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20 November 2024

LICENSING AND REGULATORY COMMITTEE

A meeting of the **Licensing and Regulatory Committee** will be held on **Thursday, 28th November, 2024** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Bradford, Hayes (Chair), Rollason (Vice-Chair), Dawson, Foden, Gearon, Henderson, Jackman, Peart and Sanders

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the meeting room you are consenting to being filmed.

A G E N D A

Part I

1. **Apologies**
2. **Minutes** (Pages 3 - 6)
To approve and sign the Minutes of the meeting held on 9 June 2023.
3. **Declarations of Interest (if any)**
4. **Local Government (Access to Information) Act 1985 -
Exclusion of Press and Public**

Should the Committee wish to exclude the press and public during consideration of the items on this agenda, the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

5. **GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES** (Pages 7 - 82)

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

LICENSING AND REGULATORY COMMITTEE**FRIDAY, 9 JUNE 2023****Present:**

Councillors Bradford, Hayes, Rollason, Atkins, Dawson, Foden, Gearon, Jackman, Peart and Sanders

Apologies:

Councillors Henderson

Officers in Attendance:

Debbie Rosenveldt, Licensing Officer
Beth Tipton, Administrative Assistant

1. APOLOGIES (IF ANY)

Apologies received from Cllr Henderson.

2. ELECTION OF CHAIR 2023/24

It was proposed by Cllr Dawson and seconded by Cllr Rollason that Cllr Hayes be elected Chair for the year 2023/24.

It was also proposed by Cllr Gearon and seconded by Cllr Peart that Cllr Bradford be elected Chair for the year 2023/24.

The nominees left the room and Members voted; and

Resolved that:

Cllr R Hayes be elected Chair for the year 2023/24.

3. ELECTION OF VICE CHAIR 2023/24

It was proposed by Cllr Hayes and seconded by Cllr Foden that Cllr Dawson be elected Vice Chair for the year 2023/24.

It was also proposed by Cllr Gearon and seconded by Cllr Peart that Cllr Bradford be elected Vice Chair for the year 2023/24.

The nominees left the room and Members voted; and

Resolved that:

Cllr R Dawson be elected Vice Chair for the year 2023/24.

4. DECLARATIONS OF INTEREST (IF ANY)

None.

5. MINUTES

The Minutes of the Licensing and Regulatory committee held on 28 July 2022 and the Minutes of the Licensing and Regulatory sub-committees held on 3 April 2023, 18 April 2023, 2 May 2023 and 16 May 2023 were unanimously approved as a correct record and signed by the Chair.

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

7. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE OVER 5 YEARS - HN67 BYU

The Committee was asked to consider an application for a new Hackney Carriage Vehicle Licence for a Hyundai Ioniq vehicle registration HN67 BYU.

The Committee noted the information provided by way of the report and heard representations from the Applicant. In particular the Committee noted the good condition of the vehicle, and that the MOT certificate expires on 11 January 2024 with 2 advisories. The Committee were informed that the vehicle passed its annual taxi inspection test on 22 May 2023 and the advisory had been fixed.

The Committee was satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Committee granted the new Hackney Carriage Vehicle Licence as detailed in the report with a six monthly vehicle inspection.

8. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE EXTENSION - DX13 OVS

The Committee was asked to consider an application for a Hackney Carriage Vehicle Licence Extension for a Vauxhall Zafira vehicle registration DX13 OVS.

The Committee noted the information provided by way of the report and heard from the applicant's representative. In particular the Committee noted that the vehicle's MOT certificate expires on 9 May 2024, with no advisories. The Committee were

informed that the vehicle passed its annual taxi inspection retest on 30 May 2023. The applicant's representative confirmed that the works detailed on the test sheet had been completed.

The Committee was satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Committee granted the 12 month Hackney Carriage Vehicle Licence Extension as detailed in the report with 6 monthly vehicle inspections due to the age of the vehicle.

9. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE EXTENSION - KV09 WPK

The Committee was asked to consider an application for a Hackney Carriage Vehicle Licence Extension for a Mercedes E220 vehicle registration KV09 WPK.

The Committee noted the information provided by way of the report. In particular the Committee noted the good condition of the vehicle and that the vehicle's MOT certificate expires on 26 April 2024, with no advisories. The Committee were informed that the vehicle passed its annual taxi inspection test on 31 May 2023.

The Committee was satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Committee granted the 12 month Hackney Carriage Vehicle Licence Extension as detailed in the report with 4 monthly vehicle inspections due to the age of the vehicle.

