspicious that a licensee or club exceeds the prescribed limits, the Licensing Authority will inform the Gambling Commission accordingly.
- 17.4 No child shall be permitted to use a Category C gaming machines on the premises and that the holder of the Premises Licence must comply with any code of practice Responsible to the location and operation of gaming machines. [Section C - Gaming machines in clubs and premises with an alcohol licence - Gambling Commission](#)
- 17.5 Gaming in alcohol-licensed premises should therefore be supervised by the person in day-to-day management control of the premises (a person authorised by the Designated Premises Supervisor (DPS). All gaming should comply with the Codes of Practice issued by the Gambling Commission. [Section C - Gaming machines in clubs and premises with an alcohol licence](#).
- 17.6 As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Premises Licence holder is considered fully responsible and must be aware of and adopt these Codes of Practice together with any subsequent guidance issued by the Gambling Commission and to ensure that all gaming in such premises is suitably managed.
- 17.7 Further information on [poker and gaming](#) is available from the Gambling Commission.
- 17.8 Further information on [poker and race nights](#) is available from the Gambling Commission.

PART B – Premises Licences: Consideration of Applications

1. General Principles

- 1.1 Premises Licences shall be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific [Mandatory and Default Conditions](#) which shall be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 This Licensing Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
 - in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of licensing principles
- 1.3 It is appreciated that as per the Gambling Commission's Guidance to 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.

Definition of "premises"

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

Buildings divided into more than one premises

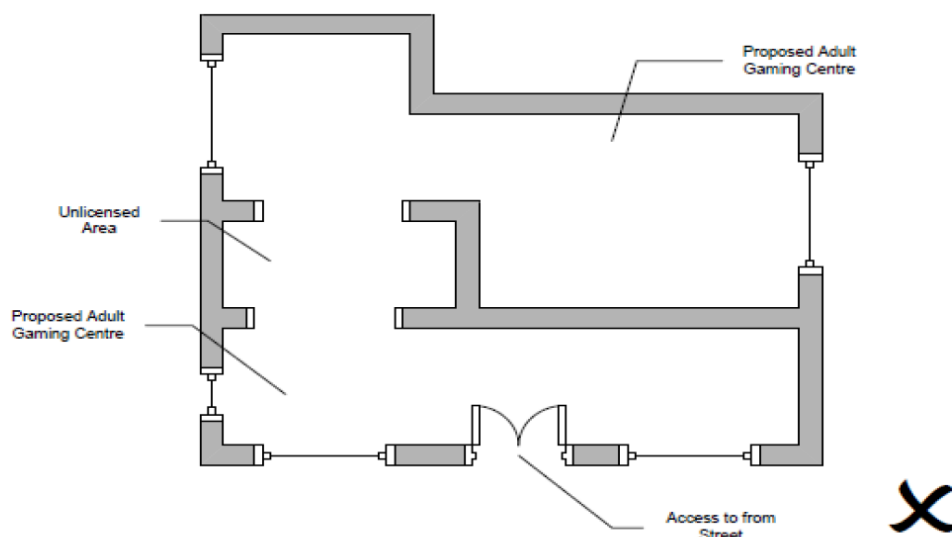
- 1.6 Part 7, paragraph 7.5 of the Gambling Commission's Guidance states that 'there is no reason in principle why a single building could not be subject to more than one premises licence; provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises'. Examples are given of multiple unit premises, such as pleasure parks, tracks or shopping malls. It is also possible for licensed premises to be located next to each other, as long as there are no restrictions regarding direct access between these premises imposed on that category for gambling premises from its mandatory conditions. The Licensing Authority will follow this guidance.
- 1.7 It will be for the Licensing Authority to determine whether premises are genuinely separate, and not artificially created from that which is readily identifiable as a single premises.
- 1.8 Prior to making an application, applicants are encouraged to discuss with the Licensing Authority their premises configuration/layout and intended applications. In considering whether different areas of a building are genuinely separate premises, the Licensing Authority will take into account factors which may include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person and whether the premises are operated independently of each other.

Access to premises

- 1.9 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 1.10 The Commission Guidance at paragraph 7.22 states "there is no definition of 'direct access' in the Act or Regulations, but Licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access".
- 1.11 In particular, where premises are not accessed from the street, the Licensing Authority has sought to define the nature of the area which must separate licensed premises and through which the premises are accessed, so as to prevent direct access between premises in order to comply with the provisions of the Act and Regulations.
- 1.12 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.

- 1.13 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
- Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part. 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
 - There should be tangible and evident separation between premises. Adequate separation may be obtained by means of screening, walls, clear signage, Passive Infra- Red (PIR) alarms etc.
 - Customers should be able to participate in the activity named on the premises licence in accordance with Social Responsibility Code 9 of the Codes of Practice.
 - This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.
- 1.14 Applications to place two licensed premises in one premises with an unlicensed area separating them, (see Figure 1) will not meet this Policy because of the artificial nature of the premises, access, and likely use issues which will arise.

Figure 1

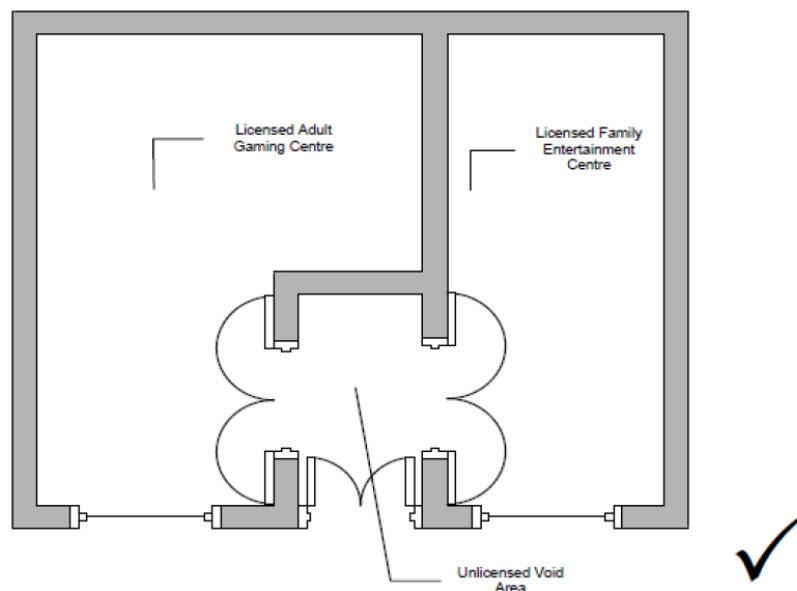


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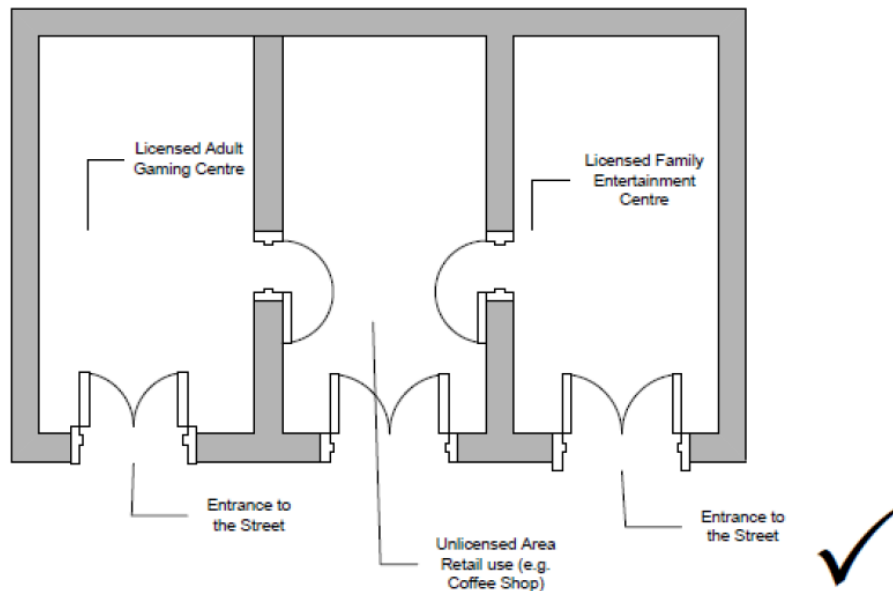
- 1.15 It is possible to have an unlicensed foyer area which separates one licensed premises from another if the foyer is accessed from the street. See Figure 2. The Licensing Authority would expect as a minimum that the area should be used for non-gaming purposes such as an information point, a coffee shop or similar but must not contain any gambling information or literature promoting gambling activities.
- 1.16 The size of the unlicensed area is a matter for each application but the Licensing Authority will not consider this configuration if the foyer is not of sufficient size to be a useable space.

Figure 2



- 1.17 It may also be acceptable if a premises is separated by another non-licensed premises that has access to both licensed premises from it. An example of this could be in the form of a coffee shop which has a main entrance to the street. The coffee shop may have access to an Adult Gaming Centre on one side and an entrance to a Family Entertainment Centre on the other side, see figure 3. Where a member of the public not using the gambling premises is likely to use the coffee shop, it may be considered that there is no direct access between the two licensed premises.

Figure 3



1.18 From the date that this revised Statement of Principles 2022 comes into force, any new application for any type of Gambling Premises Licence, will be expected to fully comply with the terms and conditions as set out above. Existing licensed premises may continue to operate under the terms that have been granted by virtue of the licence that they currently hold, provided that the licensing objectives continue to be fully promoted at all times. Any application to vary however, will be subject to the full terms as outlined above.

1.19 The Council may consider the following questions as relevant factors to in its decision-making, depending on all the circumstances of the case:

- 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?

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

The Council will have regard to the Gambling Commission's Guidance on relevant access provisions for each premises type:

Premises	Access Provisions
Casinos	<p>The principal access entrance to the premises must be from a street.</p> <p>No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.</p> <p>No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.</p>
Adult Gaming Centre	<p>No customer must be able to access the premises directly from any other licensed gambling premises.</p>
Betting Shops	<p>Access must be from a 'street' or from another premises with a betting premises licence.</p> <p>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 unless that shop is itself a licensed betting premises.</p>
Tracks	<p>No customer should be able to access the premises directly from a casino or an adult gaming centre.</p>
Bingo Premises	<p>No customer must be able to access the premises directly from a casino, an adult gaming centre, or a betting premises, other than a track.</p>
Family Entertainment Centre	<p>No customer must be able to access the premises directly from a casino, an adult gaming centre or a betting premises, other than a track</p>

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

Premises "Ready for Gambling"

- 1.22 The Guidance states that "A licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use".
- 1.23 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

- 1.24 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process: -
- First, whether the premises ought to be permitted to be used for gambling.
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.25 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 1.26 More detailed examples of the circumstances in which such a licence may be granted can be found in the Gambling Commission's Guidance.

Location

- 1.27 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 decision making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority shall 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. *The authority will carefully consider applications for premises licences and whether there is a need for conditions to mitigate risks, in respect of certain kinds of gambling located very close to a school or a centre for those experiencing or at risk of gambling harm.* It should be noted that this statement does not preclude any application being made and each application shall be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome. The Licensing Authority does expect that issues in respect of a premises location are addressed in local risk assessments required for any applications for premises licences.

Planning

- 1.28 The Gambling Commission Guidance to Licensing Authorities states: -
- In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 1.29 This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following extract from the Gambling Commission's Guidance: -
- 1.30 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the Gambling Act 2005 prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other Regulatory Regimes

- 1.31 This Licensing Authority shall seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority shall not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It shall though, listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.
- 1.32 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

- 1.33 Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

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

- 1.34 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 shall consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.
- 1.35 The requirement for conditions might be determined by the operators own risk assessment.
- 1.36 The Authority recognise that there is not a clear line between nuisance and disorder. The guidance issued by the Gambling Commission indicates that in the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance is serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

Ensuring that gambling is conducted in a fair and open way

- 1.37 This Licensing Authority has noted that the Gambling Commission states that it 'generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this shall be addressed via operating and personal licences'. There is however, more of a

role with regard to tracks, which is explained in more detail in the 'tracks' section below.

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

- 1.38 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). The Licensing Authority shall therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 1.39 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.
- 1.40 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 shall consider this licensing objective on a case by case basis.
- 1.41 The Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.
- 1.42 The Licence Conditions and Codes of Practice ([LCCP](#)) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are present. In particular operators must ensure that: -
- all staff are trained,
 - that all customers are supervised when on gambling premises
 - procedures for identifying customers who are at risk of gambling related harm are in place.
- 1.43 The council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility. These should cover all aspects including in particular staff training records and self-exclusion records.
- 1.44 Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.
- 1.45 Appendix B provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

Conditions

- 1.46 Gambling Premises Licences are subject to a series of mandatory and default conditions. Mandatory conditions made under Section 167 of the Act must be

attached to premises licences, and default conditions made under Section 168 of the Act are attached unless the licensing authority decides to exclude them, using its powers under Section 169. In the vast majority of cases, these conditions will suffice. Any additional conditions attached to licences will be considered by way of a Licensing Sub Committee. Conditions will be proportionate and: -

- implemented relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

1.47 Decisions upon individual conditions shall be made on a case by case basis, although there shall 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 shall also expect an applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

1.48 This Licensing Authority shall also consider specific measures, which may be required for buildings, which are subject to multiple Premises Licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

1.49 This authority shall 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.

1.50 These considerations shall apply to premises including buildings where multiple Premises Licences are applicable.

1.51 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 shall consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.52 It is noted that there are conditions, which the Licensing Authority cannot attach to Premises Licences which are: -

- any condition on the Premises Licence which makes it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required - the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

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

2. Adult Gaming Centres

- 2.1 This Licensing Authority shall specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and shall expect the applicant to satisfy the authority that there shall be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 2.2 This Licensing Authority shall 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.
 - Location of entry.
 - Notices / signage.
 - Specific opening hours.
 - Self-exclusion schemes.
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

- 2.3 The question of sub-division of such premises has been the subject of further Gambling Commission Guidance. This Licensing Authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to such applications and any decision-making.
- 2.4 This Licensing Authority accepts that there must be no direct access between an adult gaming centre and any other premises licensed under the Act or premises with a family entertainment centre, club gaming, club machine or licensed

premises gaming permit. For further information see Part B, Paragraph 1.9 – Access Provisions.

- 2.5 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises are adequately supervised at all times.
- 2.6 This Licensing Authority recognises that the design and layout of adult gaming centres will vary. It will have particular regard to the siting of age restricted gaming machines within 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 re-positioned where circumstances demonstrate that it is appropriate to do so.
- 2.7 Factors to be taken into consideration will include the following: -
- CCTV;
 - Re-location of the machines;
 - Door buzzers;
 - Remote cut off switches;
 - Training provision;
 - Any other factor considered relevant.

3. (Licensed) Family Entertainment Centres

- 3.1 This Licensing Authority shall specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It shall expect the applicant to satisfy the authority, for example, that there shall be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 3.2 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises are adequately supervised at all times.
- 3.3 This Licensing Authority may consider measures to meet the licensing objectives, however, appropriate measures / licence conditions may cover issues such as: -
- CCTV;
 - Supervision of entrances / machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices / signage;
 - Specific opening hours;
 - Self-exclusion schemes;
 - Provision of information leaflets / helpline numbers for organisations such as GamCare;
 - Measures / training for staff on how to deal with suspected truant school children on the premises.

