

E-mail: comsec@teignbridge.gov.uk

12 October 2021

## LICENSING AND REGULATORY COMMITTEE

A meeting of the **Licensing and Regulatory Committee** will be held on **Wednesday, 20th October, 2021** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors Austen, Bradford, Clarence, D Cox, Evans, Hayes (Vice-Chair), Kerswell, Nutley (Chair), J Petherick, Rollason and Russell

**Please Note:** The public can view the live streaming of the meeting at [Teignbridge District Council Webcasting \(public-i.tv\)](#) with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

## **A G E N D A**

### **Part I**

1. **Apologies**
2. **Minutes** (Pages 3 - 4)  
To approve the minutes of the meeting held on 23 June 2021.
3. **Declarations of Interest (if any)**

- 4. Request for a Private Hire Vehicle Licence Extension - S16 EXC** (Pages 5 - 26)
- 5. GAMBLING ACT 2005 - Review of Statement of Principles** (Pages 27 - 78)

If you would like this information in another format, please telephone 01626 361101 or e-mail [info@teignbridge.gov.uk](mailto:info@teignbridge.gov.uk)

**LICENSING AND REGULATORY COMMITTEE****WEDNESDAY, 23 JUNE 2021**Present:

Councillors Austen, Bradford, Clarence, D Cox, Evans, Hayes (Vice-Chair), Nutley (Chair), J Petherick and Russell

Apologies:

Councillors Rollason

Officers in Attendance:

Democratic Services and Legal Assistant  
Democratic Services Officer

**12. APOLOGIES**

Apologies from Cllr Rollason.

**13. ELECTION OF CHAIR**

Cllr Evans proposed that Cllr Nutley be elected as Chair of the committee for the year. This was seconded by Cllr D Cox.

The vote was unanimous.

**RESOLVED** that Cllr Nutley be elected as Chair of the committee for the year.

**14. ELECTION OF VICE-CHAIR**

The Chair proposed that Cllr Hayes be elected as Vice Chair of the committee for the year. This was seconded by Cllr D Cox.

The vote was unanimous.

**RESOLVED** that Cllr Hayes be elected as Vice Chair of the committee for the year.

**15. DECLARATIONS OF INTEREST (IF ANY)**

None.

**16. MINUTES**

The Minutes of the Licensing and Regulatory Committee held on 15<sup>th</sup> April 2021 and the Licensing and Regulatory Sub-Committee held on 27<sup>th</sup> May 2021 were approved as a correct record and signed by the Chair.

CLLR NUTLEY  
Chair

# TEIGNBRIDGE DISTRICT COUNCIL

## LICENSING AND REGULATORY SUB COMMITTEE

**20 October 2021**

### PART I

<b>Report Title</b>	<b>Request for Private Hire Vehicle Extension for further 12 months S16 EXC White LDV Maxus Minibus</b>
<b>Purpose</b>	For the Committee to consider the request, including this report, representations made by the proprietor of the vehicle and to determine whether the vehicle is fit for purpose and should be issued with an extended licensing plate.
<b>Applicant</b>	Mr Lynn
<b>Options</b>	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
<b>Report Author</b>	Debbie Rosenveldt, Licensing Officer <a href="mailto:licensing@teignbridge.gov.uk">licensing@teignbridge.gov.uk</a>
<b>Appendices / Background Papers</b>	A: Request for extension B: MOT certificate C: Photographs

#### 1. APPLICATION DETAILS

1.1 Vehicle first registered – 17 December 2008

Age of vehicle, if granted - 12 years and 10 months

Private Hire licence expires – 31 October 2021

The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.

1.2 MOT expires – 26 April 2022 with no advisories.

1.3 Vehicle inspection undertaken at Chuley Road garage, details to be provided at the hearing.

#### 1.4 Licensing Officer:

This vehicle was presented to committee on 27 May 2021 and was granted a 6 month extension to bring it in line with the licence expiry date.

At the time of writing this report the vehicle had not been inspected by a licensing officer.

Recommendation:

If the Committee resolves to license the vehicle, a condition requiring the vehicle to have six or four monthly vehicle inspections be imposed.

## **2. RELEVANT POLICY AND LAW**

- 2.1 Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that:

*A vehicle being presented for initial licensing is required to be under five years old at first registration.*

*A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing'.*

- 2.2 All vehicle licences are issued annually.

- 2.3 Section 48(4)(c) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

*'Every licence granted under this section shall— (c) remain in force for such period not being longer than one year as the district council may specify in the licence'.*

- 2.4 Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

*'A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.'*

- 2.5 The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public. The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

- 2.6 The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

*"The Committee decided that vehicles being presented for initial licensing must be under five years old."*

- 2.7 With regard to subsequent licensing, the Committee decided that a vehicle should be under ten years old with the exception of purpose built cabs. However the Committee decided that the Council could exercise discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six monthly testing. The Committee did not consider it appropriate to introduce an upper age or mileage limit."
- 2.8 Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides:

*'that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.'*

- 2.9 In summary, the Committee is required to ensure that Public Safety is not compromised by the granting of an extension of the licence. If it is satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

### **3. FINANCIAL IMPLICATIONS**

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates' Court.

### **4. LEGAL**

The Committee are required only to ensure that Public Safety is not compromised by the granting of an extension of the licence. If they are satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

This page is intentionally left blank

# HUMMER4U

THE MOST EXOTIC LIMOUSINE RENTAL  
COMPANY V.I.P / WEDDINGS / BIRTHDAYS /  
PROMS / SPECIAL OCCASIONS



For The Committee

10/10/2021

Application to private hire plate extension for LDV Maxus 8 seater Minibus S16 EXC plate number P275 used for airport transfers as it has extra large luggage capacity, due to covid work died off for this vehicle work has started to come back for this vehicle but still far off normality therefore we would like a 12 month extension on this vehicle as it would be uneconomical to replace this vehicle in the current climate.

YOURS FAITHFULLY

KEVIN LYNN (DIRECTOR)

This page is intentionally left blank

Check MOT history (<https://www.gov.uk/check-mot-history>).

S16EXC

## LDV MAXUS

Colour	Fuel type	Date registered
<b>White</b>	<b>Diesel</b>	<b>17 December 2008</b>

MOT valid until

**26 April 2022**

### MOT history

Check mileage recorded at test, MOT expiry date, defects and advisories, and view test certificate

Date tested	Mileage	MOT test number
<b>27 April 2021</b>	<b>134,447 miles</b>	<b>3150 8877 8838</b>

<b>PASS</b>	Test location	Expiry date
		<b>26 April 2022</b>

Date tested	Mileage	MOT test number
<b>27 September 2019</b>	<b>130,338 miles</b>	<b>2444 5060 1521</b>

<b>PASS</b>	Test location	Expiry date
		<b>16 October 2020</b>

Date tested	Mileage	MOT test number
<b>16 October 2018</b>	<b>117,745 miles</b>	<b>8184 6318 7529</b>

<b>PASS</b>	Test location	Expiry date
		<b>16 October 2019</b>

### The MOT test changed on 20 May 2018

Defects are now categorised according to their severity – dangerous, major, and minor.

Date tested	Mileage	MOT test number
<b>3 October 2017</b>	<b>114,512 miles</b>	<b>8442 9114 2973</b>

**PASS**

Test location

Expiry date  
**16 October 2018**

---

Date tested  
**17 October 2016**

Mileage  
**97,774 miles**

MOT test number  
**7276 3275 4175**

**PASS**

Test location

Expiry date  
**16 October 2017**

Advisory notice item(s)

- **Nearside Front Front suspension has slight play in a lower suspension ball joint (2.5.B.1a)**

---

Date tested  
**12 October 2016**

Mileage  
**97,341 miles**

MOT test number  
**5480 4885 2837**

**FAIL**

Test location

Reason(s) for failure

- **Rear fog lamp not working (1.3.2b)**
- **rear brake application uneven (3.7.B.2)**

Advisory notice item(s)

- **Nearside Front Front suspension has slight play in a lower suspension ball joint (2.5.B.1a)**

---

Date tested  
**13 October 2015**

Mileage  
**82,120 miles**

MOT test number  
**3797 4263 0180**

**PASS**

Test location

Expiry date  
**16 October 2016**

Advisory notice item(s)

- **Nearside Front suspension has slight play in a lower suspension ball joint (2.5.B.1a)**

---

Date tested  
**17 October 2014**

Mileage  
**65,513 miles**

MOT test number  
**3196 1039 4482**

**PASS**

Test location

Expiry date  
**16 October 2015**

---

Date tested  
**9 October 2013**

Mileage  
**48,752 miles**

MOT test number  
**3265 3218 3498**

**PASS**

Test location

Expiry date  
**8 October 2014**

Date tested  
**9 October 2013**

**FAIL**

Mileage  
**48,752 miles**

MOT test number  
**3061 6278 3440**

Test location

Reason(s) for failure

- **Supplementary Restraint System warning lamp indicates a fault (5.4.2)**

---

Date tested  
**6 February 2013**

**PASS**

Mileage  
**45,625 miles**

MOT test number  
**3158 5763 3098**

Test location

Expiry date  
**5 February 2014**

Advisory notice item(s)

- **Nearside Front Brake pad(s) wearing thin (3.5.1g)**
- **Offside Front Brake pad(s) wearing thin (3.5.1g)**

---

Date tested  
**1 February 2013**

**FAIL**

Mileage  
**45,625 miles**

MOT test number  
**8473 8283 3000**

Test location

Reason(s) for failure

- **Offside Rear Seat belt locking mechanism does not secure or release (5.2.5a)**
- **Offside Front Headlamp aim beam image obviously incorrect (1.8.A.1b)**