Cllr R Hayes
Chair

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TEIGNBRIDGE DISTRICT COUNCIL**Licensing and Regulatory Committee****28 November 2024****PART I**

Report Title	GAMBLING ACT 2005 REVIEW OF STATEMENT OF PRINCIPLES
Purpose of Report	To recommend the Statement of Principles, as amended, to go to Council for approval.
Recommendation(s)	The Committee RESOLVES to: Comment on the representations received and refer the Statement of Principles to Council.
Financial Implications	Licensing is self-financed by the licensed fees
Legal Implications	
Risk Assessment	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
Report Author	Mrs Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk
Portfolio Holder	Peter Williams, Executive Member for Recycling, Household Waste and Environmental Health
Appendices / Background Papers	A: Draft Statement of Principles B: Details of Responses C: Responses in full

1. INTRODUCTION / BACKGROUND

- 1.1 In November 2021 Full Council approved the current Statement of Principles which has been in effect since 31 January 2022. 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 23 September 2024. The final date for comments was 15 November 2024. 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 statement of 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.
- South Devon & Dartmoor Community Safety Partnership
 - Devon and Somerset Fire and Rescue Service
 - Environmental Health
 - British Amusement Catering Trade Association (BACTA)
 - Association of British Bookmakers
 - Gamblers Anonymous
 - Gambling Commission
 - Gamcare
 - Betting and Gaming Council
 - The Bingo Association
 - Gamble Aware
 - Local businesses and their representatives
 - Local faith groups
 - Citizen's Advice
 - Local residents and their representatives
 - Royal Mencap Society
 - NSPCC Plymouth
 - NHS Northern Eastern and Western Devon Clinical Commissioning Group
 - Representatives of existing licence-holders
- 2.3 As you can see is from the consultation process feedback has been minimal changes requested based on the representations that have been received. The list of factors that have been raised are included in red in the attached Draft Statement of Principles.
- 2.4 We have received four responses and one that was submitted to another authority that was deemed relevant and details are set out in the Appendix B of which offer comments and amendments to be made on the proposed Statement of Principles.

3. TIME-SCALE

- 3.1 The Licensing Authority must adopt the principles prior to the 31 January 2025 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 date is not yet known.
- | | | |
|-----|--------------------|---|
| 3.4 | 28 November 2024 | Licensing and Regulatory Committee consider draft Statement of Principles |
| | Date yet unknown | Full Council consider and approve Statement of Principles |
| | By 6 January 2025 | Publish Statement of Principles |
| | On 31 January 2025 | Statement of Principles takes effect. |

4. REPORT DETAIL

4.1 Financial

Licensing is self-financed by the licensed fees.

4.2 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.

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Draft Statement of Principles

Under the Gambling Act 2005
For the period 31st January 2025 to 30th January 2028

(Full Council to Approve -)

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

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

Published 3 January 2025

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PART A – Statement of Principles

1 The Licensing Objectives

- 1.1 Teignbridge District Council as ('the 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 The licensing authority particularly notes the Gambling Commission's latest Guidance to Local Authorities (April 2023) from now on referred to as 'the Guidance'.

2 Introduction

- 2.1 This statement of 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 of principles takes effect on 31 January 2025.
- 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 The licensing authority is about 260 square miles (67 hectares) in area and includes part of Dartmoor National Park (98 square miles).
- 3.2 The 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 The 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 the licensing authority a highly desirable area to live in.
- 3.5 The residential population of the licensing authority, as measured in the 2021, was 134,800. There are just over 59,838 households and just over 5,000 businesses in the licensing authority. 9% of the population living within the Dartmoor National Park live in the licensing authority area.
- 3.6 The cultural aims are 'to continue to develop and protect a vibrant, vital, and sustainable culture for the licensing authority that recognises and promotes the district's uniqueness'.
- 3.7 The corporate aims are to 'make the district of the licensing authority a better place to be for all its inhabitants and visitors'.

4 Local Area Profiles

- 4.1 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 the 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 **Teignbridge** District.
- 4.2 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 the licensing authority which identifies the areas of concern it is intended to produce a Local Area Profile separate to this statement of principles.

5 Review of Statement of Principles

- 5.1 Licensing authorities are required by the Act to publish a statement of principles which they propose to apply when exercising their functions. This statement of principles must be published at least every three years. The statement of principles must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement of principles must be then re-published.
- 5.2 The Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the licensing authority to represent the interests of persons carrying on gambling businesses in the licensing authority's area;
 - One or more persons who appear to the licensing authority to represent the interests of persons who are likely to be affected by the exercise of the licensing authority's functions under the Act.
- 5.3 List of persons the licensing authority consulted:
- Citizen's Advice
 - South Devon & Dartmoor Community Safety Partnership
 - Devon and Somerset Fire and Rescue Service
 - Environmental Health
 - British Amusement Catering Trade Association (BACTA)
 - Association of British Bookmakers
 - Gamblers Anonymous
 - Gambling Commission
 - Gamcare
 - Betting and Gaming Council
 - The Bingo Association
 - Gamble Aware
 - Local businesses and their representatives
 - Local faith groups
 - Local residents and their representatives
 - Royal Mencap Society
 - NSPCC Plymouth
 - NHS Northern Eastern and Western Devon Clinical Commissioning Group
 - Representatives of existing licence-holders
- 5.4 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.
- 5.5 Our consultation took place between **23 September 2024** and **15 November 2024** and we followed the Cabinet Office, [Consultation Principles](#): (published March 2018).