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

- 3.4 This Licensing Authority shall, as per the Gambling Commission's guidance, refer to the Commission's web-site to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority shall also make itself aware of any mandatory or default conditions on these Premises Licences, when they have been published.

4. Casinos

- 4.1 This 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 shall update this statement with details of that resolution. Any such decision will be made by Full Council.
- 4.2 Despite the fact that the council has not passed such a resolution, the council is currently not enabled by the Secretary of State (in accordance with regulations made under Section 175 of the Act) to grant a premises licence for a casino.

5. Bingo Premises

- 5.1 The Licensing Authority notes that the Gambling Commission Guidance states:
- 5.2 "Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, this authority will consider whether bingo can be played at each of those new premises."
- 5.3 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.
- 5.4 Section 172(7), as amended provides that the holder of a bingo premises licence may 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 (exception for those premises in existence before 13 July 2011 which are entitled to make available eight category gaming machines or 20% of the total number of gaming machines, whichever is the greater). There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.
- 5.5 Licensees must also ensure that the function along with the internal and/or external appearance of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities (Gambling Commission Social Responsibility Code Provision 9.1.2).

6. Betting Premises

- 6.1 Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 6.2 This 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, that staff prevent the use of these machines by children and young persons. This Licensing Authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.
- 6.3 Factors to be taken into consideration will include to following:
- CCTV;
 - Re-location of the machines;
 - Door buzzers;
 - Remote cut off switches;
 - Training provision;
 - Any other factor considered relevant.

7. Tracks

- 7.1 The Licensing Authority currently has no licensed tracks. Section 353 of the 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. This means that land which has a number of uses, such as agricultural land, may meet the definition of a track and could be used, for example for point to point meetings.
- 7.2 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 shall especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.3 This authority shall 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 shall be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.4 This Licensing Authority may consider measures to meet the licensing objectives, such as:

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

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

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

Some tracks will also hold an alcohol licence and as such they will be automatically entitled under Section 282 of the Act to two gaming machines of category C or D. This permission is activated by notifying the Licensing Authority and paying the required fee. If a track premises licence holder has both an alcohol licence and a pool betting operating licence, then they will be entitled to a total of six gaming machines (two via the alcohol licence and four via the operating licence).

7.6 **Self-Service Betting Terminals (SSBTs)** This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

7.7 **Applications and plans** - The Gambling Act (section 151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

7.8 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.

7.9 In the majority of cases, such as greyhound tracks, racecourses, football stadia and cricket grounds, defining the extent of boundaries may be assisted by reference to existing plans already submitted to obtain other permissions. These could include:

- the obtaining of a safety certificate under 'Safety at Sports Ground' legislation (this applies in respect of sports grounds with capacity to accommodate more than 10,000 spectators)
- the historic boundaries under previous legislation such as, the approval of tracks under Schedule 3 of the Betting, Gaming and Lotteries Act 1963

7.10 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. This Licensing Authority as per the Gambling Commission's Guidance will satisfy themselves that the plan provides sufficient information to enable them to assess an application.

7.11 As the plan forms part of the licence document, it also needs to be sufficiently flexible to ensure that a relatively small change in the premises layout would not require an operator to submit an application to vary the track premises licence. Only a significant change to the track layout would require a licence variation. For example, moving a category C gaming machine from one end of a bar that had been marked on the plan as a gaming machine area to another may not necessitate a full variation to a tracks premises licence, nor would the establishment of a new betting area at a racetrack, as neither of these events have any impact on the purpose of the licence or the conditions attached to it. However, relocating category C machines to entirely different parts of a track would generally need to be the subject of an application to vary the premises licence.

8. Vessels

8.1 Premises licences can be granted for passenger vessels. A vessel is defined as:

- anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water
- a hovercraft; or
- anything, or part of any place, situated on or in water.

8.2 Premises licences for vessels will be accepted by the council only in relation to vessels that are usually moored or berthed within the North Devon area.

9. Travelling Fairs

9.1 The Licensing Authority has issued no permits for Travelling Fairs

9.2 Where category D machines and / or equal chance prize gaming without a permit is to be made available, this Licensing Authority will be responsible for deciding whether the gambling forms ancillary amusement.

9.3 The Licensing Authority shall also consider whether the applicant falls within the statutory definition of a travelling fair.

9.4 It is noted that the 27-day statutory maximum for the land being used as a fair, applies 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 shall work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

10. Provisional Statements

- 10.1 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.
- 10.2 Section 204 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.
- 10.3 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.
- 10.4 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.
- 10.5 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.
- 10.6 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.

11. Reviews

- 11.1 Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried-out. This shall 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 11.6 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: -
- add, remove or amend a licence condition imposed by the licensing authority;
 - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - suspend the premises licence for a period not exceeding three months; and
 - revoke the premises licence.
- 11.7 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.
- 11.8 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.
- 11.9 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to: -
- the licence holder;
 - the applicant for review (if any);
 - the Gambling Commission;
 - any person who made representations;
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs.

PART C – Permits/Temporary and Occasional Use Notices

1. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Schedule 10 paragraph 7)

- 1.1 This Licensing Authority adopts this Statement of Principles for the purposes of clarifying the measures that it will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre, and for holders of existing permits. This will allow the council to better determine the suitability of the applicant and the premises for a permit, and provide a clearer expectation of the standards of operation that are required for permit holders. Licensing Authority Expectations on Compliance Inspections of Unlicensed Family Entertainment (UFEC) Premises are contained within this part also.
- 1.2 The term ‘unlicensed family entertainment centre’ (UFEC) is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny-pushers. The premises is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a ‘licensed family entertainment centre’ which does require a premises licence because it contains both category C and D gaming machines.
- 1.3 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises shall be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.4 At the time of the publication of this report North Devon has 12 UFECs which include a mixture of seafront arcades, holiday parks etc. UFECs are often located in the vicinity of bars, pubs, cabaret bars etc, and have a high proportion of children as customers, many of whom are not supervised by an adult.
- 1.5 The marketing of these premises is often targeted towards under 18’s and therefore may be a child’s first experience of gambling. Prizes range from 2 pence to £5 notes or sometimes soft toys or even prize tickets which can be accumulated and exchanged for a more high value prize.
- 1.6 Where there appears to be a concentration of children engaging in gambling activities, it is all the more important that the managers of UFEC premises are able to demonstrate that the three licensing objectives are being embraced. In particular licensing officers will seek to be entirely satisfied that premises embrace positive/innovative measures when ensuring that gambling is conducted in a fair and open way, and protecting children and other vulnerable persons from being harmed and exploited by gambling. The Licensing Authority will assume this to include unsupervised children, 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 for example due to mental capacity, certain disabilities or substance abuse.
- 1.7 The council will only grant a UFEC gaming machine permit where it is satisfied that the premises will be operated as a bonafide UFEC and if the Chief Officer

of Police has been consulted on the application. In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this Statement of Principles have been addressed through the application.

- 1.8 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined and in an area wholly or mainly used for making gaming machines for use, to ensure that customers are fully aware that they are making a choice to enter into the premises and that the premises are adequately supervised at all times.
- 1.9 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 (where there is occupation and detail of the intended method of occupation where the occupation is proposed).
- 1.10 The Licensing Authority will ask applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
 - that employees are trained to have a full understanding of the maximum stakes and prizes.
- 1.11 When determining a permit, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and although not required to, will have regard to the three Licensing Objectives.

Supporting Information and Documentation

- 1.12 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues. It will expect applicants and permit holders to demonstrate that they and their staff have a full understanding of the maximum stakes and prizes of the gambling permissible in UFECs and 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 (where there is occupation and detail of the intended method of occupation where the occupation is proposed). Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document.
 - A criminal record disclosure check ([Basic Disclosure](#)) from a recognised body dated within one calendar month of the date of the application being submitted to the Licensing Authority. This criminal record disclosure check

will be used to ensure that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).

- Where an applicant provides evidence that they have an Operating Licence and as a result have undergone rigorous checks by the Gambling Commission, then a criminal record disclosure check will not be required.
- Where an applicant is a company or organisation and does not hold an Operating Licence, then the proposed Manager responsible for the day to day running of the premises will be required to produce a criminal record disclosure check dated within one calendar month of the date of the application being submitted to the Licensing Authority.
- When a permit holder appoints a new manager responsible for the day to day running of the premises, that person will be required to produce a to the licensing authority in writing or via email (licensing@northdevon.gov.uk) a criminal record disclosure check dated within one calendar month of the appointment date.
- In the case of applications for a 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.
 - (ix) The location of any other licensed premises, highlighting any restrictions on access (demonstrating that this is no access from a UFEC to an AGC by way of example).

Where practicable it is recommended that the plan should be drawn to a standard scale with a key showing the items mentioned above, at a scale of 1:100, in any event it must be clear and legible.

Child Protection Issues

- 1.13 The council will expect applicants and permit holders to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The 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' 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

1.14 The council will expect the applicants and permit holders to show that there are policies and procedures in place to protect vulnerable persons. 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.

1.15 Appendix B provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

Other Miscellaneous Issues

- 1.16 Applicants and permit holders should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance: -
- maintain an effective CCTV system to monitor the interior and exterior of the premises;
 - keep the exterior of the premises clean and tidy;
 - ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises;
 - consider the design and layout of the outside of the premises to deter the congregation of children and youths.
- NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.
- 1.17 Applicants for permits are advised to speak to Planning and Development Services of this Council before making a formal application to the Licensing Team. Planning and Development Services can be contacted at the above address.
- 1.18 This Statement of Principles applies to initial applications only and not to renewals. With regard to renewals, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives or where there are public order issues.
- 1.19 Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.
- 1.20 A permit holder may request to vary the plan of the premises held by the Licensing Authority, however, any variation must be first approved in writing.
- 1.21 The Licensing Authority encourages applicants and permit holders to consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres and restrict under 18's from playing Category D Cash Fruit Machines within their venues. This Code of Practice promotes awareness of social responsibility, and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.
- 1.22 The Council also encourage premises to sign up to the British Amusement Catering Trade Association (BACTA) Voluntary [Code](#).
- 1.23 A guidance document in respect of the expectations of the district council in respect of compliance inspections follows:

Licensing Authority Expectations on Compliance Inspections of Unlicensed Family Entertainment (UFEC) Premises

1. Officers shall expect to see staff wearing ID badges (and possibly uniforms as well) or other measures so that customers can easily identify them for assistance, guidance or gambling advice with the intention that these measures may reduce the chances of any ambiguity when gaming.
2. Officers shall expect to see badges that clearly identify supervisors or duty managers, particularly when the main manager is not actively supervising on the premises.
3. Officers shall expect to see gaming machines clearly defined for the customers (including children so that everyone can understand which are 'Gaming Machines' and which are not (e.g. only 'Skill Machines'), this may include some enhanced signage.
4. Management may choose to separate the skill machines from the gaming machines when preparing signage to reduce any possible confusion between gambling and non-gambling machines, a positive initiative that may assist children or the vulnerable in their choices.
5. Officers shall expect to be able to interview employees who can confidently define and clearly understand which are 'Gaming Machines' and which are not (e.g. only 'Skill Machines'). Employees need to be fully conversant with the Gambling Act 2005 and familiar with their own premises 'Gambling Risk Assessment' (where applicable) which has been prepared by the UFEC premises.
6. Easily understandable information should be readily available to all players placing a stake to gamble, explaining the rules of the game and the probability of losing or winning.
7. Officers shall expect to see Social Responsibility Stickers/notices clearly displayed in a prominent position on all gaming machines at the point of play, to include category stickers/notices and also 'gamcare' stickers/notices.
8. Officers shall expect to be able to inspect the premises' written 'UFEC Gambling Risk Assessment' which shall include the measures management are taking in connection with the three Licensing Objectives and also compliance with the Council's Gambling Licensing Policy.
9. It is expected that the above Gambling Risk Assessment will be retained on the premises, be available for inspection purposes and available for employees to read, this is because employees need to be fully conversant with it.
10. Officers shall expect to see evidence of rigorous staff training on the key aspects surrounding the Gambling Act including regular refresher training for employees.
11. Officers shall expect to see staff training records retained on the premises and available for inspection purposes.
12. Officers shall expect staff training records to include training on various aspects but to include a section on 'truanting youngsters'. This will enhance the management social responsibility policy on how to deal with such incidents and highlight any links that may be formed with Social Services in such incidents.

13. Where gaming machines (including pushers and grab machines) are deployed management shall carefully consider the methods employed when displaying prizes that entice customers (particularly children/vulnerable persons) to gamble.
14. Where the higher value prizes are displayed in gaming machines (e.g. pushers) Officers and customers expect to see that the majority of these prizes are capable of being won, as opposed to simply being on display but out of reach as a true prize (e.g. lots of £5 notes taped onto the inside). This is to ensure children/vulnerable persons are not confused, and to ensure there is no ambiguity as to the number of prizes on offer when they place their stake into the gaming machine to gamble).
15. Where there are 'grabbers' (non-complex Category D gaming machines) deployed in a UFEC frequented by children it is important that management take extra measures (perhaps with signage) to explain that these are 'gaming machines' and not 'skill machines'. This is because children may think that all 'grabbers' are games of skill and this of course could be very misleading.
16. Officers shall expect to see staff training records which guide employees on management's Policy with regard to alcohol in a UFEC. A written policy shall be encouraged which clearly states the circumstances when customers may or may not enter with alcohol, to include any measures that may be taken to reduce the likelihood of anyone gambling whilst consuming alcohol or in the vicinity of children.
17. Where management determine that alcohol is not permitted to be taken into or consumed within the UFEC premises signage needs to be prominent to ensure customers observe the defined rules and understand any sanctions that may be impose (exclusion etc.)
18. Officers shall expect to see a balance of prizes on offer within the gaming machines, some may be aimed more at enticing adults and some may be aimed more at enticing children. This is to provide broad assurance that the business is not aimed wholly or primarily at enticing children/vulnerable to gamble.
19. Some gaming machines may have raised steps to enable very small children to reach the gaming slot for their coins others may not, this will need to be a considered decision made by the UFEC manager.
20. Officers shall expect to see measures within the UFEC premises that provide customers with the facility of a 'Self Exclusion Policy' and employees will need training on this.

2. (Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13 Paragraph 4(1))

Automatic Entitlement for Two Machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if: -
 - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;

- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 2.2 For the automatic entitlement of two machines, the Council expects compliance with the Gambling Commission's [Code](#) of Practice for machines in pubs, and for staff to understand the code, and that the premises meets social responsibility requirements around the location and supervision of machines. It is also expected that there is compliance with the Gambling Commission's [Code](#) of Practice on Equal Chance Gaming in Clubs and Premises with an Alcohol Licence, where they provide bingo, poker, bridge, whilst or other equal chance gaming.

Permit: Three or More Machines

- 2.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit. The Licensing Authority will consider that application based upon
- The requirements of the Act.
 - The Licensing Objectives.
 - Any guidance issued by the Gambling Commission.
 - Any Code of Practice issued by the Gambling Commission [Pubs and clubs toolkit - Gambling Commission](#)
 - The principles within this 'Statement of Principles'.
 - Any other matters that the Licensing Authority considers relevant.
- 2.4 This Licensing Authority considers that "such matters" shall be decided on a case by case basis, but generally there shall be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and may include:
- comments from Responsible Authorities;
 - the percentage of gross turnover the gaming machines contribute to total gross turnover of the premises, and this should not be significant;
 - the confidence the Licensing Authority has in the management of the premises.
- 2.5 Where no concerns exist with an application, this will ordinarily be dealt with by officers, however in certain cases (for example applications for large numbers of machines) applications may be referred to the Council's Licensing Sub-Committee for determination. Consultation will be undertaken surrounding these applications, both with the Police and the Gambling Commission.
- 2.6 Applicants should satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which shall satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 2.7 It is recognised that some alcohol-licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would most

likely need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.