Advisory notice item(s)

- **Nearside Front Brake pad(s) wearing thin (3.5.1g)**
- **Offside Front Brake pad(s) wearing thin (3.5.1g)**

---

Date tested  
**5 January 2012**

**PASS**

Mileage  
**38,013 miles**

MOT test number  
**1161 2560 2477**

Test location

Expiry date  
**4 January 2013**

Advisory notice item(s)

- **2nd row offside aisle seatbelt buckle trim missing**

---

Date tested  
**5 January 2012**

**FAIL**

Mileage  
**38,013 miles**

MOT test number  
**1482 4580 2491**

Test location

- Reason(s) for failure
- **Offside Headlamp not working on dipped beam (1.7.5a)**
- Advisory notice item(s)
- **2nd row offside aisle seatbelt buckle trim missing**
- 

Date tested  
**5 January 2011**

**PASS**

Mileage  
**24,529 miles**

MOT test number  
**3980 9550 1088**

Test location

Expiry date  
**4 January 2012**

- Advisory notice item(s)
- **Nearside Seat belt damaged but not affecting the operation of the belt (5.2.2a)**
- 

Date tested  
**5 January 2010**

**PASS**

Mileage  
**13,964 miles**

MOT test number  
**5609 9560 0071**

Test location

Expiry date  
**4 January 2011**

Date tested  
**4 January 2010**

**FAIL**

Mileage  
**13,964 miles**

MOT test number  
**4717 7410 0098**

Test location

- Reason(s) for failure
- **Nearside Headlamp not working on dipped beam (1.2.4a)**
- 

### Outstanding vehicle recalls

Check if LDV MAXUS S16EXC has outstanding recalls















[www.devonexecutivetransfers.co.uk](http://www.devonexecutivetransfers.co.uk)  
Airports - Seaports - Weddings

**MAXUS**

**SI6 EXC**



**1-16 Passengers  
to Any Destination**

**01626 366366**

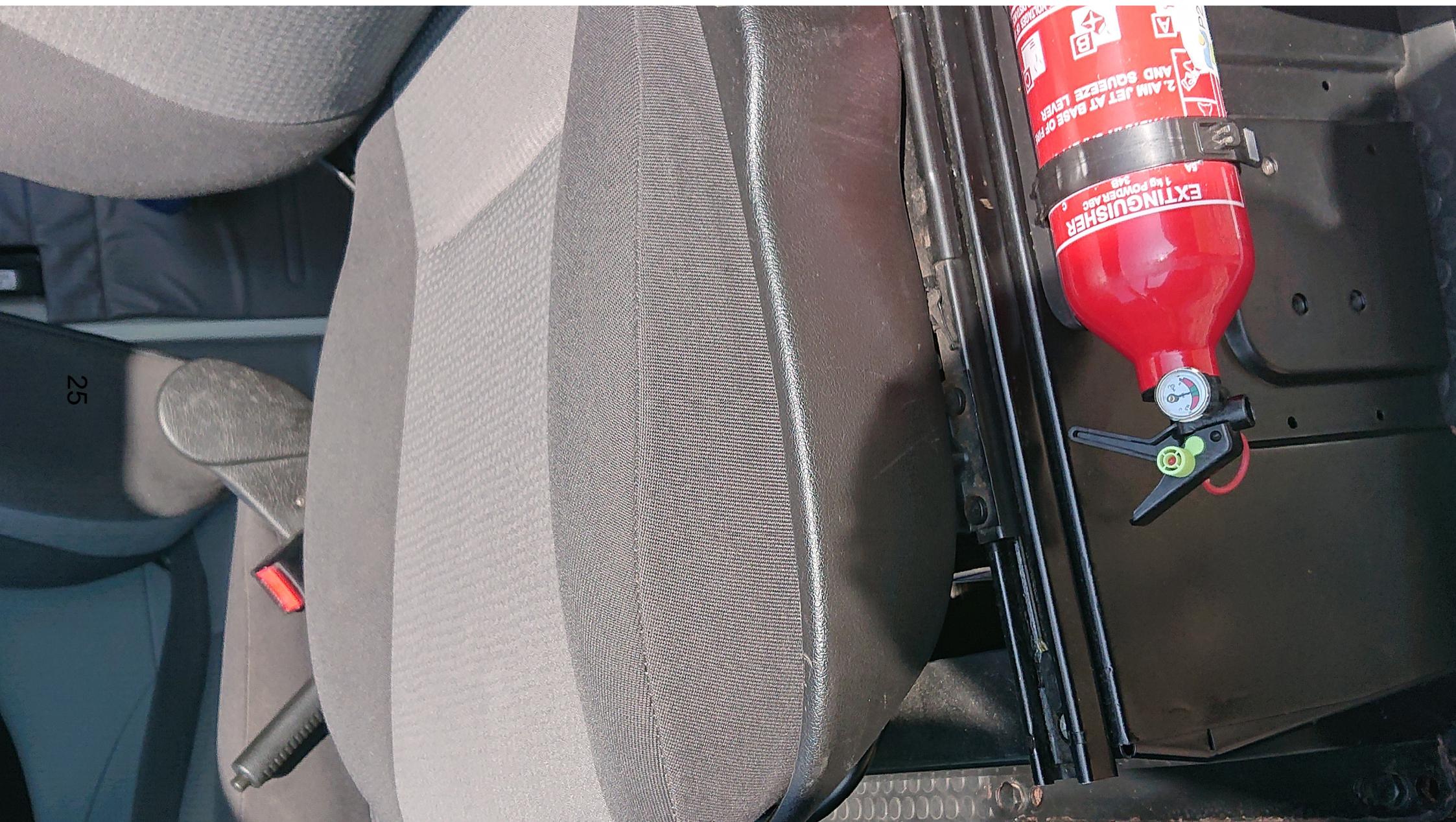


A side-view photograph of a white minibus or executive transfer vehicle. The van has a dark stripe running horizontally along its lower edge. It features several large, rectangular windows on the side panel. The front door is open, revealing the interior. The van is parked on a paved surface next to a curb, with some gravel and foliage visible at the bottom left. The background shows a line of trees under a clear blue sky.

www.devonexecutivetransfers.co.uk

24





25

26



**TEIGNBRIDGE DISTRICT COUNCIL****Licensing and Regulatory Committee****20 October 2021****PART I**

<b>Report Title</b>	<b>GAMBLING ACT 2005 REVIEW OF STATEMENT OF PRINCIPLES</b>
<b>Purpose of Report</b>	To recommend the Statement of Principles, as amended, to go to Council for approval.
<b>Recommendation(s)</b>	<b>The Committee RESOLVES to:</b>  <b>Comment on the representations received and refer the Statement of Principles to Council.</b>
<b>Financial Implications</b>	Licensing is self-financed by the licensed fees
<b>Legal Implications</b>	
<b>Risk Assessment</b>	That all reasonable steps are in place to ensure compliance with conditions on the licence under one or more of the three licensing objectives are met. Mrs Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk
<b>Report Author</b>	Mrs Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk
<b>Portfolio Holder</b>	Alistair Dewhirst Executive Member for Recycling, Household Waste and Environmental Health
<b>Appendices / Background Papers</b>	A: Draft Statement of Principles B: Details of Responses

**1. INTRODUCTION / BACKGROUND**

- 1.1 In November 2018 Full Council approved the current Statement of Principles which has been in effect since 31 January 2019. Under Section 23 of the Gambling Act 2005 and Regulations these principles are required to be reviewed every three years.

## **2. GROUPS CONSULTED**

- 2.1 The Licensing Authorities draft Statement of principles was made available for consultation on the 13 August 2021. The final date for comments was 8 October 2021. A list of details of the responses is attached at Appendix B.
- 2.2 The consultation exercise for the draft statement of principles has been wide. Section 23(5) requires consultation with police, persons who represent the interest of persons carrying on gambling businesses and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's function before its adoption. The list of those with whom the Council has consulted is reproduced below. An email/letter was sent, to each of the consultees inviting them to make comment on the principles, using Survey Monkey. They were also given the choice of downloading a copy of the review of the principles from Teignbridge District Councils website or requesting a printed copy to be sent out by post. The Licensing Office did not receive any requests for a hard copy. A copy of the review of the statement of principles was placed on the Council's internet site, district and parish councils and libraries within the District.
- South Devon and Dartmoor Community Safety Partnership
  - Devon and Cornwall Police
  - Devon County Council Social Services/Education Department
  - Devon & Somerset Fire and Rescue Service
  - TDC - Environmental Health
  - Gamblers Anonymous
  - Gambling Commission
  - Gamcare
  - Local businesses and their representatives
  - Local faith groups
  - Local residents and their representatives
  - Mencap
  - NSPCC
  - NHS Northern Eastern and Western Devon Clinical Commissioning Group
  - Representatives of existing licence-holders
  - All Parish Councillors
  - All District Councillors
  - All premises identified as being affected by the changes
  - All known Chambers of Trade operating within the District
  - H M Revenue & Customs
  - Association of British Bookmakers
  - British Amusement Catering Trade Association (BACTA)
  - Bingo Association
  - British Association of Leisure Parks, Piers & Attractions Limited (BALPPA)
- 2.3 As you can see is from the consultation process feedback has been minimal based on the representations that have been received. The list of factors that have been raised are covered by the Gambling Commissions Licensing Conditions and Code of Practice, Social Responsibility codes as well as

changes made to Teignbridge District Council's review of the Statement of Principles.