- 5.6 Should you have comments regarding this statement of principles please write to the above address at the front of this document or email licensing@teignbridge.gov.uk
- 5.7 The final statement of principles is proposed to be approved at a meeting of the Full Council on ***** and will be published via our website on 6 January 2025. 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.
- 5.8 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.

6 Declaration

- 6.1 In producing the final statement of principles, the 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 of principles.

7 The Overriding Principle

- 7.1 In exercising its functions under the Act, the 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.

- 7.2 In deciding whether or not to grant a licence, this the licensing authority does not have regard to the expected demand for the facilities that are the subject of the application. In addition, the licensing authority notes the Gambling Commission's guidance to local authorities that states:

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

- 7.3 Each case will be considered on its merits.

8 Responsible Authorities

- 8.1 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 the licensing authority in relation to the applications. The [Responsible Authorities](#) are detailed on our website.
- 8.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the 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 the licensing authority's area; and

- the need for the body to be answerable to democratically elected persons, rather than any ~~particular~~ vested interest group.

8.3 In accordance with the suggestion in the Guidance the licensing authority designates the Area Child Protection Committee for this purpose.

9 Interested Parties

9.1 Section 158 of the Act defines interested parties. To accept a representation from an interested party, the **licensing** authority must take the view that the person:

- 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)"

9.2 The 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:

9.3 Each case will be decided upon its merits. The licensing authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the [Guidance](#).

9.4 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.

10 Exchange of Information

Licensing authorities are required to include in their statement the principles to be applied by the 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.

10.1 The principle that the 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. The 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.

11 Enforcement

11.1 The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licenses and other permissions which it authorises.

11.2 The licensing authority adopts a graduated approach to enforcement and when seeking to resolve or address issues the general expectation of the licensing authority is that operators promptly work alongside the licensing authority in taking remedial action. However, where a serious issue is identified, it is likely that the licensing authority will immediately initiate some form of enforcement action.

11.3 The Gambling Commission is the enforcement body for operating and personal licenses, concerns about manufacture, supply or repair of gaming machines and online gambling.

11.4 When interpreting legislation and determining necessary enforcement action the licensing authority will be guided by:

- [Gambling Commission Guidance](#)
- [Gambling Commission Codes of Practice](#),
- [Regulators Code](#)
- Primary Authority partnership that may be in place.
- The licensing authority's 'Statement of Principles'

- 11.5 In order to ensure that any compliance issues are recognized and resolved at the earliest opportunity, operators are requested to give the licensing authority a single named point of contact, who should be a senior individual, and whom the licensing authority will contact should any compliance queries or issues arise.
- 11.6 If reports are received of non-compliance, enforcement action will take place in accordance with the above. The **licensing** authority adopts a graduated approach to enforcement and when seeing to resolve or address issues the general expectation of the **licensing** authority is that operators promptly work alongside the licensing authority in taking remedial action. However, where a serious issue is identified it is likely that the **licensing** authority will immediately initiate some form of enforcement action.
- 11.7 In undertaking any enforcement action the **licensing** 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.
- 11.8 The licensing authority uses standard templates when carrying out our compliance inspections. The link to enable you to view these [templates](#).
- 11.9 As per the Guidance the licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

12 The Licensing Authority's functions

- 12.1 The **licensing** 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)
- 12.2 The **licensing** 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
- 12.3 The **licensing** 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

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

13 The Licensing Process

- 13.1 A Licensing **and Regulatory** Committee, a Sub-Committee, or the Licensing Manager acting under delegated authority may carry out the powers of the licensing authority under the Act.
- 13.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are carried out by licensing officers.
- 13.3 The licensing authority will ensure that all Licensing Officers and Members of the Licensing Committee have received adequate training for their role under the Act.
- 13.4 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.
- 13.5 Applicants for premises licences are required to copy their applications in full to the [responsible authorities](#) as listed on the website.
- 13.6 Delegated functions permitted under the Act are set out in Appendix A.

14 Gambling Prevalence and Social Responsibility

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

the facility for customers to self-exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sections of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

- 14.4 Any marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons, and other vulnerable persons from being harmed or exploited. Licensees are required to comply with the Social Responsibility Code 4 of the Licence Conditions and Codes of Practice – Gambling Commission (LCCP).