- 2.8 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.9 A plan must accompany applications, indicating where and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003. A plan of the premises for which the permit is sought must show following items:
- (x) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways;
 - (xi) where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes);
 - (xii) the positioning and types of any other amusement machines on the premises;
 - (xiii) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area;
 - (xiv) the location of any ATM/cash machines or change machines;
 - (xv) the location of any fixed or temporary structures such as columns or pillars;
 - (xvi) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises;
 - (xvii) the location of any public toilets in the building.
- 2.10 Applicants should be aware that only those premises which have a 'bar' (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants and hairdressers, which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food will not automatically qualify for two machines.
- 2.11 The Council expects that holders of permits will comply with the Gambling Commission's Code of Practice for machines in pubs, and for staff to understand the code, and that the premises meets social responsibility requirements around the location and supervision of machines. It is also expected that there is compliance with the Gambling Commission's Code of Practice on Equal Chance Gaming in Clubs and Premises with an Alcohol Licence, where they provide bingo, poker, bridge, whilst or other equal chance gaming.

Inspection and Compliance

- 2.12 Concerns have been expressed by some local authorities nationally in respect of the adequacy of the supervision arrangements for these machines in terms of the young and vulnerable. As such individuals with permits should be mindful of their obligations and the necessity to comply with the Gambling Commission's Gaming Machines in Alcohol Licensed Premises Code of Practice.
- 2.13 The provisions of this Code of Practice (available on the Gambling Commission's website www.gamblingcommission.gov.uk) form a condition of every permit, and cover features such as the location and operation of

machines; access to gambling by children and young persons; and self exclusion.

2.14 Upon inspection this authority will be monitor compliance with this Code.

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

3.1 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.

Statement of Principles – Prize Gaming Permit

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

3.3 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.

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

- that they understand the limits to stakes and prizes that are set out in [The Gambling Act 2005 \(Limits on Prize Gaming\) Regulations 2009](#);
- that the gaming offered is within the law; and
- clear policies are in place that outline the steps to be taken to protect children from harm.

3.5 In making its decision on an application for a prize gaming permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

3.6 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.

Prize gaming permits

3.7 Section 288 defines gaming as ‘prize gaming’ if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The operator will determine the prizes before play

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Appendix b

commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed.

- 3.8 A prize gaming permit is a permit issued by the council to authorise the provision of facilities for gaming with prizes on specified premises.
- 3.9 Applicants should be aware of the conditions in the Gambling Act 2005 with which prize gaming permit holders must comply. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.
- 3.10 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.

Supporting documents

- 3.11 The council will require the following supporting documents to be served with all prize gaming permit applications: -
- proof of age (a certified copy or sight of an original birth certificate, photo style driving licence, or passport – all applicants for these permits must be aged 18 or over);
 - proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property’s deeds or a similar document;
 - the result of a criminal records basic disclosure [criminal conviction certificate] (the disclosure must have been issued within the previous month). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) – Basic Disclosures can be obtained from the Disclosure and Barring Service (DBS). For further details visit their website <https://www.gov.uk/request-copy-criminal-record>
 - A plan of the premises for which the permit is sought showing the following items:
 - (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - (iii) The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
 - (iv) the positioning and types of any other amusement machines on the premises

- (v) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
- (vi) the location of any ATM/cash machines or change machines
- (vii) the location of any fixed or temporary structures such as columns or pillars
- (viii) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- (ix) the location of any public toilets in the building

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

Child protection issues

3.12 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations (please see appendix B). 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' 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

3.13 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 2005' 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

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

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

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

4. Club Gaming and Club Machines Permits

4.1 Members clubs and miners' welfare Institutes (but not commercial clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit.

4.2 Commercial clubs such as snooker clubs run on a profit basis may apply for a Club Machine Permit.

4.3 Each type of permit allows the provision of different types of gaming. The current limits can be found by visiting the Gambling Commission's website (www.gamblingcommission.gov.uk).

4.4 A non-commercial club must meet the following criteria to be considered a members' club:

- it must have at least 25 members;
- it must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
- it must be permanent in nature;
- it must not be established to make a commercial profit;
- it must be controlled by its members equally.

4.5 Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

- 4.6 The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that: -
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.7 There is also a 'fast-track' procedure available under the Gambling Act 2005 for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are: -
- (a) that the club is established primarily for gaming, other than gaming prescribed by regulations under s266 of the Act;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 4.8 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 4.9 The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:
- Whether there a list of committee members and evidence of their election by the club members?
 - Which members hold the position of Chair, Secretary and Treasurer?
 - Whether there are any minutes of previous meetings (where appropriate)?
 - Is the primary activity of the club something other than gaming?
 - Are the club's profits retained solely for the benefit of the club's members?
 - Are there 25 or more members?
 - Do guest arrangements link each guest to a member?
 - Are there annual club accounts available for more than one year?
 - Are children permitted in the club?
 - Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
 - Is the 48 hour rule being applied for membership and being granted admission being adhered to.
- 4.10 When examining a club's constitution (where available), the Licensing Authority would expect to see evidence such as:
- Who makes commercial decisions on behalf of the club?

- What are the aims of the club?
- Are there shareholders or members (shareholders indicate a business venture rather than a non-profit making club)?
- Can people join with a temporary membership?
- What is the usual duration of membership?
- Is there a provision for the election of officers?

4.11 Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority will consider such factors as:

- How many nights a week gaming is provided;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits.

4.12 The forty eight hour membership rule is not required for commercial clubs.

5. Temporary Use Notices (TUN)

5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2 The Licensing Authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in 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".

5.5 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.

5.6 Certain restrictions exist in relation to a TUN, which are:

- It can only be used to offer gambling of a form authorised by the operator's operating licence.
- gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises.
- It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner.
- gaming machines may not be made available under a TUN.

5.7 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities

6. Occasional Use Notices (OUN)

6.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.

7. Private and Non-Commercial Gaming and Betting

7.1 The Licensing Authority has no role to play in relation to private and non-commercial gaming, and therefore there are no policy considerations in issue. Those wishing to gain more advice should go to www.gamblingcommission.gov.uk.

8. Small Society Lotteries

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

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

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

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

8.3 North Devon Council will register and administer small society lotteries as defined under the Act. Advice regarding small society lotteries and the definitions of the above exempt lotteries is available from the Gambling Commission website: <http://www.gamblingcommission.gov.uk>

8.4 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- submission of incomplete or incorrect returns;
- breaches of the limits for small society lotteries.

Appendix A- Glossary of Terms

The following comprises a glossary of terminology used within the statement of licensing principles. Terms defined within the statement itself, or at length in the Gambling Act 2005, have not been included.

- **Adult Gaming Centre**
A premises where the provision of Category B, C and D gaming machine facilities for adult customers is authorised by the Licensing Authority.
- **Betting Machine**
A machine that accepts bets on live events, such as horse racing, as a substitute for placing bets over the counter.
- **Betting Premises**
Premises where the provision of betting facilities is authorised by the Licensing Authority.
- **Bingo Premises**
Premises authorised by the Licensing Authority where bingo, either cash or prize bingo, may take place.
- **Casino Premises**
Premises authorised by the Licensing Authority where persons are given an opportunity to participate in casino games i.e. games of chance, which are not equal chance gaming.
- **Children**
Means individuals who are less than 16 years old.
- **Club Gaming Permit**
Permit issued by the Licensing Authority that authorises the provision of games of chance and gaming machines on premises from which a members club operates.
- **Club Machine Permit**
Permit issued by the Licensing Authority which authorises a club to have up to three gaming machines on the premises.
- **Family Entertainment Centre**
Premises where the provision of Category C and D gaming machines is authorised by the Licensing Authority.
- **Gambling Commission**
The newly-created body which will regulate all commercial gambling in Great Britain when the 2005 Act is fully in force.
- **Gaming Machine**
A machine that is designed or adapted for use by people to gamble. Such machines are classified in 4 categories, A, B, C and D. Category D has the lowest level of charge and prizes, whilst the other categories increase in value up to Category A, which has no limits to charges or prizes.
- **Gaming Machine Permit**
Permit issued by the Licensing Authority regulating the operation of gambling machines.
- **Licensing Committee**
The committee that has been established by the Licensing Authority to discharge its licensing functions under the Gambling Act 2005.
- **Licensing service Lead**
The Officer appointed by the Licensing Authority to carry out functions and duties delegated by the Licensing Authority.

- **(Alcohol) Licensed Premises Gaming Machine Permit**
Permit issued by Licensing Authority allowing more than two Category C or D gaming machines to be used on Alcohol-licensed premises.
- **Occasional Use Notice**
A notice which permits betting on a track on eight days or less in any calendar year without the need for a premises licence.
- **Operating Licence**
A licence issued by the Gambling Commission to an individual who, or a company, which provides facilities for certain types of gambling.
- **Personal Licence**
A licence issued to an individual by the Gambling Commission, authorising the holder to perform a specified management office or specified operational function in connection with the provision of facilities for gambling.
- **Premises Licence**
A licence issued by the Licensing Authority that authorises the provision of gambling facilities on specified premises.
- **Prize Gaming**
Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.
- **Prize Gaming Permit**
A permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.
- **Provisional Statement**
An authorisation issued by the Licensing Authority where the applicant expects premises to be constructed or altered in accordance with plans submitted, or expects to acquire a right to occupy the premises.
- **Regulatory Compliance Code**
Code of practice issued by the Government to ensure that regulatory best practice is adopted and carried out by regulators.
- **Relevant Representation**
A representation received from a responsible authority or an interested party that relates to the licensing objectives, or that raises issues under this statement, the Gambling Commission's Guidance or codes of practice.
- **Review**
The process by which a Licensing Authority may, either of its own volition or on the request of a third party, determine whether any action should be taken in relation to the operation of a premises licence.
- **Temporary Use Notice**
A notice which permits 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.
- **Track**
Sites (such as a horse racecourse or dog track) where races or other sporting events take place.
- **Young Person**
means individuals who are aged less than 18 years old and 16 years and over.

Appendix B - Child Sexual Exploitation and Trafficking of Children and Young People

This council is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly the Devon and Cornwall Police and Devon Safeguarding Children Partnership.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with the Devon and Cornwall Police and Devon Safeguarding Children Safeguarding Board helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

How gambling premises licence and permit holders and their employees can help tackle child sexual exploitation

Gambling establishment licence and permit holders and their employees are in a good position to help identify victims of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders and their employees regularly come into contact with children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

In particular, licence and permit holders and their employees should ask themselves the following questions when they see young and vulnerable people in their gambling premises:

- Do any of your customers appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with the Police (Tel: 101) and Devon Safeguarding Children Partnership. (Tel: 0345 155 1071).

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GAMBLING ACT 2005

Statement of Principles

Environmental Health and Housing Services

Version	6.0	Date reviewed	Summer 2024
Author	K Nicholls	Next review date	Summer 2027
Approved by Strategy and Resources	TBCt 2024	Approved by Council	TBC2024

Gambling Statement of Principles 2025
Gambling Act 2005

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PART A – Gambling Policy

1. The Licensing Objectives

- 1.1 The Licensing Authority has a duty under the Gambling Act 2005 (the Act) to carry out its licensing functions in a manner, which is reasonably consistent with three licensing objectives. The relevant licensing objectives are: -
- to prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - to ensure that gambling is conducted in a fair and open way;
 - to protect children and other vulnerable persons from being harmed or exploited by gambling.

2. Introduction

- 2.1 This statement of principles is written pursuant to the provisions of the Gambling Act 2005 and the Guidance issued under Section 25 of the Act by the Gambling Commission.
- 2.2 This statement is due to take effect from TBC January 2025.

This statement of principles was approved at a meeting of the Full Council on the TBC

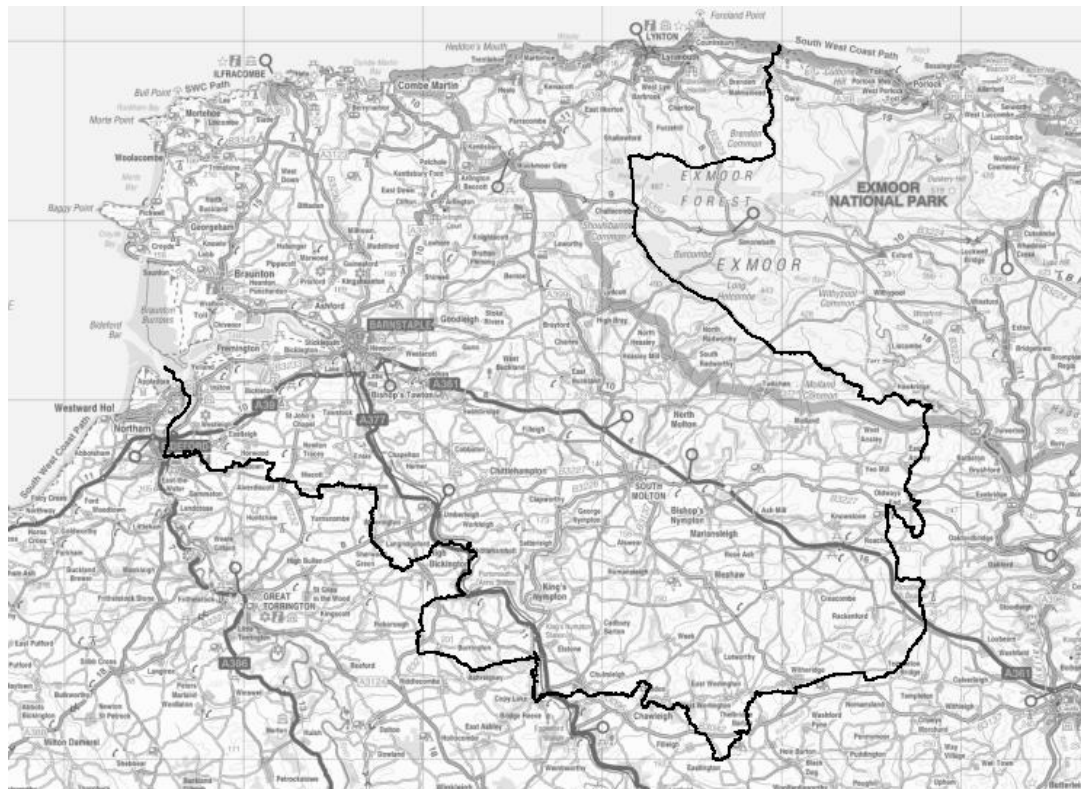
Copies of the draft consultation statement were available for viewing at the Licensing Team's Offices at Lynton House, Commercial Road , Barnstaple, EX31 1DG and on the Council's website:

www.northdevon.gov.uk/licensing

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

Disclaimer: The Council wishes to make clear that the Gambling Commission's Guidance to Local Authorities (updated 11 April 2023) was the most recent information available at the time of writing and can be the subject of change within the period that this statement of principles is in force. This Licensing Authority will therefore have regard to changes in legislation, court judgements and any updated guidance issued by the Gambling Commission where it is appropriate to the application under consideration.