- 2.4 We have received five responses, of which three offer no comment to make on the proposed policy.

### **3. TIME-SCALE**

- 3.1 The Licensing Authority must adopt the principles prior to the 31 January 2022 in order to continue to exercise its powers under the Gambling Act 2005. Once the Council has approved its Statement of Principles it will be published and will be available for anybody to view through the Council's website.
  - 3.2 Section 23 of the Gambling Act 2005 and regulations requires every licensing authority to determine its principles for the following three years and Section 5(3) sets out who is to be consulted.
  - 3.3 The Gambling Act 2005 requires the principles to be approved by the Full Council. The Licensing and Regulatory Committee is asked to comment on the representations received before being put to Full Council for approval on the 30 November 2021.
  - 3.4 

20 October 2021	Licensing and Regulatory Committee consider draft Statement of Principles
30 November 2021	Full Council consider and approve Statement of Principles
By 3 <sup>rd</sup> January 2022	Publish Statement of Principles
On 31 <sup>st</sup> January 2022	Statement of Principles takes effect.

#### **4. REPORT DETAIL**

#### 4.1 Financial

Licensing is self-financed by the licensed fees.

## 4.2 Legal

**Legal**  
Compliance with all legislation.

## 4.3 Risks

That all reasonable steps are in place to ensure compliance with conditions on the licence under one or more of the three licensing objectives are met.

## **5. CONCLUSION**

To recommend the Statement of Principles, as amended, to Full Council for approval.

This page is intentionally left blank



# Statement of Principles

Under the Gambling Act 2005  
For the period 31st January 2022 to 30th January 2025

(Full Council to Approve - 30 November 2021)

Licensing Team  
Teignbridge District Council  
Forde House  
Brunel Road  
Newton Abbot  
TQ12 4XX

Telephone: 01626 361101 (Customer Services)  
Email: [licensing@teignbridge.gov.uk](mailto:licensing@teignbridge.gov.uk)  
Website: [Licensing](#)

Published 3 January 2022

# Table of Contents

Table of Contents.....	- 3 -
STATEMENT OF PRINCIPLES.....	- 5 -
Part A .....	- 5 -
1 The Licensing Objectives.....	- 5 -
2 Introduction .....	- 5 -
3 The Geographical Area.....	- 6 -
Local Area Profiles .....	- 7 -
4 Review of Statement of Principles .....	- 7 -
5 Declaration.....	- 8 -
6 The Overriding Principle .....	- 8 -
7 Responsible Authorities .....	- 8 -
8 Interested Parties.....	- 9 -
9 Exchange of Information .....	- 9 -
10 Enforcement .....	- 9 -
11 This Licensing Authority's functions.....	- 10 -
12 The Licensing Process .....	- 11 -
13 Local Risk Assessments.....	- 11 -
Part B - Premises Licences: Consideration of Applications .....	- 13 -
1 General Principles.....	- 13 -
2 Adult Gaming Centres.....	- 20 -
3 (Licensed) Family Entertainment Centres.....	- 21 -
4 Casinos.....	- 22 -
5 Bingo premises .....	- 22 -
6 Betting premises .....	- 23 -
7 Tracks .....	- 23 -
8 Vessels .....	- 24 -
9 Travelling Fairs .....	- 25 -
10 Provisional Statements .....	- 25 -
11 Reviews .....	- 26 -
PART C .....	- 28 -
Permits / Temporary & Occasional Use Notice .....	- 28 -
1. Unlicensed Family Entertainment Centre (uFEC) .....	- 28 -
2 (Alcohol) Licensed premises gaming machine permits – .....	- 30 -
(Schedule 13 Para 4(1)) .....	- 30 -
3 Prize Gaming Permits – .....	- 32 -
(Schedule 14 Para 8 (3)).....	- 32 -
4 Club Gaming and Club Machines Permits .....	- 34 -

5	Temporary Use Notices (TUN).....	- 36 -
6	Occasional Use Notices.....	- 37 -
7	Small Society Lotteries .....	- 37 -
8.	Exemptions .....	- 38 -
	APPENDIX A .....	- 39 -
	Administration, Exercise and Delegation .....	- 39 -
	APPENDIX B .....	- 40 -
	Child Sexual Exploitation and Trafficking .....	- 40 -
	Of Children and Young People .....	- 40 -
	GLOSSARY.....	- 41 -
	References:.....	- 43 -

# **STATEMENT OF PRINCIPLES**

## **Part A**

### **1 The Licensing Objectives**

- 1.1 Teignbridge District Council as ('this licensing authority') has a duty under the Gambling Act 2005 ('the Act') to carry out its licensing functions in a manner which is consistent with the three licensing objectives, which are:
  - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
  - ensuring that gambling is conducted in a fair and open way, and
  - protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 This Licensing Authority particularly notes the Gambling Commission's latest Guidance to Local Authorities (April 2021) from now on referred to as 'the Guidance'.

### **2 Introduction**

- 2.1 This Statement of Licensing Principles is written pursuant to the provisions of the Act and the Guidance issued under s.25 of the Act by the Gambling Commission.
- 2.2 The Statement takes effect on 31 January 2022.
- 2.3 The Act gives licensing authorities a number of important regulatory functions. The main functions are:-
  - licence premises for gambling activities;
  - consider notices given for the temporary use of premises for gambling;
  - grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
  - regulate gaming and gaming machines in alcohol licensed premises;
  - grant permits to family entertainment centres for the use of certain lower stake gaming machines;
  - grant permits for prize gaming;
  - consider occasional use notices for betting at tracks; and
  - register for small societies' lotteries.

### 3 The Geographical Area



- 3.1 This licensing authority is about 260 square miles (67 hectares) in area and includes part of Dartmoor National Park (98 square miles).
- 3.2 This licensing authority is an area between Torquay and Exeter, the eastern park of Dartmoor and a rural area to the south and west of Exeter. The coastline includes the Teign and Exe Estuaries, four of our beaches meet the European bathing water standards and hold Blue Flag or Seaside Awards.
- 3.3 This licensing authority has over 20 countryside parks and nature reserves, including a National Nature Reserve at Dawlish Warren, several Local Nature Reserves and many smaller open spaces for general recreation, family attractions, historic towns, delightful villages and the beauty of Dartmoor.
- 3.4 Nearby are city facilities of Exeter and Plymouth. With the delightful coast and countryside it makes this licensing authority a highly desirable area to live in.
- 3.5 The residential population of this licensing authority, as measured in the 2011, was 129,373. There are just over 58,626 households and just over 5,000 businesses in this licensing authority. Over 42.4% of the population living within the Dartmoor National Park live in this licensing authority area.
- 3.6 The cultural aims are ‘to continue to develop and protect a vibrant, vital and sustainable culture for this licensing authority that recognises and promotes the district’s uniqueness’.
- 3.7 The corporate aims are to ‘make the district of this licensing authority a better place to be for all its inhabitants and visitors’.

## **Local Area Profiles**

- 3.8 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a ‘Local Area Profile’. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that this Licensing Authority will apply when granting licenses. By adopting the Local Area Profile it is likely to assist operators in identifying specific local risks within the District.
- 3.9 The creation of this Local Area Profile, however, is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations that have the expertise and knowledge of the impact gambling has in the local area. Where evidence is submitted to this Licensing Authority which identifies the areas of concern it is intended to produce a Local Area Profile separate to this Policy.

## **4 Review of Statement of Principles**

- 4.1 Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 4.2 The Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police;
  - One or more persons who appear to this licensing authority to represent the interests of persons carrying on gambling businesses in the this licensing authority’s area;
  - One or more persons who appear to this licensing authority to represent the interests of persons who are likely to be affected by the exercise of this licensing authority’s functions under the Act.
- 4.3 List of persons this licensing authority consulted:
- Citizen’s Advice Bureau
  - South Devon & Dartmoor Community Safety Partnership
  - Devon and Cornwall Constabulary
  - Devon and Somerset Fire and Rescue Service
  - Environmental Health
  - British Amusement Catering Trade Association (BACTA)
  - Association of British Bookmakers
  - Gamblers Anonymous
  - Gambling Commission
  - Gamcare
  - Local businesses and their representatives
  - Local faith groups
  - Local residents and their representatives
  - Mencap
  - NSPCC
  - NHS Northern Eastern and Western Devon Clinical Commissioning Group
  - Representatives of existing licence-holders
- 4.4 Proper weight will be given to the views of all those who are consulted prior to the date of implementation of the Statement of Principles.

Our consultation took place between 13 August 2021 and 8 October 2021 and we followed the Cabinet Office, [Consultation Principles:](#) (published March 2018)

Should you have comments regarding this Statement of Licensing Principles please write to the above address at the front of this document or email [licensing@teignbridge.gov.uk](mailto:licensing@teignbridge.gov.uk)

The final Statement of Principles is proposed to be approved at a meeting of the Full Council on 30 November 2021 and will be published via our website on 3 January 2022. Copies will be placed in the public libraries of the area as well as being available for viewing at Teignbridge District Council, Forde House, Brunel Road, Newton Abbot, TQ12 4XX.

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

## 5 Declaration

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

## 6 The Overriding Principle

- 6.1 In exercising its functions under the Act, this licensing authority will aim to permit the use of premises for gambling;
- in accordance with the Act & associated legislation;
  - in accordance with any relevant Code Of Practice issued by the Gambling Commission under section 24 of the Act;
  - having regard to the relevant Guidance issued by the Gambling Commission under section 25 of the Act;
  - as is reasonably consistent with the licensing objectives; and
  - have regard to this Statement of Principles under section 349 of the Act.
- 6.2 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. 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. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

Safeguarding – 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. More information can be found at Appendix B.