3. The Geographical Area



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- 3.1 In being largely rural in character, and an area of outstanding natural beauty, North Devon, in common with other parts of Devon, has much to offer its residents and visitors. The holiday and entertainment industries, therefore, are major contributors to the economy of the district.
- 3.2 North Devon is 108,590 hectares (419 square miles) in size, and has an estimated resident population of 98,611, with 82,192 of these persons being aged over 16⁽¹⁾. The population is comprised of 43,198⁽²⁾ households, and forms the fifth least densely populated authority in the South West⁽¹⁾. Of those residents 48,018⁽¹⁾ are male and 50,593⁽¹⁾ are female. (1). The total population from minority ethnic groups in 2021⁽¹⁾ 1 was 3%
- 3.3 Almost half of the population lives in, or close to Barnstaple, whilst there are smaller concentrations of population at Braunton, and South Molton. Holiday locations such as Ilfracombe, Croyde and Woolacombe have national and international renown. This tourist economy brings with it a number of gambling activities, for example Bingo (2)*, Adult Gaming Centres (2)*, Family Entertainment Centres (1)*, and Unlicensed Family Entertainment Centre Permits (12)*
- 3.4 Towns such as South Molton, Barnstaple and Ilfracombe have a number of betting shops, for which there are 4* across the district. North Devon currently has 705* licensed premises and clubs under the Licensing Act 2003, of which 131* have either a notification or permit for gaming machines. Additionally there are 9* Club Machine Permits across the district.

- 3.2 Despite the popularity and benefits of the area, 11.0% of the population is income deprived and of the 316 local authorities in England, North Devon is ranked 150th most income-deprived. 7 neighbourhoods in the district are in the 20% most income deprived areas in the country⁽²⁾

Local Area Profile

- 3.3 There is no mandatory requirement for a Licensing Authority to undertake a specific Local Area Profile and this authority has decided not to do so at the time of producing this policy statement.

Data Sources

1. 2021 Population estimates published by Office for National Statistics
2. 2019 Deprivation estimates published by Office for National Statistics
2. Household estimate 2021 Office for National Statistics

4. Consultation

- 4.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years.
- 4.2 The statement must also be revised from 'time to time' and any amended parts consulted upon. The statement must be then be re-published. Before adopting this revised statement of principles, the Licensing Authority has consulted with the following:

All Responsible Authorities under the Act
Representatives of existing licence-holders
Betting and Gaming Council
British Amusement Catering Trade Association (BACTA)
Association of British Bookmakers
The Bingo Association
Local residents/businesses and their representatives by way of the council's consultation finder on its website and an associated press release
North Devon and Torridge Community Safety Partnership
Gamblers Anonymous
Gamcare
Gamble Aware
Mencap
NSPCC
Citizens Advice
Devon Licensing Officers Group
North Devon Voluntary Services
MIND
Young Minds
YSMART
Mencap
Devon MASH (Multi-Agency Safe Guarding Hub)
Freedom Community Alliance Barnstaple

- 4.3 Proper weight has been given to the views of all those who are consulted prior to the date of implementation of this statement.
- 4.4 Our consultation took place for a period of 6 weeks between TBC 2024 and TBC 2024, a period considered taking into consideration the Consultation Principles

(November 2013) outlined by the Cabinet Office and the Council's [Community Engagement Strategy](#).

- 4.5 This statement of principles was approved at a meeting of the Full Council on the TBC2024 and will be published on our website on the TBC(www.northdevon.gov.uk/licensing). Copies were also available for viewing at the Licensing Team's Offices at North Devon Council, Lynton House, Commercial Road , Devon, EX31 1DG.
- 4.6 Should you have comments regarding this draft statement of principles please write to the above address or email licensing@northdevon.gov.uk.

5. Declaration

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

6. The Overriding Principle

- 6.1 In accordance with section 153 of the Gambling Act 2005, the Council's decision making process shall aim to permit the use of premises for gambling in so far as the authority think it is: :: -
- in accordance with any relevant Code Of Practice;
 - in accordance with the relevant guidance issued by the Gambling Commission;
 - as is reasonably consistent with the licensing objectives;
 - in accordance with this statement.
- 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. In addition the Licensing Authority notes the Gambling Commission's Guidance to local authorities that:
- “Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)” (Part 5, Section 5.34).
- 6.3 If this Authority resolves not to issue casino premises' licences, the overriding principle does not apply.

7. Responsible Authorities

- 7.1 Responsible authorities are those public bodies, as specified by the Gambling Act, which must be notified of applications for Premises Licences. Such bodies are entitled to make representations to the Licensing Authority in relation to the applications.
- 7.2 In relation to the determination of who is competent to advise the authority about the protection of children from harm, this authority has designated Devon County Council (Devon Children and families partnership), and they will be duly designated as such in writing.
- 7.3 In relation to the determination of who is competent to advise the authority about the protection of other vulnerable persons, this authority will consult with Devon County Council and Mencap.

8. Interested Parties

- 8.1 Section 158 of the Act defines interested parties. To accept a representation from an interested party, the Licensing Authority must take the view that the person:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - has business interests that might be affected by the authorised activities, or
 - represents persons who satisfy (a) or (b) (e.g. advocates, neighbours/residents/tenants associations, MPs, councillors etc.)
- 8.2 Whether an individual will be deemed an interested party will be decided on its own merits. The Licensing Authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for licensing authorities.

People Living Close to a Premises

- 8.3 The following factors are likely to be relevant as to whether a person 'lives sufficiently close to a premises':
- the size of the premises (e.g. a larger premises might be expected to affect people over a broader geographical area;
 - the nature of the premises and activities taking place;
 - the distance of the premises to a person making the representation;
 - the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment;
 - the circumstances of the person who lives close to the premises. This is not their personal circumstances, but their interests which may be relevant to the distance from the premises;
 - whether there are business interests that might be affected by the authorised activities.
- 8.4 Relevant factors will depend on the particular application. For example, it is reasonable that the Licensing Authority considers that 'living sufficiently close to premises to be likely to be affected' could have a different meaning for a private resident, a residential school for children with truanting problems and a residential hostel for vulnerable adults.

The Nature and Scope of Business Interests that Could be Affected

- 8.5 It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain. But that is unlikely to be enough to satisfy the test of being ‘a person with business interests that might be affected by the premises’ under consideration. Factors which will be likely to whether a business is likely to be affected will 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 the catchment area that might be affected.
- 8.6 This Licensing Authority will also consider the Gambling Commission’s Guidance that ‘business interests’ should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 8.7 Interested parties can be persons who are democratically elected such as Councillors and MPs. Other than these persons, this authority requires written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the proposed activities and/or business interests that might be affected by the proposed activities. A letter from one of these persons, requesting the representation is sufficient.
- 8.8 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 Sub-Committee (hearing) and that advice be sought from the Monitoring Officer regarding the content of this paragraph when dealing with the licence application. Any perceived difficulties should be referred to the Licensing Team who may be contacted at the address and on the telephone number set out at the beginning of this document.
- 8.9 Whilst this authority gives the benefit of the doubt to those seeking to make representations, nonetheless such representations are excluded where the persons concerned cannot demonstrate that they are likely to be affected by the gambling activities.

9. Exchange of Information

- 9.1 The principle that this Licensing Authority applies is that it acts in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that, the General Data Protection Regulation must not be contravened. The Licensing Authority also has regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

10. Enforcement

- 10.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.
- 10.2 The Gambling Commission is the enforcement body for operating and personal licences, they also deal with concerns about manufacture, supply and repair of gaming machines.
- 10.3 When interpreting legislation and determining necessary enforcement action this Licensing Authority will be guided by the Gambling Commission's Guidance to Licensing Authorities; its Codes of Practice; the Regulator's Code; its own Corporate Enforcement Policy, and any Primary Authority partnership that may be in place..
- 10.4 If reports are received of non-compliance, enforcement action will take place in accordance with the above. This authority adopts a graduated approach to enforcement and when seeking to resolve or address issues the general expectation of the authority is that operators promptly work alongside the licensing authority in taking remedial action. However where a serious issue is identified it is likely that the authority will immediately initiate some form of enforcement action.
- 10.5 As an example if the authority becomes aware that a premises is becoming associated with anti-social behaviour issues, it will in the first instance seek to work with the premises to address these through voluntary measures. If this is not successful in resolving the issues the authority is likely to then consider introducing conditions on the premises licence, or using other tools as appropriate.
- 10.6 There are tools that the Licensing Authority may consider in addressing issues that may be associated with a gambling premises, often linked to alcohol and/or anti-social behaviour. Licensing authorities have the option under the Act to review, vary or impose conditions on a premises licence, but in practice these might not be the most effective tools to use to tackle problems linked to antisocial behaviour. Under the Antisocial Behaviour, Crime and Policing Act 2014 tools specifically designed to reduce anti-social behaviour such as dispersal powers, community protection notices or new public space protection orders, may have more of an impact and thus the Licensing Authority will in these cases work in close partnership with its partners for example North Devon and Torridge Community Safety Partnership, to examine the full potential of a range of options. In very, very rare instances, where a premises is being used or likely to be used to cause nuisance or disorder and working with the operator has failed to address this a closure notice may also be served.

10.7 In undertaking any enforcement action this authority endeavours to be:

- **Proportionate:** regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised.
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny.
- **Consistent:** rules and standards must be joined up and implemented fairly.
- **Transparent:** regulators should be open, and keep regulations simple and user friendly.
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

10.8 This Licensing Authority also seeks to avoid duplication with other regulatory regimes so far as possible.

Single Named Point of Contact and Primary Authority

10.9 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

10.10 Whilst this authority has not currently adopted any primary authority agreements with local businesses in respect of gambling activity, a number of councils have now signed primary authority agreements with some of the largest gambling operators covering the issue of age verification. Where such arrangements are in place this licensing authority will have regard to the plan agreed between the company and primary authority in developing their own programmes of activity and inspection. It is acknowledged that any primary authority relationship will provide a useful mechanism to feedback general concerns about a particular operator, as the primary authority will have regular contact at senior levels with the operator.

Inspection

10.11 This Licensing Authority has adopted a risk-based inspection programme. In order to promote national consistency, where practicable inspections will be undertaken with the use of the premises assessment templates available in the [Premises assessments toolkit and Primary Authority agreements - Gambling Commission](#), and where available guidance in respect of the expectations of the district council in respect of compliance inspections (for example expectations in respect of compliance inspections undertaken at Unlicensed Family Entertainment Centres – found at Part C).

Complaints

- 10.12 The authority will seek to robustly investigate and action any complaints received in respect of premises licensed or holding permits etc. with the council. Similarly concerns over activities which are operating unlicensed or unregulated, which appear to require a licence or permit etc. will be similarly investigated. Members of the public wishing to make complaints of this nature should contact the Licensing Office at the address at the commencement of this document. Alongside reacting to complaints received of illegal gambling activity, this authority endeavours to periodically monitor illegal gambling, for example via the examination of media sources.

Appeals

- 10.13 The Licensing Authority will give clear and comprehensive reasons for any rejection of an application and in accordance with good practice will give reasons in relation to all decisions it reaches. These reasons will address the extent to which the decision has been made with regard to this Statement of Principles and the Gambling Commission's Guidance and the reasons will be submitted to all parties concerned.
- 10.14 There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. An appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision, and must be made to Barnstaple Magistrate's Court. Any application for an appeal should be accompanied by a fee payable to the court.
- 10.15 Once an appeal decision has been made the Licensing Authority will implement this without delay unless ordered by the Court to suspend such action.

11. Licensing Authority Functions

- 11.1 The Gambling Act 2005 provides for three categories of licence, namely Operating Licences, Personal Licences and Premises Licences. Under the Act the North Devon District Council ("the Licensing Authority") is responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences for: -

- casino premises
- bingo premises
- betting premises, including tracks
- adult gaming centres (AGC); and
- family entertainment centres (FEC).

- 11.2 The Licensing Authority may also grant other forms of authorisation: -

- authorisations for the temporary use of premises
- occasional use notices
- permits for unlicensed family entertainment centres
- permits for prize gaming
- permits for gaming machines on alcohol-licensed premises
- permits for club gaming
- permits for club gaming machines.

- 11.3 It should be noted that Licensing Authorities are not involved in licensing remote gambling. This is regulated by the Gambling Commission via Operator Licences.
- 11.4 The purpose of the statement is to assist the Licensing Authority in reaching a decision on any particular application, and in setting out those matters that are normally taken into account. Additionally, the document seeks to provide clarity for applicants, residents and members of the business community, thus enabling them to make plans to move to, remain in, or invest in the District, with some measure of certainty.
- 11.5 Accordingly, the statement of principles sets out how the Licensing Authority intends to promote the objectives of the Act, how it intends to conduct its licensing function, and how it intends to implement its enforcement role. The statement also sets out the licensing process, and the scheme of delegation required for the licensing regime to be operational.
- 11.6 The statement remains in existence for a maximum period of three years during which it is kept under review and revised as appropriate. Any major changes must be preceded by public consultation.

12. The Licensing Process

- 12.1 A Licensing Committee, a Sub-Committee, or a Council Officer acting under delegated authority may carry out the powers of the authority under the Gambling Act 2005.
- 12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, Licensing Officers carry out non-contentious procedures.
- 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 2005.
- 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 prescribed under the Act.

13. Administration, Exercise and Delegation

13.1 Recommended delegation functions permitted under the Gambling Act:

(X 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 statement of principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for Premises Licences		Where representations have been received and not withdrawn	Where no representations received/or have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/or 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/or have been withdrawn
Review of a Premises Licence		X	
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		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

14. Gambling Prevalence and Social Responsibility

Gambling related harm is defined as any type of repetitive gambling that disrupts or damages a person, family, or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances and affect a wide range of people, such as families, colleagues and wider local communities (for example, where problem gambling is associated with crime or homelessness) and society as a whole (in terms of the costs that may be created by problem gambling). Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts.

Gambling Operators must comply with the Gambling Commission's [Licence Conditions and Codes of Practice - Gambling Commission](#) (LCCP). The Social Responsibility Code 3 requires gambling operators to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of, and seek to identify, problem gambling.

The requirements on gambling premises under the social responsibility code are based upon key areas:

- Provision of information on gambling responsibly – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.
- Customer interaction – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.
- Layout of the premises - operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
- Self-exclusion – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. In addition to operating their own self-exclusion schemes all licensees must offer the facility for customers to self-exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

Any marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons, and other vulnerable persons from being harmed or exploited. Licensees are required to comply with the Social Responsibility Code 5 of the [Licence Conditions and Codes of Practice - Gambling Commission](#) (LCCP).