- 6.3 Each case will be considered on its merits.

- 6.4 The overriding principle does not, however, apply if this licensing authority resolves not to issue casino premises licences.

## 7 Responsible Authorities

- 7.1 Responsible authorities are those public bodies, as specified by the Act, which must be notified of applications for premises licence. Such bodies are entitled to make representations to this licensing authority in relation to the applications. The [Responsible Authorities](#) are detailed on our website.
- 7.2 This licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise this licensing authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of this licensing authority's area; and

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 7.3 In accordance with the suggestion in the Guidance this licensing authority designates the Area Child Protection Committee for this purpose.

## **8 Interested Parties**

- 8.1 Section 158 of the Act defines interested parties. To accept a representation from an interested party, the authority must take the view that the person:
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - b) has business interests that might be affected by the authorised activities, or
  - c) represents persons who satisfy paragraph (a) or (b)"
- 8.2 This licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:
- 8.3 Each case will be decided upon its merits. This licensing authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the [Guidance](#).
- 8.4 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 and Regulatory Sub-Committee. If there are any doubts then please contact the Licensing Team who may be contacted on details at the beginning of this document.

## **9 Exchange of Information**

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

- 9.1 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the General Data Protection Regulation will not be contravened. This licensing authority will also have regard to the Guidance issued by the Gambling Commission to licensing authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

## **10 Enforcement**

- 10.1 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licenses and other permissions which it authorises.
- 10.2 The Gambling Commission is the enforcement body for operating and personal licenses and it is also worth noting that concerns about manufacture, supply or repair of gaming machines and online gambling are not dealt with by this licensing authority but should be notified to the Gambling Commission.
- 10.3 When interpreting legislation and determining necessary enforcement action this Licensing Authority will be guided by the Guidance and its Code of Practice, the Regulators Code and its own Enforcement Policy and any Primary Authority partnership that may be in place.
- 10.4 Whilst this authority has not currently adopted any primary authority agreements with the 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.

- 10.5 As per the Guidance this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 10.6 In order to ensure that any compliance issues are recognized and resolved at the earliest opportunity, operators are requested to give this licensing authority a single named point of contact, who should be a senior individual, and whom this licensing authority will contact should any compliance queries or issues arise.
- 10.7 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 seeing to resolve or address issues the general expectation of the authority is that operators promptly work alongside this 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.
- 10.8 In undertaking any enforcement action this Authority will endeavour 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; and
  - Targeted: regulation should be focused on the problem, and minimise side effects.
- 10.9 This licensing authority uses standard templates when carrying out our compliance inspections. The link to enable you to view these [templates](#).

## **11 This Licensing Authority's functions**

- 11.1 The Authority are required under the Act to undertake various regulatory functions in relation to a number of activities, they are issuing premises licenses for:
  - Casino premises
  - Bingo premises
  - Betting premises including tracks
  - Adult Gaming Centres (AGC); and
  - Family Entertainment Centres (FEC)
- 11.2 The Authority may also grant other forms of authorisation:
  - Temporary Use of Premises (TUN)
  - Occasional Use Notices (OUN)
  - Notifications from alcohol licensed premises – less than two machines
  - Permits for Gaming Machines on Alcohol Licensed Premises – more than two machines
  - Permits for Unlicensed Family Entertainment Centres (uFEC)
  - Permits for Prize Gaming
  - Permits for Club Gaming Machines and
  - Permits for Club Gaming
- 11.3 The Authority is also required to:
  - Register Small Society Lotteries
  - Maintain registers of the licenses and permits that are issued
  - Provide information to the Gambling Commission regarding details of licenses issued

11.4 It should be noted that licensing authorities are not involved in licensing remote gambling, this is regulated by the Gambling Commission.

## 12 The Licensing Process

- 12.1 A Licensing Committee, a Sub-Committee, or the Licensing Manager acting under delegated authority may carry out the powers of this licensing authority under the Act.
- 12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are carried out by licensing officers.
- 12.3 This licensing authority will ensure that all Licensing Officers and Members of the Licensing Committee have received adequate training for their role under the Act.
- 12.4 Where admissible and relevant representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Sub-Committee will be convened to hear the matter.
- 12.5 Applicants for premises licences are required to copy their applications in full to the [responsible authorities](#) as listed on the website.
- 12.6 Delegated functions permitted under the Act are set out in Appendix A.

## 13 Local Risk Assessments

- 13.1 As of 6 April 2016 it is a requirement that licensees must comply with the Gambling Commission's Social Responsibility Code, it requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, licensees should take into account any relevant matters identified in this policy statement.
- 13.2 Licensees are required to undertake local risk assessment when applying for a new or transfer of a premises licence. Their risk assessment will also need to be updated and supplied as part of any application:
  - When applying for a variation of a premises licence.
  - To take account of significant changes in local circumstances, including those identified in this policy.
  - When there are significant changes at a licensee's premise that may affect the level of risk or the mitigation of those risks, to include any changes to the interior layout of the premises.
  - To expect that local risk assessments will be kept available at a licensee's premises and being readily available for inspection by licensing authorities
  - Where premises consist of an uFEC and AGC that the local risk assessment is to be completed for the whole premises.
- 13.3 The Code of practice provision is supplemented by an Ordinary Code that will require licensees to share their risk assessments with this licensing authority when applying for a premises licence or applying for a variation to existing licensed premises.
- 13.4 The risk assessment must be reviewed annually, kept on the premises to which it relates and be available for inspection by an authorised officer of this licensing authority or Gambling Commission.
- 13.5 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, this 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.

- 13.6 In some circumstances it may be appropriate for this licensing authority to offer a licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.
- 13.7 The code of practice requires the licensing authority to set out matters they expect the operator to take account of in the risk assessment in its statement of principles 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
  - Arrangement for localised exchange of information regarding self-exclusions and gaming trends
  - Gaming trends that may mirror days for financial payments such as pay days or benefit payments
  - Proximity to schools, commercial environment or other factors affecting footfall
  - 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.
  - Potential for money laundering
  - Proximity of machines to the entrance door
  - Assessing staffing levels to cover peak periods, eg summer season, college closures.

Matters relating to children and young persons including:

- Institutions, places or areas where presence of children and young person should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues
- Any premises where children congregate including bus stops, cafes, 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
- 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, doctors surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

Other issues that may be considered could include:

- Proximity of premises which may be frequented by large numbers of people including sports stadiums, leisure centres, places of workshop
- Matters of faith, including all religious or faith denominations including proximity of 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.

## **Part B - Premises Licences: Consideration of Applications**

### **1 General Principles**

- 1.1 Premises Licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 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 this licensing authority's Statement of Licensing Principles.
- 1.3 It is appreciated that as per the Guidance "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for this licensing authority. Meaning of "premises"

Section 353 in the Act, interprets "premises" includes any place, in particular (a) a vessel and (b) a vehicle Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

- 1.4 This licensing authority takes particular note of Part 7 of the [Guidance](#), which sets out multiple activity premises – layout and access.

This licensing authority will consider all relevant factors when making its decision, depending on all the circumstances of the case.

As a minimum this authority expects to see adequate separation between premises either by means of screening, walls or by any other means where people can go other than for purposes of gambling.

The Guidance also sets out provisions for access to premises provisions for each premises type. This licensing authority will also take this into account in its decision-making.

### **1.5 Access to premises**

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, this licensing authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.

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."

This 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 said to be unlicensed on any plans provided or provides non-gambling facilities, for example refreshments or ATMs.

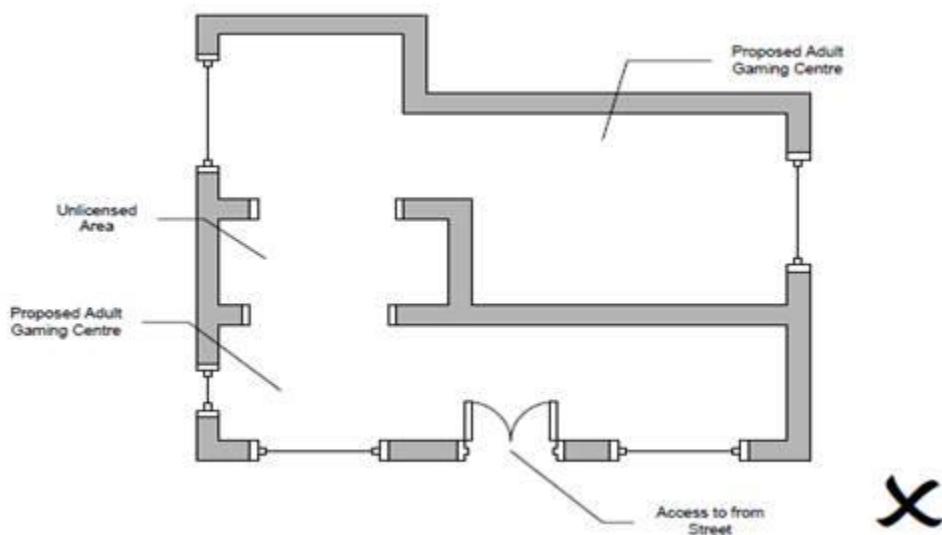
Where this licensing authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, this licensing authority will expect applicants to ensure that:

- 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,
- 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 be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

This is not an exhaustive list and this licensing authority will consider other aspects based on the merits of the application.

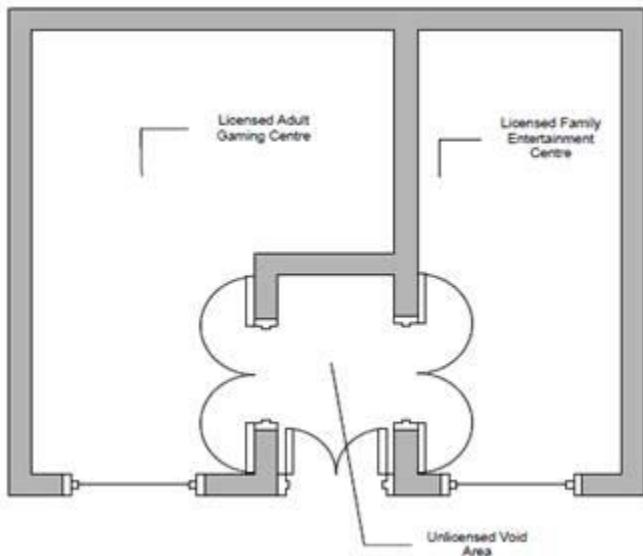
Applications to place two licensed premises in one premises with an unlicensed area separating them, see Figure 1, will not meet this Policy because of the artificial nature of the premises, access, and likely use issues which will arise.

Figure 1



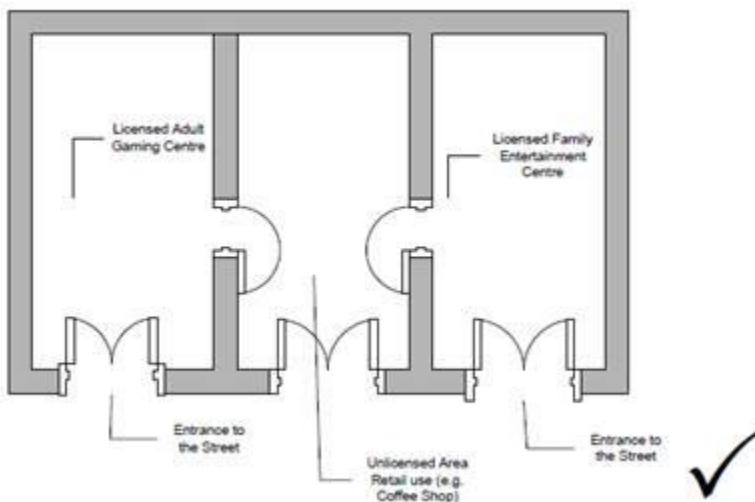
It is possible to have an unlicensed foyer area which separates one licensed premises from another if the foyer is accessed from the street. See Figure 2. This Licensing Authority would expect as a minimum that the area should be used for non-gaming purposes such as an information point, a coffee shop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

Figure 2



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 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



The provisions of this revised statement of principles 2019 come into force on 31 January 2019. From this date 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.

#### 1.6 Premises “ready for gambling”

Part 7 of the [Guidance](#) also sets out the circumstances in which a licence can be granted.

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.

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

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

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

## **1.7 Location**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Guidance, this licensing authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits. The onus is upon the applicant to show how potential concerns can be overcome. This licensing authority does expect that issues in respect of a premises location are addressed in the local risk assessment.

## **1.8 Planning:**

Part 7 of the Guidance sets out all relevant matters that need to be considered and which have to relate to the licensing objectives.

Section 210 of the Act deals with planning permission.

## **1.9 Duplication with other regulatory regimes**

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible. 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.

## **1.10 Licensing objectives**

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Guidance and some comments are made below.

### **1.11 Objective 1 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

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

The requirement for conditions might be determined by the operators own risk assessment.

This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it and nuisance is an activity that is more serious and disruptive than mere nuisance), so as to make that distinction.

## **1.12 Objective 2 - Ensuring that gambling is conducted in a fair and open way**

This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. This does not preclude this as being part of any premises inspections. There is, however, more of a role with regarding to tracks which is explained in more detail in the 'tracks' section see section 7 below.

## **1.13 Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling**

This licensing authority has noted the guidance which states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). This licensing authority shall therefore consider, as suggested in the guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commissions Code of Practice as regards this licensing objective, in relation to specific premises.

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.

Part 7 and Part 22 of the Guidance sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Code 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.

This licensing authority 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.

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. This licensing authority will take all conditions and codes into account when considering applications or performing enforcement activities.

Appendix B – Safeguarding – 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.

## 1.14 Conditions

Gambling Premises Licenses are subject to a series of mandatory and default conditions. Mandatory conditions made under Section 167 of the Act must be attached to premises licenses and default conditions made under Section 168 of the Act are attached unless this 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 the licenses will be considered by way of a Licensing Sub-Committee. Conditions will be proportionate and:-

- 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.

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

1.16 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Guidance.

1.17 This licensing authority will also ensure that where category C or above machines are on offer in the premises to which children are admitted:

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

These considerations will apply to premises including buildings where multiple premises licences are applicable for example, premises on holiday parks.

1.18 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 Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.19 It is noted that there are conditions which this 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 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

## 1.20 Door Supervisors

The Gambling Commission advises in the Guidance that if this licensing authority has evidence that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

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 (Part 33 of the guidance refers).

## 1.21 Plans

The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 (as amended) states that a plan must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

Unless otherwise agreed with this licensing authority, the plan should be at a scale of 1:100 of the premises for which the application / permit is sought.

In addition where the application is for a:

Bingo premises in respect of premises to which children or young persons will be permitted to have access, the plan must show—

- (a) the location and extent of any part of the premises which will be used to provide facilities for gaming in reliance on the licence (other than those parts which include Category B or C gaming machines);
- (b) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence;
- (c) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.

Adult gaming centre premises licence, the plan must show the location and extent of any part of the premises in which gaming machines will be made available for use in reliance on the licence.

Family entertainment centre premises licence, the plan must show—

- (a) the location and extent of any part of the premises in which Category C gaming machines will be made available for use in reliance on the licence;
- (b) the location and extent of any part of the premises in which Category D gaming machines will be made available for use in reliance on the licence; and
- (c) the nature and location of any barrier or other thing separating any part of the premises in which Category C gaming machines will be made available for use from any other part of the premises.

Betting premises licence, other than in respect of a track, the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence. In addition this licensing authority would also require the position of

- (a) gaming machines
- (b) self-service betting terminals; and

(c) counters

Betting premises licence in respect of a track, the plan must show—

- (a) the location and extent of any part of the premises which is a five times rule betting area;
- (b) the location and extent of any other parts of the premises which will be used for providing facilities for betting in reliance on the licence;
- (c) the location and extent of any part of the premises in which Category B or C gaming machines will be made available for use in reliance on the licence;
- (d) the nature and location of any barrier or other thing separating any part of the premises in which Category B or C gaming machines will be made available for use from any other part of the premises.

Unlicensed Family Entertainment Centre permits

- (a) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
- (b) where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes)
- (c) the positioning and types of any other amusement machines on the premises
- (d) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
- (e) the location of any ATM/cash machines or change machines
- (f) the location of any fixed or temporary structures such as columns or pillars
- (g) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- (h) the location of any public toilets in the building

Prize Gaming permits

- (a) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
- (b) where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
- (c) the positioning and types of any other amusement machines on the premises
- (d) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
- (e) the location of any ATM/cash machines or change machines
- (f) the location of any fixed or temporary structures such as columns or pillars
- (g) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises the location of any public toilets in the building

## 2 Adult Gaming Centres

2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy this licensing authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. This Authority will expect applicants to offer their own measures to meet the licensing objectives, appropriate measures / licence conditions may cover issues such as:

- No direct access from any other licensed gambling premises or one with a permit (such as a uFEC)
- CCTV
- Door supervisors
- Location of entry
- Notices / signage
- Physical separation of areas (an expectation for barriers to be tangible and evident)
- Proof of age schemes
- Provision information leaflets helpline numbers for organisations such as GamCare.
- Self –exclusion schemes
- Specific opening hours

- Supervision of entrances / machine areas

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

- 2.2 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,. This licensing authority reserves the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

Additional factors to be taken into consideration will include to following:

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

- 2.3 This licensing authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to adult gaming centre applications in any decision-making.

- 2.4 This licensing authority accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect of such applications.

### **3 (Licensed) Family Entertainment Centres**

- 3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy this licensing authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

- 3.2 This licensing authority may consider measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Door supervisors
- Location of entry
- Measures / training for staff on how to deal with suspected truant school children on the premises
- Notices / signage
- Physical separation of areas (an expectation for barriers to be tangible and evident)
- Proof of age schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- self-exclusion schemes
- Specific opening hours
- Supervision of entrances / machine areas

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

- 3.3 This licensing authority will, as per the Guidance, refer to the Commission's website 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 will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

- 3.4 This licensing authority recommends applicants consider the adoption of BACTA's voluntary Code of Social Responsibility and Good Practice in respect to Adult Gaming Centres and Family Entertainment Centres.