15 Local Risk Assessments

- 15.1 The Gambling Commission's Social Responsibility Code (Licence Conditions and [Codes of Practice](#) (LCCP) 10.1.1) requires operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to

mitigate those risks. In undertaking their risk assessments, licensees should take into account any relevant matters identified in this Statement of Principles

- 15.2 Operators will be required to undertake local risk assessment when applying for a new premises licence. Their risk assessment will also need to be updated:
- when applying for a variation of a premises licence.
 - to take account of significant changes in local circumstances, including those identified in this policy.
 - when there are significant changes at a licensee's premises that may affect the level of risk or the mitigation of those risks. This includes inclusion of screens/privacy booths around machines and any changes to the interior layout of the premises. Significant changes will require a variation to the premises licence.
- 15.3 The Social Responsibility Code provision is supplemented by the LCCP: Ordinary Code 10.1.2 that requires licensees to share their risk assessments with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises.
- 15.4 The risk assessment must be updated annually, kept on the premises to which it relates and be available for inspection by an authorised officer of the Licensing Authority or Gambling Commission.
- 15.5 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.
- 15.6 The Licensing Authority in the first instance would seek to work with the licence holder to address any issues through introducing voluntary measures. It would only seek to impose licence conditions in exceptional circumstances where there is clear evidence for doing so.
- 15.7 The Statement of Principles indicates in point 14.9 that the risk assessment will set out the measures the licensee considers putting in place to address specific concerns thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required.
- 15.8 In some circumstances it may be appropriate for the Licensing Authority to offer a licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

15.9 The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment:

- information held by the licensee regarding self-exclusions and incidences of underage gambling.
- assessing staffing levels to cover peak periods, e.g. summer season, college closures.
- gaming trends that may reflect benefit payments
- arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- urban setting such as proximity to schools, commercial environment and factors affecting footfall.
- the range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- proximity of machines to the entrance door

Matters relating to children and young persons, including;

- institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues.
- any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- recorded incidents of attempted underage gambling.
- have in in place an age verification policy.

Matters relating to vulnerable adults, including:

- information held by the licensee regarding self-exclusions and incidences of underage gambling.
- gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

Other issues that may be considered could include:

- matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

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

16. General points regarding Gaming Machines

16.1 Gaming machines are made available through a variety of permissions established by the granting of premises licences and permits. There are different [categories of machine](#) (the category will determine the level of stakes and prizes) and the number permitted to be made available for play by each operator is controlled by the licence or permit in question. For example, the allowance for an Adult Gaming Centre will differ from a Bingo premises. The council undertakes regular inspections of premises where licences and/or permits are in place to ensure that these requirements are complied with.

16.2 In view of the above, regardless of the permission involved, the council requires operators to:

- clearly display the classification (e.g. Category D) of each machine on the machine itself.
- Undertake consultation with the Licensing Authority in advance of applying screening and/or erection of booths to category B machines within licensed premises and where deemed necessary make a full premises licence variation application to the council when intending to apply screening and/or booting to machines within licensed premises. A copy of the updated local risk assessment must also be included within the application to evidence that any risks presented have been recognised and mitigated.
- Ensure that gaming machines situated in premises licensed to sell/ supply alcohol (authorised by way of notification of automatic entitlement and/or permit) are made available strictly in accordance with the Gambling Commission's code of practice with regards to gaming machines in alcohol-licensed premises.

The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, such machines by children and young persons. [Section C - Gaming machines in clubs and premises with an alcohol licence](#).

The Licensing Authority recognises concerns about unlawfully sited gaming machines because they are:

- Provided in prohibited places such as takeaways and taxi offices.
- Provided without a Responsible permit.
- Provided from an unregistered supplier and/or are uncategorised.
- Known to have links with organised crime.

In circumstances where illegal machines are being provided, the following actions may be taken by the Licensing Authority:

- Initial enforcement, visit and verbal/written warning issued to remove the machines.
- Removal of the gaming machines in partnership with the Commission/ Police.

There are a variety of reasons why the provision of gaming machines may be illegal, and operators are advised to seek the advice of the Licensing Authority or the Gambling Commission before making them available. Where the Licensing Authority is

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uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.

Where the Licensing Authority has concerns about the manufacture, supply, or repair of a gaming machine it will bring this to the attention of the Gambling Commission.

Gaming in Alcohol Licensed Premises

The Licensing Authority recognises that low level (exempt) gaming (e.g., bingo, poker and race nights) may take place in alcohol licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. Further information can be found here: [Exempt gaming in pubs - Gambling Commission](#) and [Section B - Equal chance gaming in clubs and premises with an alcohol licence](#).

Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice [Section B - Equal chance gaming in clubs and premises with an alcohol licence](#) and advice issued by the Gambling Commission. High turnover bingo (where stakes and prizes exceed £2,000 in any 7-day period will require a Bingo Operating Licence from the Gambling Commission.

Where the Licensing Authority is suspicious that a licensee or club exceeds the prescribed limits, the Licensing Authority will inform the Gambling Commission accordingly.

No child shall be permitted to use a Category C gaming machines on the premises and that the holder of the Premises Licence must comply with any code of practice Responsible to the location and operation of gaming machines. [Section C - Gaming machines in clubs and premises with an alcohol licence - Gambling Commission](#)

Gaming in alcohol-licensed premises should therefore be supervised by the person in day-to-day management control of the premises (a person authorised by the Designated Premises Supervisor (DPS)). All gaming should comply with the Codes of Practice issued by the Gambling Commission. [Section C - Gaming machines in clubs and premises with an alcohol licence](#).

As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Premises Licence holder is considered fully responsible and must be aware of and adopt these Codes of Practice together with any subsequent guidance issued by the Gambling Commission and to ensure that all gaming in such premises is suitably managed.

Further information on Poker and gaming can be found here - <https://www.gamblingcommission.gov.uk/authorities/guide/page/section-b-equal-chance-gaming-in-clubs-and-premises-with-an-alcohol-licence>

Poker and race night toolkit - <https://www.gamblingcommission.gov.uk/authorities/guide/poker-toolkit>

PART B – Premises Licences: Consideration of Applications

1. General Principles

- 1.1 Premises Licences shall be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific [Mandatory and Default Conditions](#) which shall be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

- 1.2 This Licensing Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of licensing principles
- 1.3 It is appreciated that as per the Gambling Commission's Guidance to 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.

Definition of "premises"

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

Buildings divided into more than one premises

- 1.6 Part 7, paragraph 7.5 of the Gambling Commission's Guidance states that 'there is no reason in principle why a single building could not 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'. Examples are given of multiple unit premises, such as pleasure parks, tracks or shopping malls. It is also possible for licensed premises to be located next to each other, as long as there are no restrictions regarding direct access between these premises imposed on that category for gambling premises from its mandatory conditions. The Licensing Authority will follow this guidance.

- 1.7 It will be for the Licensing Authority to determine whether premises are genuinely separate, and not artificially created from that which is readily identifiable as a single premises.
- 1.8 Prior to making an application, applicants are encouraged to discuss with the Licensing Authority their premises configuration/layout and intended applications. In considering whether different areas of a building are genuinely separate premises, the Licensing Authority will take into account factors which may include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person and whether the premises are operated independently of each other.

Access to premises

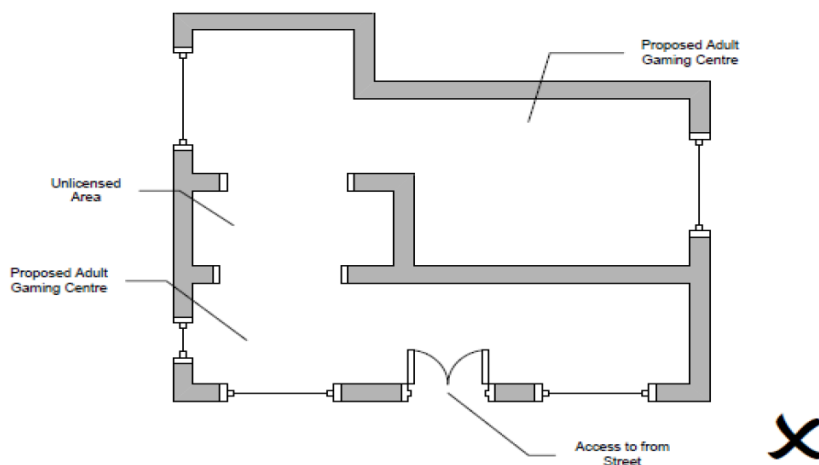
- 1.9 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 1.10 The Commission Guidance at paragraph 7.22 states “there is no definition of ‘direct access’ in the Act or Regulations, but Licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access”.
- 1.11 In particular, where premises are not accessed from the street, the Licensing Authority has sought to define the nature of the area which must separate licensed premises and through which the premises are accessed, so as to prevent direct access between premises in order to comply with the provisions of the Act and Regulations.
- 1.12 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.
- 1.13 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
 - Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part. 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

- There should be tangible and evident separation between premises. Adequate separation may be obtained by means of screening, walls, clear signage, Passive Infra- Red (PIR) alarms etc.
- Customers should be able to participate in the activity named on the premises licence in accordance with Social Responsibility Code 9 of the Codes of Practice.
- This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

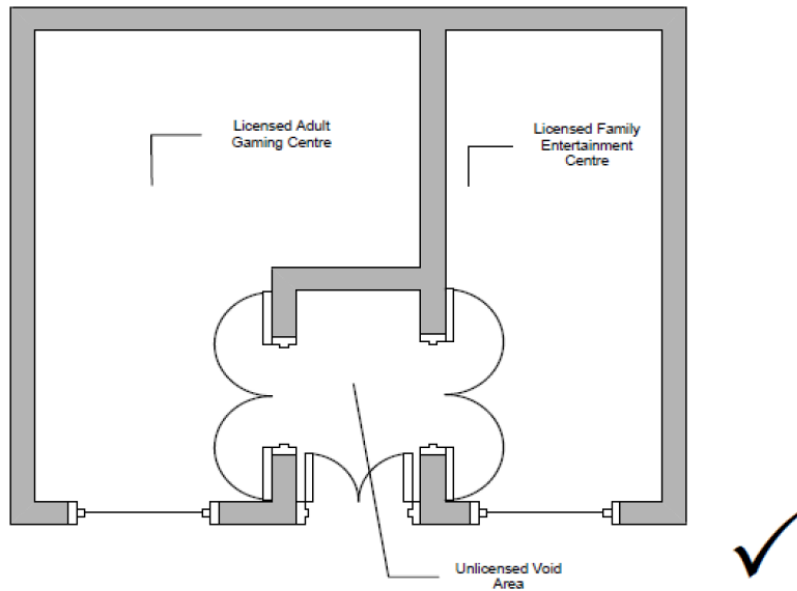
- 1.14 Applications to place two licensed premises in one premises with an unlicensed area separating them, (see Figure 1) will not meet this Policy because of the artificial nature of the premises, access, and likely use issues which will arise.

Figure 1



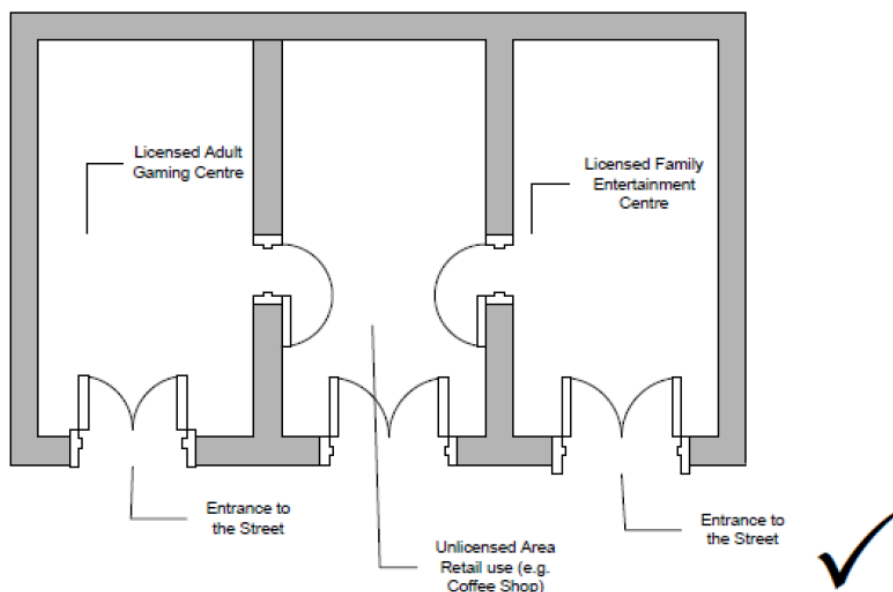
- 1.15 It is possible to have an unlicensed foyer area which separates one licensed premises from another if the foyer is accessed from the street. See Figure 2. The Licensing Authority would expect as a minimum that the area should be used for non-gaming purposes such as an information point, a coffee shop or similar but must not contain any gambling information or literature promoting gambling activities.
- 1.16 The size of the unlicensed area is a matter for each application but the Licensing Authority will not consider this configuration if the foyer is not of sufficient size to be a useable space.

Figure 2



- 1.17 It may also be acceptable if a premises is separated by another non-licensed premises that has access to both licensed premises from it. An example of this could be in the form of a coffee shop which has a main entrance to the street. The coffee shop may have access to an Adult Gaming Centre on one side and an entrance to a Family Entertainment Centre on the other side, see figure 3. Where a member of the public not using the gambling premises is likely to use the coffee shop, it may be considered that there is no direct access between the two licensed premises.

Figure 3



- 1.18 From the date that this revised Statement of Principles 2022 comes into force, any new application for any type of Gambling Premises Licence, will be expected to fully comply with the terms and conditions as set out above.

Existing licensed premises may continue to operate under the terms that have been granted by virtue of the licence that they currently hold, provided that the licensing objectives continue to be fully promoted at all times. Any application to vary however, will be subject to the full terms as outlined above.

1.19 The Council may consider the following questions as relevant factors to in its decision-making, depending on all the circumstances of the case:

- 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?

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

The Council will have regard to the Gambling Commission’s Guidance on relevant access provisions for each premises type

Premises	Access Provisions
Casinos	<ul style="list-style-type: none"> The principal access entrance to the premises must be from a street. No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons. No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
Adult Gaming Centre	<ul style="list-style-type: none"> No customer must be able to access the premises directly from any other licensed gambling premises
Betting Shops	<ul style="list-style-type: none"> Access must be from a ‘street’ or from another premises with a betting premises licence. No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.
Tracks	<ul style="list-style-type: none"> No customer should be able to access the premises directly from a casino or an adult gaming centre.
Bingo Premises	<ul style="list-style-type: none"> No customer must be able to access the premises directly from a casino, an adult gaming centre, or a betting premises, other than a track.
Family Entertainment Centre	<ul style="list-style-type: none"> No customer must be able to access the premises directly from a casino, an adult gaming centre or a betting premises, other than a track

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

Premises “Ready for Gambling”

1.22 The Guidance states that “A licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use”.

1.23 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

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

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

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

1.26 More detailed examples of the circumstances in which such a licence may be granted can be found in the Gambling Commission’s Guidance.

Location

- 1.27 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 decision making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority shall 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. *The authority will carefully consider applications for premises licences and whether there is a need for conditions to mitigate risks, in respect of certain kinds of gambling located very close to a school or a centre for those experiencing or at risk of gambling harm.* It should be noted that this statement does not preclude any application being made and each application shall be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome. The Licensing Authority does expect that issues in respect of a premises location are addressed in local risk assessments required for any applications for premises licences.

Planning

- 1.28 The Gambling Commission Guidance to Licensing Authorities states: -

In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

- 1.29 This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following extract from the Gambling Commission's Guidance: -
- 1.30 When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the Gambling Act 2005 prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other Regulatory Regimes

- 1.31 This Licensing Authority shall seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority shall not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It shall though, listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.
- 1.32 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

- 1.33 Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to licensing authorities and some comments are made below.