## **4 Casinos**

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

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 This licensing authority notes in Part 18 of the Guidance **it** states:

*‘Licensing authorities 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, licensing authorities need to consider whether bingo can be played at each of those new premises.’*

*‘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. Social Responsibility code states that ‘licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises’ in order to prevent underage gambling.’*

*Under 9.1.2 of the Local Conditions and Code of Practice - Licensees must ensure that the function along with the internal and/or external presentation 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.*

- 5.2 This licensing authority may consider measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Door supervisors
- Location of entry
- Measures / training for staff on how to deal with suspected truant school children on the premises
- Notices / signage
- Physical separation of areas (an expectation for barriers to be tangible and evident)
- Proof of age schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- self-exclusion schemes
- Specific opening hours
- Supervision of entrances / machine areas
- Must display notices at each entrance stating that ‘No one under 18 may play bingo on this premises’

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

- 5.3 Section 172(7) of the Act, as amended, and Part 18 of the [guidance](#) provides information on the gaming machines in relation to the total number and category of machine allowed on bingo premises.

The guidance also makes it quite clear that – ‘*The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.*

## 6 Betting premises

### 6.1 Betting machines

This licensing authority will take into account the size, design and layout of betting premises (or any other premises including tracks). It will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, that staff have the ability to properly 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.

Factors to be taken into consideration will include the following:

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

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

This licensing authority will require a full premises licence variation application where a substantial or significant variation to the premises occurs, this includes the sighting or placement of privacy screens and/or booths of any kind around any machines.

## 7 Tracks

### 7.1

Section 353 of the Act defines a track and Part 20 of the guidance provides information in relation to Tracks. This licensing authority currently has two licensed tracks.

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

### 7.2

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

### 7.3

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

- CCTV
- Location of entry
- Notices / signage
- Physical separation of areas (an expectation for barriers to be tangible and evident)
- Proof of age schemes

- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Self-exclusion schemes
- Specific opening hours
- Supervision of entrances / machine areas

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

#### **7.4 Gaming machines**

The guidance refers to the entitlement of 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.

Tracks can also hold a premises licence under the Licensing Act 2003 to enable alcohol to be made available, this will automatically entitle to gaming machines of category C or D under Section 282 of the Licensing Act. This permission is activated by notifying this licensing authority and paying the required fee. If a track premises licence holder has both a premise licence under the Licensing Act and a pool betting operator licence, then they will be entitled to a total of six gaming machines.

Applicants are advised to consult the Guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them.

#### **7.5 Self Service Betting Terminals (SSBTs)**

Section 235(2)(c) of the Act makes it clear that this licensing authority will, take into account the size of the premises and the ability of staff to prevent the use of the machines by children and young persons or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

On tracks where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines, this licensing authority will generally consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.

#### **7.6 Applications and plans**

**Section 151** of the Act requires applicants to submit plans of the premises with their application, in order to ensure that this licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for this licensing authority to plan future premises inspection activity Part 20 of the guidance also refers. Please see Part B section 1.22 of this statement of principles for further plan information.

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

### **8 Vessels**

#### **8.1** Section 353 of the Act defines a vessel.

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

Premises licenses for vessels will be accepted by this licensing authority only in relation to vessels that are usually moored or berthed within the district of Teignbridge.

## **9 Travelling Fairs**

- 9.1 This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 9.2 This licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 9.3 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 will 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 Section 204 of the Act provides for a person to make an application to this licensing authority for a provisional statement in respect of premises that he or she:
  - expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.Part 11 of the guidance also refers.
- 10.2 Developers may wish to apply to this licensing authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 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. This licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
  - they concern matters which could not have been addressed at the provisional statement stage, or
  - they reflect a change in the applicant's circumstances.

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

- which could not have been raised by objectors at the provisional statement stage;
- which in this licensing authority's opinion reflect a change in the operator's circumstances; or

- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.
- 10.6 Once an operator has completed a building, this licensing authority will be able to consider a premises licence application for it. Requiring the building to be complete ensures that the authority can inspect it fully, as can other responsible Authorities with inspection rights under Part 15 of the Act. Inspection will allow Authorities to check that gambling facilities comply with all necessary legal requirements, for example, that Category C and D machines in a licensed family entertainment centre are situated so that people under 18 do not have access to the category C machines. The physical location of the machines will be an important part of this, and inspection will allow the authority to check that the layout complies with the operator's proposals and the legal requirements.

## 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 this licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant code of practice issued by the Gambling Commission (LCCP);
  - in accordance with any relevant Guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with this licensing authority's Statement of Principles.
- 11.2 The request for the review will also be subject to the consideration by this licensing authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this licensing authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 11.3 This licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 11.4 Once a valid application for a review has been received by this licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by this licensing authority, who will publish notice of the application within 7 days of receipt.
- 11.5 This 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 this licensing authority should take any action in relation to the licence. If action is justified, the options open to this licensing authority are:-  
(a) add, remove or amend a licence condition imposed by this licensing authority;  
(b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;  
(c) suspend the premises licence for a period not exceeding three months; and  
(d) revoke the premises licence.
- 11.7 In determining what action, if any, should be taken following a review, this licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 11.8 In particular, this licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 11.9 Once the review has been completed, this licensing authority must, as soon as possible, notify its decision to:  
- the licence holder

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

## **PART C**

### **Permits / Temporary & Occasional Use Notice**

#### **1. Unlicensed Family Entertainment Centre (uFEC)**

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to this licensing authority for this permit. Section 238 of the Act defines the term ‘unlicensed family entertainment centre’ (uFECs) 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.

Safeguarding – 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. More information can be found at Appendix B.

- 1.2 uFECs will be most commonly located at seaside resorts, in airports and at motorway style service centres, and will cater for families, including unaccompanied children and young persons.
- 1.3 This licensing authority will only grant a uFEC gaming machine permit to areas which are ‘wholly or mainly for making gaming machines available for use.’ (Section 238 of The Act). This means that an uFEC permit cannot be issued for an entire complex such as a shopping centre, leisure centre or motorways service area.
- 1.4 When determining a permit, this Licensing Authority will have regard to Part 24 of the Guidance and, although not required to, will have regard to the three Licensing Objectives.
- 1.5 As these premises particularly appeal to children and young persons, this licensing authority will give weight to child protection issues and this licensing authority will expect applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in uFEC;
  - That staff are trained to have a full understanding of the maximum stakes and prizes
  - That staff are trained in relation to Safeguarding see Appendix B for more information.
  - A disclosure and barring check dated within one calendar month of the date of the application being submitted to the Authority, showing that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).
- 1.6 In line with the Act, while this licensing authority cannot attach conditions to this type of permit, this licensing authority can refuse applications if they are not satisfied that the issues raised in this Statement of Principles have been addressed through the application.
- 1.7 Within this process this licensing authority will aim to grant the permit where the applicant is able to demonstrate that:
- they are a fit and proper person to hold the permit
  - they have considered and are proposing suitable measures to promote the licensing objectives, and
  - they have a legal right to occupy the premises to which the permit is sought.
- 1.8 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 of the premises will be required to produce a disclosure and barring check dated within one calendar month of the date of the application being submitted to this licensing authority.

- 1.9 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 disclosure and barring check dated within one calendar month of the appointment date.
- 1.10 As these premises are open to children and young persons, this licensing authority will require additional information when an applicant applies for this permit as follows:
- proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
  - proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
  - the result of a disclosure and barring disclosure (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)
  - In the case of applications for an uFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission
  - Please see Part B section 1.22 – plans for what this licensing authority would expect to see on the plans.
- 1.11 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, please see Appendix B. This licensing authority will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:
- maintain contact details for any local schools and or the education authority so that any truant children can be reported
  - employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
  - employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
  - maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
  - display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets
  - maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.)
  - ensure all young children are accompanied by a responsible adult.
  - Maintain policies to deal with any young children who enter the premises unaccompanied
  - The provision of satisfactory basic disclosure checks 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.
- 1.12 This licensing authority encourages applicants for uFECs to consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.
- 1.13 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. The Authority will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:
- display Gamcare helpline stickers on all gaming machines

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

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

1.14 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.

1.15 This Statement of Principles applies to initial applications only and not to renewals. With regard to renewals, this licensing authority may refuse an application for renewal of a uFEC 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, for example, where the premises are no longer an uFEC or have significantly changed from that originally subject of the permit

1.16 Where an applicant fails to comply with the above requirements, this licensing authority may refuse the application. Where there is such a refusal, this 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.

1.17 Where the uFEC has been granted this Licensing Authority will issue the uFEC as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The uFEC will then remain in effect for 10 years unless surrendered or lapsed.

1.18 Applications for uFECs will be available on this licensing authority's web site or by contacting Licensing Services.

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

### **2.1 Automatic Entitlement for two machines**

There is provision in the Act for a 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 this licensing authority. This licensing authority can remove the automatic authorisation in respect of any 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 Act (i.e. that written notice has been provided to this 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 Act has been committed on the premises

This licensing authority will use its discretion to remove permits where appropriate taking into account individual circumstances.

The premises must comply with [Gambling Commission code of practice for gaming machines in clubs and premises with an alcohol licence](#).

All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

## **2.2 Permit - three or more machines**

If a premises wishes to have more than 2 machines, then it needs to apply for a gaming machine permit. This licensing authority must consider that application based upon the licensing objectives, Section 283 of the Act, Schedule 12 of the Guidance and other such matters as the Authority think relevant. This licensing authority considers that "such matters" will be decided on a case-by-case basis. However generally there will be regard to:

- The adult machines being sited close to the bar;
- The adult machines being sited where staff can monitor them;
- Appropriate notices and signage;
- Provision of information leaflets / help line numbers for organisations such as GamCare
- Sufficient measures to ensure that under 18's do not have access to the category C machines.

**2.3** It should be noted that this 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.

**2.4** 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.

**2.5** Applicants should be aware that only those premises which have a 'bar' (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food will not qualify for two machines.