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

- 1.34 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 shall consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.
- 1.35 The requirement for conditions might be determined by the operators own risk assessment.
- 1.36 The Authority recognise that there is not a clear line between nuisance and disorder. The guidance issued by the Gambling Commission indicates that in the context of gambling premises licences, licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance is serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

Ensuring that gambling is conducted in a fair and open way

- 1.37 This Licensing Authority has noted that the Gambling Commission states that it 'generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this shall be addressed via operating and personal licences'. There is however, more of a role with regard to tracks, which is explained in more detail in the 'tracks' section below.

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

- 1.38 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). The Licensing Authority shall therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

- 1.39 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.
- 1.40 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 shall consider this licensing objective on a case by case basis.
- 1.41 The Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.
- 1.42 The Licence Conditions and Codes of Practice ([LCCP](#)) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are present. In particular operators must ensure that: -
- all staff are trained,
 - that all customers are supervised when on gambling premises
 - procedures for identifying customers who are at risk of gambling related harm are in place.
- 1.43 The council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility. These should cover all aspects including in particular staff training records and self-exclusion records.
- 1.44 Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.
- 1.45 Appendix B provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

Conditions

- 1.46 Gambling Premises Licences are subject to a series of mandatory and default conditions. Mandatory conditions made under Section 167 of the Act must be attached to premises licences, and default conditions made under Section 168 of the Act are attached unless the licensing authority decides to exclude them, using its powers under Section 169. In the vast majority of cases, these conditions will suffice. Any additional conditions attached to licences will be considered by way of a Licensing Sub Committee. Conditions will be proportionate and: -
- implemented relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 1.47 Decisions upon individual conditions shall be made on a case by case basis, although there shall 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 shall also expect an applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

- 1.48 This Licensing Authority shall also consider specific measures, which may be required for buildings, which are subject to multiple Premises Licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 1.49 This authority shall 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.
- 1.50 These considerations shall apply to premises including buildings where multiple Premises Licences are applicable.
- 1.51 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 shall consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.52 It is noted that there are conditions, which the Licensing Authority cannot attach to Premises Licences which are: -
- any condition on the Premises Licence which makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required - the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
 - conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

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

2. Adult Gaming Centres

- 2.1 This Licensing Authority shall specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and shall expect the applicant to satisfy the authority that there shall be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 2.2 This Licensing Authority shall 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.
 - Location of entry.
 - Notices / signage.
 - Specific opening hours.
 - Self-exclusion schemes.
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

- 2.3 The question of sub-division of such premises has been the subject of further Gambling Commission Guidance. This Licensing Authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to such applications and any decision-making.
- 2.4 This Licensing Authority accepts that there must be no direct access between an adult gaming centre and any other premises licensed under the Act or premises with a family entertainment centre, club gaming, club machine or licensed premises gaming permit. For further information see Part B, Paragraph 1.9 – Access Provisions.

- 2.5 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises are adequately supervised at all times.
- 2.6 This Licensing Authority recognises that the design and layout of adult gaming centres will vary. It will have particular regard to the siting of age restricted gaming machines within 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 re-positioned where circumstances demonstrate that it is appropriate to do so.
- 2.7 Factors to be taken into consideration will include the following: -
- CCTV;
 - Re-location of the machines;
 - Door buzzers;
 - Remote cut off switches;
 - Training provision;
 - Any other factor considered relevant.

3. (Licensed) Family Entertainment Centres

- 3.1 This Licensing Authority shall specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It shall expect the applicant to satisfy the authority, for example, that there shall be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 3.2 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises are adequately supervised at all times.
- 3.3 This Licensing Authority may consider measures to meet the licensing objectives, however, appropriate measures / licence conditions may cover issues such as: -
- CCTV;
 - Supervision of entrances / machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices / signage;
 - Specific opening hours;
 - Self-exclusion schemes;
 - Provision of information leaflets / helpline numbers for organisations such as GamCare;
 - Measures / training for staff on how to deal with suspected truant school children on the premises.

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

- 3.4 This Licensing Authority shall, as per the Gambling Commission's guidance, refer to the Commission's web-site to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority shall also make itself aware of any mandatory or default conditions on these Premises Licences, when they have been published.

4. Casinos

- 4.1 This 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 shall update this statement with details of that resolution. Any such decision will be made by Full Council.
- 4.2 Despite the fact that the council has not passed such a resolution, the council is currently not enabled by the Secretary of State (in accordance with regulations made under Section 175 of the Act) to grant a premises licence for a casino.

5 Bingo Premises

- 5.1 The Licensing Authority notes that the Gambling Commission Guidance states: -
- 5.2 "Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, this authority will consider whether bingo can be played at each of those new premises."
- 5.3 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.
- 5.4 Section 172(7), as amended provides that the holder of a bingo premises licence may 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 (exception for those premises in existence before 13 July 2011 which are entitled to make available eight category gaming machines or 20% of the total number of gaming machines, whichever is the greater). There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.
- 5.5 Licensees must also ensure that the function along with the internal and/or external appearance of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities (Gambling Commission Social Responsibility Code Provision 9.1.2).

6. Betting Premises

- 6.1 Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 6.2 This 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, that staff prevent the use of these machines by children and young persons. This Licensing Authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.
- 6.3 Factors to be taken into consideration will include to following:
- CCTV;
 - Re-location of the machines;
 - Door buzzers;
 - Remote cut off switches;
 - Training provision;
 - Any other factor considered relevant.

7. Tracks

- 7.1 The Licensing Authority currently has no licensed tracks. Section 353 of the 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. This means that land which has a number of uses, such as agricultural land, may meet the definition of a track and could be used, for example for point to point meetings.
- 7.2 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 shall especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.3 This authority shall 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 shall be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.4 This Licensing Authority may consider measures to meet the licensing objectives, such as:

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

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

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

Some tracks will also hold an alcohol licence and as such they will be automatically entitled under Section 282 of the Act to two gaming machines of category C or D. This permission is activated by notifying the Licensing Authority and paying the required fee. If a track premises licence holder has both an alcohol licence and a pool betting operating licence, then they will be entitled to a total of six gaming machines (two via the alcohol licence and four via the operating licence).

7.6 **Self-Service Betting Terminals (SSBTs)** This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

7.7 **Applications and plans** - The Gambling Act (section 151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

7.8 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.

7.9 In the majority of cases, such as greyhound tracks, racecourses, football stadia and cricket grounds, defining the extent of boundaries may be assisted by reference to existing plans already submitted to obtain other permissions. These could include:

- the obtaining of a safety certificate under 'Safety at Sports Ground' legislation (this applies in respect of sports grounds with capacity to accommodate more than 10,000 spectators)
- the historic boundaries under previous legislation such as, the approval of tracks under Schedule 3 of the Betting, Gaming and Lotteries Act 1963

- 7.10 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. This Licensing Authority as per the Gambling Commission's Guidance will satisfy themselves that the plan provides sufficient information to enable them to assess an application.
- 7.11 As the plan forms part of the licence document, it also needs to be sufficiently flexible to ensure that a relatively small change in the premises layout would not require an operator to submit an application to vary the track premises licence. Only a significant change to the track layout would require a licence variation. For example, moving a category C gaming machine from one end of a bar that had been marked on the plan as a gaming machine area to another may not necessitate a full variation to a tracks premises licence, nor would the establishment of a new betting area at a racetrack, as neither of these events have any impact on the purpose of the licence or the conditions attached to it. However, relocating category C machines to entirely different parts of a track would generally need to be the subject of an application to vary the premises licence.

8. Vessels

- 8.1 Premises licences can be granted for passenger vessels. A vessel is defined as:
- anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water
 - a hovercraft; or
 - anything, or part of any place, situated on or in water.
- 8.2 Premises licences for vessels will be accepted by the council only in relation to vessels that are usually moored or berthed within the North Devon area.

9 Travelling Fairs

- 9.1 The Licensing Authority has issued no permits for Travelling Fairs
- 9.2 Where category D machines and / or equal chance prize gaming without a permit is to be made available, this Licensing Authority will be responsible for deciding whether the gambling forms ancillary amusement.
- 9.3 The Licensing Authority shall also consider whether the applicant falls within the statutory definition of a travelling fair.
- 9.4 It is noted that the 27-day statutory maximum for the land being used as a fair, applies 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 shall work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

10 Provisional Statements

- 10.1 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.
- 10.2 Section 204 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.
- 10.3 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.
- 10.4 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.
- 10.5 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.
- 10.6 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.

11 Reviews

- 11.1 Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried-out. This shall 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 11.6 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: -
- add, remove or amend a licence condition imposed by the licensing authority;
 - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - suspend the premises licence for a period not exceeding three months; and
 - revoke the premises licence.
- 11.7 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.
- 11.8 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.
- 11.9 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to: -
- the licence holder;
 - the applicant for review (if any);
 - the Gambling Commission;
 - any person who made representations;
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs.

PART C – Permits/Temporary and Occasional Use Notices

1 Unlicensed Family Entertainment Centre

Gaming Machine Permits (Statement of Principles on Permits – Schedule 10 paragraph 7)

- 1.1 This Licensing Authority adopts this Statement of Principles for the purposes of clarifying the measures that it will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre, and for holders of existing permits. This will allow the council to better determine the suitability of the applicant and the premises for a permit, and provide a clearer expectation of the standards of operation that are required for permit holders. Licensing Authority Expectations on Compliance Inspections of Unlicensed Family Entertainment (UFEC) Premises are contained within this part also.
- 1.2 The term ‘unlicensed family entertainment centre’ (UFEC) is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny-pushers. The premises is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a ‘licensed family entertainment centre’ which does require a premises licence because it contains both category C and D gaming machines.
- 1.3 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises shall be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.4 At the time of the publication of this report North Devon has 12 UFECs which include a mixture of seafront arcades, holiday parks etc. UFECs are often located in the vicinity of bars, pubs, cabaret bars etc, and have a high proportion of children as customers, many of whom are not supervised by an adult.
- 1.5 The marketing of these premises is often targeted towards under 18’s and therefore may be a child’s first experience of gambling. Prizes range from 2 pence to £5 notes or sometimes soft toys or even prize tickets which can be accumulated and exchanged for a more high value prize.
- 1.6 Where there appears to be a concentration of children engaging in gambling activities, it is all the more important that the managers of UFEC premises are able to demonstrate that the three licensing objectives are being embraced. In particular licensing officers will seek to be entirely satisfied that premises embrace positive/innovative measures when ensuring that gambling is conducted in a fair and open way, and protecting children and other vulnerable persons from being harmed and exploited by gambling. The Licensing Authority will assume this to include unsupervised children, 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 for example due to mental capacity, certain disabilities or substance abuse.
- 1.7 The council will only grant a UFEC gaming machine permit where it is satisfied

that the premises will be operated as a bonafide UFEC and if the Chief Officer of Police has been consulted on the application. In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this Statement of Principles have been addressed through the application.

- 1.8 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined and in an area wholly or mainly used for making gaming machines for use, to ensure that customers are fully aware that they are making a choice to enter into the premises and that the premises are adequately supervised at all times.
- 1.9 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.
- 1.10 The Licensing Authority will ask applicants to demonstrate:
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
 - that employees are trained to have a full understanding of the maximum stakes and prizes.
- 1.11 When determining a permit, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and although not required to, will have regard to the three Licensing Objectives.

Supporting Information and Documentation

- 1.12 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues. It will expect applicants and permit holders to demonstrate that they and their staff have a full understanding of the maximum stakes and prizes of the gambling permissible in UFECs and 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.
 - A criminal record disclosure check (Basic Disclosure) from a recognised body dated within one calendar month of the date of the application being submitted to the Licensing Authority. This criminal record disclosure check will be used to ensure 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/>

- Where an applicant provides evidence that they have an Operating Licence and as a result have undergone rigorous checks by the Gambling Commission, then a criminal record disclosure check will not be required.
- Where an applicant is a company or organisation and does not hold an Operating Licence, then the proposed Manager responsible for the day to day running of the premises will be required to produce a criminal record disclosure check dated within one calendar month of the date of the application being submitted to the Licensing Authority.
- When a permit holder appoints a new manager responsible for the day to day running of the premises, that person will be required to produce a to the licensing authority in writing or via email (licensing@northdevon.gov.uk) a criminal record disclosure check dated within one calendar month of the appointment date.
- In the case of applications for a 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.
 - (ix) The location of any other licensed premises, highlighting any restrictions on access (demonstrating that this is no access from a UFEC to an AGC by way of example).

Where practicable it is recommended that the plan should be drawn to a standard scale with a key showing the items mentioned above, at a scale of 1:100, in any event it must be clear and legible.

Child Protection Issues

- 1.13 The council will expect applicants and permit holders to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The 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' 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

1.14 The council will expect the applicants and permit holders to show that there are policies and procedures in place to protect vulnerable persons. 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.

1.15 Appendix B provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

Other Miscellaneous Issues

- 1.16 Applicants and permit holders should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance: -
- maintain an effective CCTV system to monitor the interior and exterior of the premises;
 - keep the exterior of the premises clean and tidy;
 - ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises;
 - consider the design and layout of the outside of the premises to deter the congregation of children and youths.
- NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.
- 1.17 Applicants for permits are advised to speak to Planning and Development Services of this Council before making a formal application to the Licensing Team. Planning and Development Services can be contacted at the above address.
- 1.18 This Statement of Principles applies to initial applications only and not to renewals. With regard to renewals, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives or where there are public order issues.
- 1.19 Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.
- 1.20 A permit holder may request to vary the plan of the premises held by the Licensing Authority, however, any variation must be first approved in writing.
- 1.21 The Licensing Authority encourages applicants and permit holders to consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres and restrict under 18's from playing Category D Cash Fruit Machines within their venues. This Code of Practice promotes awareness of social responsibility, and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.
- 1.22 The Council also encourage premises to sign up to the British Amusement Catering Trade Association (BACTA) Voluntary [Code](#).
- 1.23 A guidance document in respect of the expectations of the district council in respect of compliance inspections follows:

Unlicensed Family Entertainment (UFEC) Premises

1. Officers shall expect to see staff wearing ID badges (and possibly uniforms as well) or other measures so that customers can easily identify them for assistance, guidance or gambling advice with the intention that these measures may reduce the chances of any ambiguity when gaming.
2. Officers shall expect to see badges that clearly identify supervisors or duty managers, particularly when the main manager is not actively supervising on the premises.
3. Officers shall expect to see gaming machines clearly defined for the customers (including children so that everyone can understand which are "Gaming Machines" and which are not (e.g. only 'Skill Machines'), this may include some enhanced signage.
4. Management may choose to separate the skill machines from the gaming machines when preparing signage to reduce any possible confusion between gambling and non-gambling machines, a positive initiative that may assist children or the vulnerable in their choices.
5. Officers shall expect to be able to interview employees who can confidently define and clearly understand which are 'Gaming Machines' and which are not (e.g. only 'Skill Machines'). Employees need to be fully conversant with the Gambling Act 2005 and familiar with their own premises 'Gambling Risk Assessment' (where applicable) which has been prepared by the UFEC premises.
6. Easily understandable information should be readily available to all players placing a stake to gamble, explaining the rules of the game and the probability of losing or winning.
7. Officers shall expect to see Social Responsibility Stickers/notices clearly displayed in a prominent position on all gaming machines at the point of play, to include category stickers/notices and also 'gamcare' stickers/notices.
8. Officers shall expect to be able to inspect the premises' written 'UFEC Gambling Risk Assessment' which shall include the measures management are taking in connection with the three Licensing Objectives and also compliance with the Council's Gambling Licensing Policy.
9. It is expected that the above Gambling Risk Assessment will be retained on the premises, be available for inspection purposes and available for employees to read, this is because employees need to be fully conversant with it.
10. Officers shall expect to see evidence of rigorous staff training on the key aspects surrounding the Gambling Act including regular refresher training for employees.
11. Officers shall expect to see staff training records retained on the premises and available for inspection purposes.
12. Officers shall expect staff training records to include training on various aspects but to include a section on 'truanting youngsters'. This will enhance the management social responsibility policy on how to deal with such incidents and highlight any links that may be formed with Social Services in such incidents.
13. Where gaming machines (including pushers and grab machines) are deployed management shall carefully consider the methods employed when displaying prizes that entice customers (particularly children/vulnerable persons) to gamble.