**2.6** The premises must comply with [Gambling Commission code of practice for gaming machines in clubs and premises with an alcohol licence](#).

## **Gaming in alcohol-licensed premises**

This licensing authority recognises that low level gaming may take place in alcohol- licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. Gaming in alcohol-licensed premises should therefore be supervised by a nominated gaming supervisor, i.e. the Designated Premises Supervisor and all gaming should comply with the Code of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the applicant must be aware of and adopt these Code of Practice and any subsequent guidance issued by the Gambling Commission and to ensure that all gaming in such premises is suitably managed.

### **3 Prize Gaming Permits – (Schedule 14 Para 8 (3))**

3.1 Section 288 of the Act defines prize gaming and Part 27 of the guidance provides further information. The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the authority propose to consider in determining the suitability of the applicant for a permit”.

#### **3.2 Statement of Principles**

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

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

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

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

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

3.2.4 In making its decision on an application for a prize gaming permit this licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to the [guidance](#).

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

#### **3.3 Prize gaming permits**

3.3.1 Section 289 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The operator will determine the prizes before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed.

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

3.3.3 Applicants should be aware of the conditions in the Act with which prize gaming permit holders must comply. The conditions in the Act are:

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

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

### **3.4 Supporting documents**

3.4.1 This licensing authority will require the following supporting documents to be served with all prize gaming permit applications:

- proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
  - proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
  - the result of a basic disclosure (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 website
- Please see Part B section 1.22 – plans for what this licensing authority would expect to see on the plans.

3.4.2 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 of the premises will be required to produce a disclosure and barring check dated within one calendar month of the date of the application being submitted to this licensing authority.

3.4.3 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 disclosure and barring check dated within one calendar month of the appointment date.

3.4.4 Where this licensing authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse, stating the reasons and offering the applicant an opportunity to make representations orally or in writing or both.

3.4.5 Where an application is granted this licensing authority will issue it as soon as is reasonably practicable.

### **3.5 Child protection issues**

3.5.1 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, please see Appendix B. This licensing authority will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

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

- The provision of satisfactory basic disclosure checks 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.

### **3.6 Protection of Vulnerable Persons Issues**

3.6.1 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in this statement of principles to familiarise themselves with who this licensing authority considers vulnerable. This licensing authority will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- display Gamcare helpline stickers on all gaming machines
- display Gamcare posters in prominent locations on the premises
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, 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.

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.

### **3.7 Other miscellaneous issues**

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

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

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

## **4 Club Gaming and Club Machines Permits**

4.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine permit. The Club Gaming Permit will enable the premises to provide gaming machines.

A Commercial club is established as a commercial enterprise such as snooker clubs run on a profit basis and differs from a members club that is conducted for the benefit of its members. Commercial clubs may only apply for Club Machine permits.

Each type of permit allows the provision of different types of gaming. The current limits can be found by visiting the [Gambling Commissions](#) website.

4.2 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 not allow a candidate, any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission it must be permanent in nature
- it must not be established to make a commercial profit
- it must be controlled by its members equally.

Examples including working mens clubs, branches of Royal British Legion and clubs with political affiliations.

- 4.3 Part 25 of the guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.
- 4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Guidance states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed by regulations under s.266 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."
- 4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 4.6 The Authority will need to satisfy itself that the club meets the requirements of the Act 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 is 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 clubs profits retained solely for the benefit of the clubs 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 interval of at least two days between their nomination or application for membership and their admission being adhered too.

- 4.7 When examining the clubs constitution the 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?
- 4.8 Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. This 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.

## 5 Temporary Use Notices (TUN)

- 5.1 TUNs 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.

This licensing authority can only grant a TUNs to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by TUNs, and at the time of writing this statement of principles the relevant regulations (SI No.3157) state that the TUNs 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.

There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", this licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises. These restrictions are:

- it can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both
- 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.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

## 6 Occasional Use Notices

- 6.1 This 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. Further information for [Occasional Use Notices](#) can be found on the Gambling Commission website.

## 7 Small Society Lotteries

- 7.1 This licensing authority has a legal responsibility to register and administer small society lotteries under Part 4 of Schedule 11 of the Act. Under the Act 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 Teignbridge District Council).

- 7.2 In order to be registered, this licensing authority will need to be satisfied that the society is established and conducted for:

- Charitable purposes
- The purpose of enabling participation in, or supporting, sport, athletics or a cultural activity
- Any other non-commercial purpose other than private gain.

- 7.3 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 lottery;
- Private society lottery;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

Advice regarding the definitions of the above exempt lotteries is available from [the Gambling Commission](#) website.

- 7.4 Applicants for small society lottery registrations must apply to this licensing authority in the area where their principal office is located. Where this licensing authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

- 7.5 This licensing authority may refuse an application for registration if in their opinion:

- The applicant is not a non-commercial society;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided in or with the application for registration is false or misleading.

## **8. Exemptions**

- 8.1 The Act makes provision for a number of forms of exempt gaming and betting. These will generally be low-level, low risk activities and in some cases (for example, poker in pubs and clubs), limits on stakes and prizes are prescribed in regulations.
- 8.2 Private Gaming (Schedule 15 of the Act)  
Gaming is private gaming when it is equal chance gaming, no charge is made for participation and the gaming is conducted entirely in private (for example, in premises to which the public does not have access).
- 8.3 Private Betting (Section 295 of the Act)  
There are two types of private betting: domestic betting (for example, betting in one's own home) and workers' betting (betting among persons who all work for the same employer).
- 8.4 Non-commercial gaming (Section 297-301 of the Act)  
Non-commercial gaming may be carried out without an authorisation subject to the following conditions:
- All players must be informed that the purpose of the gaming is to raise money for a purpose other than private gain
  - Profits from the gaming must be applied for a purpose other than private gain
  - The event must not take place in a premises which has a premises licence or is being used under a TUN
  - The gaming must not be remote gambling.
- 8.5 Alcohol licensed premises (Section 279-284 of the Act)  
The Act contains provisions which allow alcohol licensed premises (pubs, clubs) to provide certain forms of gaming without the requirement for a licence/permit.
- 8.6 Bingo (Section 275 and 281 of the Act)  
Pubs and clubs are permitted to conduct low turnover bingo. To qualify as low turnover bingo, the total value of stakes and prizes must not exceed £2,000 in any period of seven days. Above this limit, bingo becomes high turnover bingo and requires an operating licence from the Gambling Commission plus a premises licence from this licensing authority.
- 8.7 Gaming (Section 279 and 280 of the Act)  
These sections allow gaming facilities to be provided in pubs and clubs subject to certain conditions:
- Facilities must be for equal chance gaming only (eg poker)
  - Stakes and prizes must not exceed any limits set by regulations
  - No amount may be deducted from amounts staked or won
  - No fees may be charged to participate
  - Gaming must not take place on more than one set of premises; and
  - Children under 18 must not participate.
- 8.8 Generally, this licensing authority will not become involved in these types of gambling unless the exempt provisions are contravened for example, if any of the limits on stakes and/or prizes are exceeded. This may change in the future following the Gambling Review.

**Administration, Exercise and Delegation**

Recommended delegation functions permitted under the Act.

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

Matter to be dealt with	Full Council	Sub-committee of Licensing and Regulatory Committee	Licensing Manager
Three year licensing 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/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		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	

### **Child Sexual Exploitation and Trafficking Of Children and Young People**

This licensing authority is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly 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 Devon and Cornwall Police and Devon Safeguarding Children 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 Board. (Tel: 0345 155 1071).

Information may be shared in confidence with Devon and Cornwall Police (by telephone: 101 or email: [101@dc.police.uk](mailto:101@dc.police.uk)) and Devon Safeguarding Children Partnership (by telephone: 0345 155 1071 or emergency out of hours 0345 600 0388).

## GLOSSARY

<a href="#"><b>Authorised Person</b></a>	Gambling Act Part 15 Section 304 defines.
<a href="#"><b>BACTA</b></a>	British Amusement Catering Trade Association
<a href="#"><b>Betting</b></a>	Gambling Act Part 1 Section 9 defines Gambling Act Section 181 defines <a href="#"><b>Betting Machines</b></a> Guidance Parts 19 and 20. Gambling Act Part 1 Section 13 defines <a href="#"><b>Betting Intermediary</b></a>
<a href="#"><b>Betting - Tracks</b></a>	Gambling Act Section 353 defines Guidance Part 20 refers to on-course betting, off-course betting, betting on event and non-event days <a href="#"><b>Pool Betting – Tracks</b></a>
<a href="#"><b>Bingo</b></a>	Guidance Part 18 refers
<a href="#"><b>Child</b></a>	Gambling Act Section 45(1) defines a child as an individual who is less than 16 years old.
<a href="#"><b>Christmas Day Period</b></a>	Section 183 of the Gambling Act 2005 the premises shall not be used to provide facilities for gambling on Christmas Day.
<a href="#"><b>Conditions</b> (Default and Mandatory)</a>	Gambling Act 167 to 169 defines Guidance Part 9 refers
<a href="#"><b>Delegation of Licensing Authority Functions</b></a>	Gambling Act Section 154 defines Guidance Part 4 Section 3 refers.
<a href="#"><b>Equal Chance Gaming</b></a>	Gambling Act Section 8 defines.
<a href="#"><b>Exchange of Information</b></a>	Gambling Act Section 350 and Part 1 of Schedule 6 defines
<a href="#"><b>Gambling Act – Interpretations</b></a>	Gambling Act Part 18 Section 353 defines
<a href="#"><b>Gaming Machine</b></a>	Gambling Act Part 10 defines Guidance Part 16 refers
<a href="#"><b>Guidance to Licensing Authorities</b></a>	Gambling Act Part 2 Section 25 defines Guidance Part 1 refers.
<a href="#"><b>Human Rights Act 1998 Articles: 1, 6, 8 and 10</b></a>	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions Article 6: - the right to a fair hearing Article 8: - the right of respect for private and family life Article 10: - the right to freedom of expression
<a href="#"><b>Interested Party</b></a>	Gambling Act Section 158 defines Guidance Part 8 refers.
<a href="#"><b>Licensing Objectives - (Gambling Act 2005)</b></a>	Gambling Act Section 1 defines 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime; 2. Ensuring that gambling is conducted in a fair and open way; and 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
<a href="#"><b>Licensing Objectives - (Licensing Act 2003)</b></a>	Licensing Act 2003 Section 4(2) defines 1. Prevention of Crime and Disorder 2. Public Safety 3. Prevention of Public Nuisance 4. Protection of Children from Harm
<a href="#"><b>Live Gaming</b></a>	Gambling Act Part 1 Section 4 defines Guidance Part 5 Section 19.9 (In-play or in-running betting) refers