14. Where the higher value prizes are displayed in gaming machines (e.g. pushers) Officers and customers expect to see that the majority of these prizes are capable of being won, as opposed to simply being on display but out of reach as a true prize (e.g. lots of £5 notes taped onto the inside). This is to ensure children/vulnerable persons are not confused, and to ensure there is no ambiguity as to the number of prizes on offer when they place their stake into the gaming machine to gamble).
15. Where there are 'grabbers' (non-complex Category D gaming machines) deployed in a UFEC frequented by children it is important that management take extra measures (perhaps with signage) to explain that these are 'gaming machines' and not 'skill machines'. This is because children may think that all 'grabbers' are games of skill and this of course could be very misleading.
16. Officers shall expect to see staff training records which guide employees on management's Policy with regard to alcohol in a UFEC. A written policy shall be encouraged which clearly states the circumstances when customers may or may not enter with alcohol, to include any measures that may be taken to reduce the likelihood of anyone gambling whilst consuming alcohol or in the vicinity of children.
17. Where management determine that alcohol is not permitted to be taken into or consumed within the UFEC premises signage needs to be prominent to ensure customers observe the defined rules and understand any sanctions that may be impose (exclusion etc.)
18. Officers shall expect to see a balance of prizes on offer within the gaming machines, some may be aimed more at enticing adults and some may be aimed more at enticing children. This is to provide broad assurance that the business is not aimed wholly or primarily at enticing children/vulnerable to gamble.
19. Some gaming machines may have raised steps to enable very small children to reach the gaming slot for their coins others may not, this will need to be a considered decision made by the UFEC manager.
20. Officers shall expect to see measures within the UFEC premises that provide customers with the facility of a 'Self Exclusion Policy' and employees will need training on this.

(Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13 Paragraph 4(1) Automatic Entitlement for Two Machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. 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.

For the automatic entitlement of two machines, the Council expects compliance with the Gambling Commission's [Code](#) of Practice for machines in pubs, and for staff to understand the code, and that the premises meets social responsibility requirements around the location and supervision of machines. It is also expected that there is compliance with the Gambling Commission's [Code](#) of Practice on Equal Chance Gaming in Clubs and Premises with an Alcohol Licence, where they provide bingo, poker, bridge, whilst or other equal chance gaming.

Permit: Three or More Machines

2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit. The Licensing Authority will consider that application based upon

- The requirements of the Act.
- The Licensing Objectives.
- Any guidance issued by the Gambling Commission.
- Any Code of Practice issued by the Gambling Commission [Pubs and clubs toolkit - Gambling Commission](#)
- The principles within this 'Statement of Principles'.
- Any other matters that the Licensing Authority considers relevant.

2.3 This Licensing Authority considers that "such matters" shall be decided on a case by case basis, but generally there shall be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and may include:

- comments from Responsible Authorities;
- the percentage of gross turnover the gaming machines contribute to total gross turnover of the premises, and this should not be significant;
- the confidence the Licensing Authority has in the management of the premises.

2.4 . Where no concerns exist with an application, this will ordinarily be dealt with by officers, however in certain cases (for example applications for large numbers of machines) applications may be referred to the Council's Licensing Sub-Committee for determination. Consultation will be undertaken surrounding these applications, both with the Police and the Gambling Commission.

2.5 Applicants should satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which shall satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

2.5 It is recognised that some alcohol-licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.

2.6 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of

machines than that applied for. Conditions (other than these) cannot be attached.

- 2.7 A plan must accompany applications, indicating where and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.
- A plan of the premises for which the permit is sought showing the following items:
 - (x) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways;
 - (xi) where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes);
 - (xii) the positioning and types of any other amusement machines on the premises;
 - (xiii) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area;
 - (xiv) the location of any ATM/cash machines or change machines;
 - (xv) the location of any fixed or temporary structures such as columns or pillars;
 - (xvi) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises;
 - (xvii) the location of any public toilets in the building.
- 2.8 Applicants should be aware that only those premises which have a 'bar' (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants and hairdressers, which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food will not automatically qualify for two machines.
- 2.9 The Council expects that holders of permits will comply with the Gambling Commission's Code of Practice for machines in pubs, and for staff to understand the code, and that the premises meets social responsibility requirements around the location and supervision of machines. It is also expected that there is compliance with the Gambling Commission's Code of Practice on Equal Chance Gaming in Clubs and Premises with an Alcohol Licence, where they provide bingo, poker, bridge, whilst or other equal chance gaming.

Inspection and Compliance

- 2.10 Concerns have been expressed by some local authorities nationally in respect of the adequacy of the supervision arrangements for these machines in terms of the young and vulnerable. As such individuals with permits should be mindful of their obligations and the necessity to comply with the Gambling Commission's Gaming Machines in Alcohol Licensed Premises Code of Practice.
- 2.11 The provisions of this Code of Practice (available on the Gambling Commission's website www.gamblingcommission.gov.uk) form a condition of every permit, and cover features such as the location and operation of

machines; access to gambling by children and young persons; and self exclusion.

2.12 Upon inspection this authority will be monitor compliance with this Code.

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

3.1 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.

Statement of Principles – Prize Gaming Permit

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

3.3 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.

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

- that they understand the limits to stakes and prizes that are set out in [The Gambling Act 2005 \(Limits on Prize Gaming\) Regulations 2009](#);
- that the gaming offered is within the law; and
- clear policies are in place that outline the steps to be taken to protect children from harm.

3.5 In making its decision on an application for a prize gaming permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

3.6 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.

Prize gaming permits

3.7 Section 288 defines gaming as ‘prize gaming’ if the nature and size of the prize is not determined by the number of people playing or the amount paid for or

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

- 3.8 A prize gaming permit is a permit issued by the council to authorise the provision of facilities for gaming with prizes on specified premises.
- 3.9 Applicants should be aware of the conditions in the Gambling Act 2005 with which prize gaming permit holders must comply. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.
- 3.10 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.

Supporting documents

- 3.11 The council will require the following supporting documents to be served with all prize gaming permit applications: -
- proof of age (a certified copy or sight of an original birth certificate, photo style driving licence, or passport – all applicants for these permits must be aged 18 or over);
 - proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property’s deeds or a similar document;
 - the result of a criminal records basic disclosure [criminal conviction certificate] (the disclosure must have been issued within the previous month). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) – Basic Disclosures can be obtained from the Disclosure and Barring Service (DBS). For further details visit their website <https://www.gov.uk/request-copy-criminal-record>
 - A plan of the premises for which the permit is sought showing the following items:
 - (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - (iii) The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
 - (iv) the positioning and types of any other amusement machines on the premises

- (v) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
- (vi) the location of any ATM/cash machines or change machines
- (vii) the location of any fixed or temporary structures such as columns or pillars
- (viii) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- (ix) the location of any public toilets in the building

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

Child protection issues

3.12 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations (please see appendix B). 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' 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

3.13 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 2005' 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

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

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

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

4 Club Gaming and Club Machines Permits

- 4.1 Members clubs and miners' welfare Institutes (but not commercial clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit.
- 4.2 Commercial clubs such as snooker clubs run on a profit basis may apply for a Club Machine Permit.
- 4.3 Each type of permit allows the provision of different types of gaming. The current limits can be found by visiting the Gambling Commission's website (www.gamblingcommission.gov.uk).
- 4.4 A non-commercial club must meet the following criteria to be considered a members' club:
- it must have at least 25 members;
 - it must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
 - it must be permanent in nature;
 - it must not be established to make a commercial profit;
 - it must be controlled by its members equally.
- 4.5 Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 4.6 The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that: -
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.7 There is also a 'fast-track' procedure available under the Gambling Act 2005 for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are: -
- (a) that the club is established primarily for gaming, other than gaming prescribed by regulations under s266 of the Act;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

- 4.8 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 4.9 The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:
- Whether there a list of committee members and evidence of their election by the club members?
 - Which members hold the position of Chair, Secretary and Treasurer?
 - Whether there are any minutes of previous meetings (where appropriate)?
 - Is the primary activity of the club something other than gaming?
 - Are the club's profits retained solely for the benefit of the club's members?
 - Are there 25 or more members?
 - Do guest arrangements link each guest to a member?
 - Are there annual club accounts available for more than one year?
 - Are children permitted in the club?
 - Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
 - Is the 48 hour rule being applied for membership and being granted admission being adhered to.
- 4.10 When examining a club's constitution (where available), the Licensing Authority would expect to see evidence such as:
- Who makes commercial decisions on behalf of the club?
 - What are the aims of the club?
 - Are there shareholders or members (shareholders indicate a business venture rather than a non-profit making club)?
 - Can people join with a temporary membership?
 - What is the usual duration of membership?
 - Is there a provision for the election of officers?
- 4.11 Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority will consider such factors as:
- How many nights a week gaming is provided;
 - How the gaming is advertised;
 - What stakes and prizes are offered;
 - Whether there is evidence of leagues with weekly, monthly or annual winners;
 - Whether there is evidence of members who do not participate in gaming;
 - Whether there are teaching sessions to promote gaming such as poker;
 - Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
 - Whether there is sponsorship by gaming organisations;
 - Whether participation fees are within limits.
- 4.12 The forty eight hour membership rule is not required for commercial clubs.

5 Temporary Use Notices (TUN)

- 5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The Licensing Authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in 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".
- 5.5 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.
- 5.6 Certain restrictions exist in relation to a TUN, which are:
- It can only be used to offer gambling of a form authorised by the operator's operating licence.
 - gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises.
 - It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner.
 - gaming machines may not be made available under a TUN.
- 5.7 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities

6 Occasional Use Notices (OUN)

- 6.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.

7 Private and Non-Commercial Gaming and Betting

- 7.1 The Licensing Authority has no role to play in relation to private and non-commercial gaming, and therefore there are no policy considerations in issue. Those wishing to gain more advice should go to www.gamblingcommission.gov.uk.

8 Small Society Lotteries

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

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

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

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

- 8.3 North Devon Council will register and administer small society lotteries as defined under the Act. Advice regarding small society lotteries and the definitions of the above exempt lotteries is available from the Gambling Commission website: <http://www.gamblingcommission.gov.uk>

- 8.4 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- submission of incomplete or incorrect returns;
- breaches of the limits for small society lotteries.

Appendix A- Glossary of Terms

The following comprises a glossary of terminology used within the statement of licensing principles Terms defined within the statement itself, or at length in the Gambling Act 2005, have not been included.

- **Adult Gaming Centre**
A premises where the provision of Category B, C and D gaming machine facilities for adult customers is authorised by the Licensing Authority.
- **Betting Machine**
A machine that accepts bets on live events, such as horse racing, as a substitute for placing bets over the counter.
- **Betting Premises**
Premises where the provision of betting facilities is authorised by the Licensing Authority.
- **Bingo Premises**
Premises authorised by the Licensing Authority where bingo, either cash or prize bingo, may take place.
- **Casino Premises**
Premises authorised by the Licensing Authority where persons are given an opportunity to participate in casino games i.e. games of chance, which are not equal chance gaming.
- **Children**
Means individuals who are less than 16 years old.
- **Club Gaming Permit**
Permit issued by the Licensing Authority that authorises the provision of games of chance and gaming machines on premises from which a members club operates.
- **Club Machine Permit**
Permit issued by the Licensing Authority which authorises a club to have up to three gaming machines on the premises.
- **Family Entertainment Centre**
Premises where the provision of Category C and D gaming machines is authorised by the Licensing Authority.
- **Gambling Commission**
The newly-created body which will regulate all commercial gambling in Great Britain when the 2005 Act is fully in force.
- **Gaming Machine**
A machine that is designed or adapted for use by people to gamble. Such machines are classified in 4 categories, A, B, C and D. Category D has the lowest level of charge and prizes, whilst the other categories increase in value up to Category A, which has no limits to charges or prizes.
- **Gaming Machine Permit**
Permit issued by the Licensing Authority regulating the operation of gambling machines.
- **Licensing Committee**
The committee that has been established by the Licensing Authority to discharge its licensing functions under the Gambling Act 2005.
- **Licensing service Lead**
The Officer appointed by the Licensing Authority to carry out functions and duties delegated by the Licensing Authority.

- **(Alcohol) Licensed Premises Gaming Machine Permit**
Permit issued by Licensing Authority allowing more than two Category C or D gaming machines to be used on Alcohol-licensed premises.
- **Occasional Use Notice**
A notice which permits betting on a track on eight days or less in any calendar year without the need for a premises licence.
- **Operating Licence**
A licence issued by the Gambling Commission to an individual who, or a company, which provides facilities for certain types of gambling.
- **Personal Licence**
A licence issued to an individual by the Gambling Commission, authorising the holder to perform a specified management office or specified operational function in connection with the provision of facilities for gambling.
- **Premises Licence**
A licence issued by the Licensing Authority that authorises the provision of gambling facilities on specified premises.
- **Prize Gaming**
Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.
- **Prize Gaming Permit**
A permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.
- **Provisional Statement**
An authorisation issued by the Licensing Authority where the applicant expects premises to be constructed or altered in accordance with plans submitted, or expects to acquire a right to occupy the premises.
- **Regulatory Compliance Code**
Code of practice issued by the Government to ensure that regulatory best practice is adopted and carried out by regulators.
- **Relevant Representation**
A representation received from a responsible authority or an interested party that relates to the licensing objectives, or that raises issues under this statement, the Gambling Commission's Guidance or codes of practice.
- **Review**
The process by which a Licensing Authority may, either of its own volition or on the request of a third party, determine whether any action should be taken in relation to the operation of a premises licence.
- **Temporary Use Notice**
A notice which permits 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.
- **Track**
Sites (such as a horse racecourse or dog track) where races or other sporting events take place.
- **Young Person**
means individuals who are aged less than 18 years old and 16 years and over.

Appendix B

Child sexual exploitation and trafficking of children and young people

This council is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly the Devon and Cornwall Police and Devon Safeguarding Children Board.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with the Devon and Cornwall Police and Devon Safeguarding Children Safeguarding Board helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

How gambling premises licence and permit holders and their employees can help tackle child sexual exploitation

Gambling establishment licence and permit holders and their employees are in a good position to help identify victims of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders and their employees regularly come into contact with children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

In particular, licence and permit holders and their employees should ask themselves the following questions when they see young and vulnerable people in their gambling premises:

- Do any of your customers appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with the Police (Tel: 101) and Devon Safeguarding Children Partnership. (Tel: 0345 155 1071).

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing and Community Safety Sub Committee A held in the Barum Room - Brynsworthy on Tuesday, 14th May, 2024 at 1.00 pm

PRESENT: Members:

Councillors Cann, Denton (substitute for Councillor Jusef) and Haworth-Booth

Officers:

Legal Advisor, Licensing Officer (NB), Licensing Officer (PF) and Corporate and Community Services Officer

1. APPOINTMENT OF CHAIR

Councillor Cann was nominated as Chair.

RESOLVED that Councillor Cann be appointed Chair of this Sub-Committee A.

2. APOLOGIES FOR ABSENCE

There were apologies for absence.

3. ITEMS BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIR SHOULD BE CONSIDERED BY THE MEETING AS A MATTER OF URGENCY.

There were no items brought forward by the Chair.

4. DECLARATIONS OF INTEREST

There were no declarations of interest announced.

5. APPLICATION BY SAUNTON VINEYARD LTD FOR A GRANT OF A PREMISES LICENCE REFERENCE NUMBER 057849

The Chair introduced herself and the other members of the sub-Committee along with officers present and she invited others present to introduce themselves.

Also present:

Mr Matthew Fleetham, the Applicant.

Mr Roger Abbott, a person who had made a relevant representation.

Mr Tilney, solicitor representing Mr Paul and Mrs Patricia Taylor, persons who had made relevant representations.

The Chair asked the Licensing Officer if all necessary legal requirements had been met in the submission of this application. The Licensing Officer confirmed they had been met.

The Chair then asked the Legal Officer to outline the hearing process.

The Licensing Officer presented his report and highlighted the following:

- The premises application was for the permit to sell alcohol Monday to Sunday 09:00 hours to 22:30 hours as well as be open to the public.
- No permission was being sought for entertainment or late night refreshments. The full application could be seen at Appendix A of the report.
- Appendices B and C of the agenda were the relevant representations that had been made by Mr Abbott and Mr and Mrs Taylor.
- The objectives referenced in the relevant representations were Prevention of public nuisance and public safety.
- Any aerial photograph of the site could be seen on page 26 in Appendix A of the agenda.
- Appendices F and G of the agenda were the Planning Authority's response to the licensing application.
- Also tabled at the meeting in relation to Appendix G a further email response from the Planning officer in relation to the 60 camping permission.
- Devon and Cornwall Police Licensing Officer in conjunction with the Applicant had agree conditions to the application and could be seen at Appendix D of the agenda. A visit had been made to the site to agree the conditions.
- Also tabled at the meeting further to Appendix B a further email from the legal representative of Mr and Mrs Taylor in relation to conditions they felt would allay their concerns over public nuisance.
- Appendix E of the agenda were photographs of the vineyard and nearby vantage points taken by the Licensing Officer during his site visit.

The Applicant presented his case. He bought the land in 2018 and turned it into a vineyard in 2019. He grows two varieties of grape and is the only wine producer in Devon. His ethos was very much centred on sustainability. He had held several Temporary Event Notices (TENs) last year and was looking to obtain a full licence to keep the business viable. He received no complaints regarding his tours last year and had only received positive feedback. His wine sells at £28 per bottle for still, £32 per bottle for semi-sparkling and £45 for sparkling wine. The barn on site was to be used for the restaurant he hoped to build and had partnered with a chef who would work three days a week. The idea was that after the tours of the vineyard visitors would then go to the restaurant and have a meal with wine produced on site.

In relation to the conditions put forward in the tabled item (Appendix B of the agenda) he did not agree with the proposals as this would not make his business viable. Only running tours for 28 days of the year would equate to approximately £7,000 of sales this was not enough to live on.

He had met with Mr Abbott on site and explained his ethos and how the land was to be looked after. 50% of the visitors to site were locals, his vision was to work with local farmers with a view to sell his produce to local bars and shops.

He worked part-time at a pub in Croyde and held a personal licence.

Members asked questions of the Applicant.

In response to questions, the Applicant provided the following replies:

- The reason for the licencing hours to run until 22:30 hours was due to the desire for a restaurant. He had found that after the last tour of the day people had stayed around to enjoy the wine but the outside seating limited how long people could stay outside.
- He was zero waste with any food leftovers to be composted on site and there would be no lighting apart from the lights around the seating area.
- There would not be people drinking at 9 am just sales from the shop and delicatessen.
- Parking for 8 vehicles was available at the top of the site. He had created an entrance at the bottom of the site to help mitigate traffic up the lane.
- The wine was currently unfiltered so to sell to local shops he would have to process the wine by filtering.
- He could see the business running during the traditionally accepted holiday season, April to September.
- The utilities on site were provided by mains water, electricity from a generator but hoped to switch to solar and composting toilets.
- The wild camping was a back to basics experience with the benefit of a shop and café.
- Producing 4000 bottles of wine in a year would be enough to sustain himself and his three sons. He hoped to sell 2000 to 2500 bottles on site and the rest off-site.
- He was not looking to expand to any other fields and he had no plans to provide entertainment.

The Solicitor, Mr Tilney, representing Mr and Mrs Taylor presented their case.

He began by stating that context was important. There were no pavements down the lane or indeed along the main road until Saunton Park and it was not a particularly safe road to walk along.

There appeared to be some confusion over the opening days and times and numbers of people on site. The application submitted was requesting the sale of alcohol from 9 am until 22:30 hours every day. Mention of 50 people maximum as well as 25-30 maximum but the application stated 100 maximum. As music had been deregulated under the Licensing Act 2003 for under 500 people there could be music on site.

Regardless of the stated intentions consideration should be given to the reality of granting a licence for the sale of alcohol 365 days a year. There was no suggestion

the Applicant was being disingenuous but he had to make a living and if this didn't work out the way he was planning then things might change.

A more pertinent question to be asking was what could the business potentially look like in 2-5 years.

There were no questions from Members to the Solicitor, Mr Tilney.

Mr Abbott, person who had made a relevant representation presented his case.

He lived in Saunton not Knowle as was stated in the agenda and he made regular use of Broad Lane.

He had no objection to the growing of grapes his concerns were twofold at present this was agricultural land and had very little in the way of facilities, the barn could become a recreational area. The second concern he had was the long licensing hours and who would be on site during those hours as the owner had stated he works in Croyde three days a week.

The dates listed for tours suggested that there were 75 days of tours not 28. He was concerned about the fact that all types of alcohol could be purchased on site. The horsebox on wheels was the café there was nothing to stop other vehicles being used on site. A watercourse ran through the land and there was concern that contamination from activities on the site would enter into the waterway.

Encouraging increased use of the lane by vehicles was not a good idea, turning right at the bottom of Broad Lane to travel towards Croyde was particularly tricky.

He did not feel it prudent to grant a licence as had been applied for.

Members asked questions of Mr Abbott to which he gave the following responses:

- He had concerns over the use of more lights on site.
- The access onto the main road was blind.
- He had not been affected previously in relation to licensable activity but was concerned over the request to expand the days and times of licensed activity and that this could become a problem.
- Extra traffic using Broad Lane would be a problem to him as he used Broad Lane.
- Small numbers of extra people was not what you imagined when someone was trying to build up a business.

The Licensing Officer then summed up. He thanked all parties for the conciliatory manner in which the proceedings had been carried out.

In his summing up he highlighted the following:

- Page 16 of the agenda under part three, "Please give a general description of the premises (please read guidance note 1).
- Page 25 of the agenda listed the guidance note 1. The information being advised to give was not on the application.

- If granted the licence would be in place for 365 days a year.
- It was correct that live music had been deregulated for fewer than 500 attendees. The premises could operate 8am to 22:00 hours with music unless a review was called in.
- 30% of sales were as a result of the tours and 70% due to walk on's or drop in's to the site.
- The concern for the Licensing Authority was beyond the current owner – if the land was sold how a new owner could use the licence.
- The Licensing Act mentioned proportionality – the conditions that would be acceptable in an urban setting at a nightclub, such as in Barnstaple were quite different from those of a vineyard in a field in Saunton.
- Highways were not a responsible authority in terms of licensing applications and therefore not consulted.

The Applicant summed up his case.

The Applicant highlighted the following:

- His vision was to continue what he had started last year but to move away from TENS.
- To get insurance he had to go with camping but as the site was so small it was not suitable for 50 but in reality more suited to 4-6 tents.
- The Horsebox was being used as an extension to the barn.
- If he were to dispose of the land, he would be looking to gift it to the National Trust.
- He wanted to collaborate with the community to create a space to be still and chill.

Mr Abbott and Mr Tilney, representing Mr and Mrs Taylor declined to say anything further to sum up.

RESOLVED that everyone be excluded from the meeting with the exception of the Members, legal Officer, and Corporate and Community Services Officer in order for the Sub-Committee to receive legal advice in accordance with paragraph 5 of Schedule 12A of the Local Government Act 1972.

RESOLVED that everyone be re-admitted to the meeting.

The Chair asked the clerk to read the proposed decision which was voted on and agreed.

The Sub-Committee has determined, upon hearing from the Applicant and from Mr Roger Abbott and Mr Duncan Tilney, Stephens Scown, legal representative for Mr Paul and Mrs Patricia Taylor, that the Grant of the Premises Licence was appropriate with the conditions included below. The focus of the Licensing Act 2003 and the licensing objectives were met provided that Applicant complied with the attached conditions and mandatory conditions to the Licence.

The reasons for this were:

- (a) The Applicant wished to increase/develop his business and include on and off sales of his own produce – wine. Section 182 of the Licensing Act 2003 aims to provide a regulatory framework for alcohol which reflected the needs of local communities and empowered local authorities to make and enforce decisions about the most appropriated strategies for the area. In consideration of this aspect the Sub-Committee considered that the conditions imposed were necessary to support all four licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The impact of the development of the site had been considered as this was an agricultural field and there was a requirement to preserve the dynamic of the site.
- (b) The later terminal time of 22:30 hours was not considered to be appropriate in view of the Licensing Objectives and there were significant concerns regarding public safety due to the poor access/egress of the site. The Applicant had not been able to demonstrate a requirement of a terminal hour later than one hour post the last wine tour which was at 17:00 hours, ending at 18:30 hours. Hence the requirement for a dispersal policy to minimise annoyance, disturbance or nuisance to neighbours/residents of the area. The North Devon Council Licensing Act 2003 Licensing Policy, January 2024: Section 3.4.2 stated that public nuisance could include low-level nuisance affecting a few people living locally. In line with this decision to restrict the hours to last sale of wine at 20:00 hours. The terminal hour was believed to be justified so as to limit potential from public nuisance.
- (c) Whilst the resident population is not high in the area of this application, it was believed that public nuisance was likely to arise from it. This was an open air venue without noise attenuation measures from acoustic insulation of a fixed premises.
- (d) The Sub-Committee was concerned in respect of public nuisance that the site would increase the effects of lighting and noise if hours (granted in line with the application) were increased. Due to the nature of the site, lighting of the drinking area and area for safe access/egress was likely to be required. North Devon Council's Licensing Act 2003 Licensing Policy, January 2024 Section 3.4.4 stated that measures to control light pollution would also require careful thought. Bright lighting outside the premises, which was considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours.
- (e) The Sub-Committee had considered the reservations of the two objections from a public safety and nuisance perspective, and considered that limitation of 'alcohol' sales from the vineyard itself was appropriate to avoid any expansion to larger events thus minimising detrimental environmental and negative impacts on the licensing objectives. North Devon Council's Licensing Act 2003 Licensing Policy, January 2024 Section 3.4.3 stated that noise from people entering and leaving licensed premises, particularly late at night or in the early hours of the morning, could be a significant problem. Customers under the influence of alcohol were often less inhibited about their behaviour and might be unaware of the noise they were creating. As background noise levels were lower at night, any noise was more intrusive for residents trying to sleep.

In recent months the Licensing and Community Safety Committee had seen complaints and additionally significant representations in respect of a number of applications to grant, or vary Premises Licences, which had given cause for significant concern in this coastal strip and in a rural area. Moreover, that the premises were located in the open air and without substantial acoustically insulated premises, in proximity to an Area of Outstanding Natural Beauty (AONB)/natural landscape and in an area with low background noise and artificial light levels. The Sub-Committee believed there was a careful need to balance the business plans and application with the licensing objectives, particularly public safety and nuisance.

RESOLVED that the premises licence be approved in respect of Saunton Vineyard Ltd (reference 057849), in conjunction with the mandatory conditions proposed by the Applicant and in consultation with Devon and Cornwall Police Licensing Officer as well as subject to the following conditions:

Crime and Disorder

- (1) All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
 - The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
 - The hours and activities permitted by the premise's licence issued under the Licensing Act 2003 and conditions attached to the licence.
 - How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
 - Recognising the signs of drunkenness.
 - The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
 - Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- (2) Training shall be recorded in documentary form or electronically and shall be regularly refreshed at no greater than 12 Month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.
- (3) An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
 - Any incidents of disorder or of a violent or anti-social nature.
 - All crimes reported to the venue or by the venue to the Police.
 - All ejections of patrons.
 - Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.
- (4) Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.
- (5) The premises shall install operate and maintain a comprehensive digital CCTV system to the satisfaction of the Police and Local Authority.

- (6) The consumption of alcohol on the premises shall cease at 20:00 hours and all persons off site by 21:00 hours.
- (7) To restrict alcohol sales to wine produced by Saunton Vineyard Ltd on site only.
- (8) Wine in the form produced on the premises should be served using non-disposable drinking vessels.
- (9) Saunton Vineyard Ltd does not provide any take away service of food or drink for immediate consumption, meaning an open bottle of wine except on site. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied during their wine tasting experience.

Public Nuisance

- (10) Clear and legible notices shall be prominently displayed at the exit requesting patrons to respect the needs of residents and businesses and to leave the vicinity as quickly and quietly as possible.
- (11) No deliveries (in relation to licensable activities) to the premises shall take place between 2000 hours and 0800 hours.
- (12) During the final hour of trading appropriate announcements will be made or images projected to remind patrons of the need to leave the premises quietly without causing annoyance, nuisance or disturbance to local residents and to advise patrons of any taxi free-phone or collection arrangements available upon the premises.
- (13) The use of lighting in (the wine tasting/seating area) shall cease as 21:00 hours except for health and safety or security reasons.

Public Safety

- (14) A logbook or recording system shall be kept upon the premise in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The logbook shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or authorised legislation.
- (15) No customers carrying open or sealed bottles, cans or other receptacles containing alcoholic liquor shall be admitted to the vineyard at any time that the premises are open to the public.

Protection of Children from Harm

- (16) There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:
 - A photo driving licence
 - A passport
 - An identification card carrying the PASS hologram

- MOD Form 90 (ID Card)
- (17) Unless such identification is produced the sale of alcohol must be refused.
- (18) An alcohol sales refusal register or electronic register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:
- The date and time of the refusal
 - the reason for refusal
 - details of the person refusing the sale
 - description of the customer
 - any other relevant observations.
- (19) The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.

The decision notice including the above was issued to all parties present and the following appeals information was included:

Appeal Provisions:

Any person so specified in Schedule 5, Paragraph 2, of the Licensing Act 20036 may appeal against the grant of this licence, including the imposition of any conditions, (excluding those mentioned in Sections 19, 20, and 21 of the 2003 Act).

Any such appeals must be commenced by notice of appeal given by the appellant to the Barnstaple Magistrate's, Barnstaple Law Courts, North Walk, Barnstaple, Devon, EX31 1DX within the period of 21 days beginning with the date of this Notice.

A Premises Licence and Summary of it, together with the Plan of the premises, will be sent after this 21-day period if no notice of appeal has been received.

Chair

The meeting ended at 4.15 pm

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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