<u><a href="#">Local Conditions and Codes of Practice</a></u>	The Gambling Commission - set out the requirements all licensees must meet in order to hold a Gambling Commission licence.
<u><a href="#">Lotteries and their Regulations</a></u>	Gambling Act Section 14 and Part 11 defines Guidance Part 34 refers and includes all types of lotteries and their regulations, for example private society, work, residents, incidental, customer, small society, large and local authority.
<u><a href="#">Members Club</a></u>	Gambling Act Part 12 defines Guidance Part 25 refers
<u><a href="#">Occasional Use Notice</a></u>	Gambling Act Section 39 defines Guidance Part 15 refers
<u><a href="#">Operating Licences</a></u>	Gambling Act Part 5 defines Guidance Part 2 Section 2.4 to 2.6 refers
<u><a href="#">Permits</a></u> including additional information	Guidance Part 23 sets out various types of permits. <u><a href="#">Club Gaming and machine permits</a></u> <u><a href="#">Unlicensed Family Entertainment Centres</a></u> <u><a href="#">Pubs and Clubs</a></u> including Bingo
<u><a href="#">Personal Licence (PFL) or Personal Licence (PML)</a></u>	Gambling Act Part 6 defines Guidance Part 5 refers Personal Functional Licence Personal Management Licence
<u><a href="#">Premises Licence</a></u>	Gambling Act Part 8 defines Guidance Part 7 refers.
<u><a href="#">Prize Gaming and Prize Gaming Permits</a></u>	Gambling Act Section 288 and Schedule 14 defines Guidance Part 27 refers.
<u><a href="#">Provisional Statement</a></u>	Gambling Act Part 8 Section 204 and 205 defines Guidance Part 11 refers.
<u><a href="#">Representations</a></u>	Gambling Act Section 161 defines Guidance Part 7 Section 7.52 – 7.55 refers. SI 2007/173 refers.
<u><a href="#">Responsible Authorities</a></u>	Gambling Act Section 157 defines Guidance Part 8 refers
<u><a href="#">Rights of Appeal and Judicial Review</a></u>	Gambling Act Section 206 – Rights of Appeal defines Guidance Part 12 refers
<u><a href="#">Skills with Prizes</a></u>	Gambling Act Section 6 defines
<u><a href="#">Temporary Use Notice</a></u>	Gambling Act Part 9 defines Guidance Part 14 refers
<u><a href="#">Travelling Fair</a></u>	Gambling Act Part 12 Section 286 defines Guidance Part 30 refers
<u><a href="#">Vehicles and Vessels</a></u>	Gambling Act Part 8 Section 211 defines Guidance Section 32 refers
<u><a href="#">Vulnerable Persons</a></u>	Gambling Act does not set a definition Guidance Part 5 refers
<u><a href="#">Young Person</a></u>	Gambling Act 2005 Section 45(2) defines a child as an individual who is not a child but who is less than less than 18 years old.

## **References:**

[Gambling Act 2005](#)

[Guidance under Section 25 of the Act](#)

[.GOV.UK](#)

[Gambling Commission](#)

[BACTA](#)

### **Quick guides including:**

- [Poker in Clubs and in Pubs, Race, Casino and Poker Nights, Members Clubs or Commercial Club, equal chance gaming, plus more](#)
- [Lotteries and Prize competitions and free draws](#)
- [Gaming machines siting, skill with prize machines plus more](#)

[Licensing conditions and code of practice](#)

[Summary of machine provisions by premises](#)

[Summary of gaming machine categories and entitlements](#)

[Summary of gaming entitlements for clubs and alcohol-licensed premises](#)

[Summary of offences under the Gambling Act 2005](#)

[Summary of statutory applications forms and notices](#)

This page is intentionally left blank

**GAMBLING ACT 2005**  
**DRAFT STATEMENT OF PRINCIPLES**  
**REPRESENTATIONS RECEIVED AND PROPOSED AMENDMENT**

Made by	Representation	Proposed Amendment (if any)
Responsible Authority: HM Customs and Excise	REMOVE <a href="mailto:NRUBetting@Gaming@HMRC.gsi">NRUBetting@Gaming@HMRC.gsi</a> REPLACE WITH : <a href="mailto:NRUBetting&amp;Gaming@HMRC.gsi">NRUBetting&amp;Gaming@HMRC.gsi</a> HM Revenue and Customs Excise Processing Teams BX9 1GL	Agree to make amendment
Responsible Authority: Police	Page 4, item 4.3 REMOVE: Devon and Cornwall Constabulary REPLACE WITH: Devon and Cornwall Police	Agree to make amendment
Responsible Authority: Devon & Somerset Fire & Rescue	No comments	No action to be taken
Bovey Tracey Town Council	Page 5 – para. 2.2 date statement takes effect – Devon	No action to be taken - Made no sense, tried to contact by telephone but no response, emailed to date no response
Gosschalks, Solicitors on behalf of Betting and Gaming Council (BGC)	<p>Paragraph 13.7 (under the heading "Risk Assessments") gives a list of examples of matters that the licensing authority expects operators to take into account when making their risk assessment. This list should be redrafted to exclude matters that are not relevant to an assessment of risk to the licensing objectives.</p> <p>For example, "<i>Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc</i>" should be removed as none of these issues have any relevance to an assessment of risk to the licensing objectives.</p> <p>Similarly, "<i>gaming trends that may mirror days for financial payments such as pay days or reflect benefit payments</i>" should be removed unless it is the Licensing Authority's view that any person in receipt of benefits or paid employment is either vulnerable or their gambling is likely to be a source of crime and disorder, associated with crime or disorder or being used to support crime.</p>	<p>This was not an area, for consideration within the current statement of principles review. These amendments were requested on last review and were not approved to be amended.</p> <p>Therefore it is not recommended that there be any redraft of this paragraph 13.7 and the list of bullet points. The local risk assessment needs to recognise the socio-economic make-up of the area in which the premises is located. It is known that certain groups are more vulnerable to gambling harm.</p> <p>It is not the opinion that the comments are justified and as such the draft Statement of Principles will not be amended. The surrounding area of a premises and street drinkers who are potentially vulnerable persons are</p>

	<p>Finally, whilst it is accepted that buildings used for religious purposes may cater for people who may be vulnerable, “matters of faith” are certainly not relevant to an assessment of risk to the licensing objectives and should be removed from the list of bullet points.</p> <p>Paragraph 1.7 of Part B refers to a “policy” but does not refer to what this may be. This reference should be removed. We believe it remains after the previous sentence (which referred to a policy whereby areas may be designated as areas in which gambling premises should not be located) in an earlier draft was deleted.</p> <p>Paragraph 1.15 states, <i>“This licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.”</i> This is under the heading “Conditions.” This section should be amended in order that it is clear that where an applicant is suggesting its own ways of meeting the licensing objectives, this is an issue for the local area risk assessment rather than within the application itself. It is important to differentiate between Licensing Act 2003 applications (where there is the ability/mechanism to “suggest” conditions or where statements in an operating schedule can be “converted into” conditions) and Gambling Act 2005 applications where the process does not anticipate this. Within the risk assessment, an applicant will identify risks to the licensing objectives in the local area and outline in that document the policies, procedures and mitigation measures to be put in place to mitigate the identified risk.</p> <p>It is important that these policies and procedures are dealt with in the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document and (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures and mitigation measures to address those identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence</p>	<p>important factors in producing the risk assessment and appropriate mitigations.</p> <p>The Authority is aware that moral objections regarding gambling are not relevant. It is included in the draft Statement of Principles to allow licence holders when completing a risk assessment to consider all aspects including pay days and buildings around them and the people that may use those premises.</p> <p>This was not an area, for consideration within the current statement of principles review. However, agree to an amendment, but not to removal – to keep consistency within this document, agree to replace, where it relates to the statement of principles, the words ‘policy’ and ‘statement’ with ‘statement of principles’. This should then clarify this issue. This change will affect Sections 3.9, 13.1, 13.2, 1.5 and 1.7.</p> <p>This was not an area, for consideration within the current statement of principles review. However, agree to remove this sentence from Section 1.15, as it had already been included in Section 13.6 under the heading ‘Local Risk Assessments’.</p> <p>No further action. Further Comment only relating to conditions.</p>
--	--	---

	will be required to change these conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the Licensing Authority.	

This page is intentionally left blank