15 Local Risk Assessments

- 15.1 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~~ consider any relevant matters identified in this statement of principles.
- 15.2 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 account for significant changes in local circumstances, including those identified in this statement of principles.
 - When there are significant changes at a licensee's premises that may affect the level of risk or the mitigation of those risks, 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.
- 15.3 The Code of practice provision is supplemented by an Ordinary Code that will require licensees to share their risk assessments with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises.
- 15.4 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 the licensing authority or Gambling Commission.
- 15.5 There are no plans to request that licensed premises share their risk assessments on a periodic basis, where concerns do exist, perhaps prompted by new or existing risks, 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.
- 15.6 In some circumstances it may be appropriate for the licensing authority to offer a licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.
- 15.7 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 the 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.

15.8 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. (Challenge 25)

15.9 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.

15.10 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.

16 General points regarding Gaming Machines

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

Further information on machine categories can be found [here](#)

In view of the above, regardless of the permission involved, operators must:

- Clearly display the classification (for example Category D) of each machine on the machine itself.

- Undertake consultation with the licensing authority in advance of applying screening and/or erection of booths to category B machines within licensed premises.
- Ensure that gaming machines situation in premises licensed to sell/supply alcohol authorised by way of notification of automatic entitlement and/or permit) are made available strictly in accordance with the [Gambling commission's code of practice with regards to gaming machines in alcohol-licenses premises](#).

16.2 The licensing authority will expect the holder of a permit or premises licence to comply with the codes of practice issued by the Gambling commission on the location of and access to such machines by children and young persons. Section C – Gaming machines in clubs and premises with alcohol licence.

16.3 The licensing authority recognises concerns about unlawfully sited gaming machines because they are:

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

16.4 In circumstances where illegal machines are being provided, the following actions may be taken by the licensing authority:

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

16.5 There are a variety of reasons why the provision of gaming machines may be illegal, and operators are advised to seek the advice of the licensing authority or the Gambling Commission before making them available. Where the licensing authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.

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

PART B - Premises Licences: Consideration of Applications

1 General Principles

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.

The licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant Guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the licensing authority's statement of principles.

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 the licensing authority.

1.1 Definition 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.

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

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

As a minimum the **licensing** 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. The licensing authority will also take this into account in its decision-making.

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

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."

The licensing authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is said to be unlicensed on any plans provided or provides non-gambling facilities, for example refreshments or ATMs.

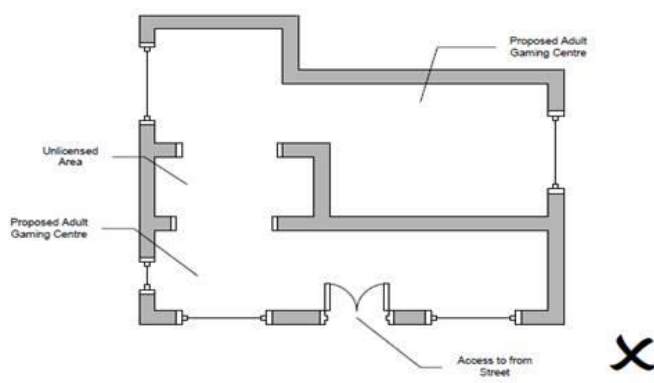
Where the licensing authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the licensing authority will expect applicants to ensure that:

- Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
- 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 the licensing authority will consider other aspects based on the merits of the application.

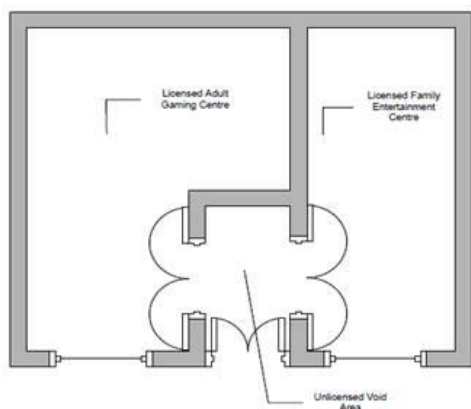
Applications to place two licensed premises in one premises with an unlicensed area separating them, see Figure 1, will not meet this statement of principles because of the artificial nature of the premises, access, and likely use issues which will arise.

Figure 1



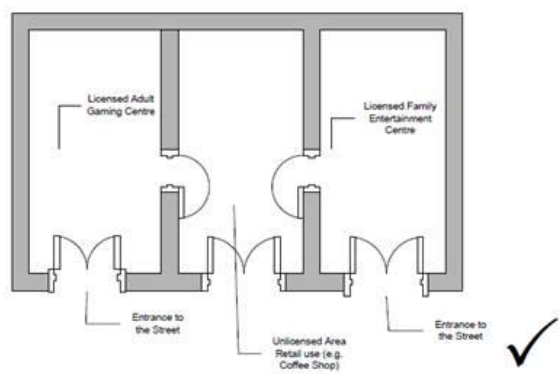
It is possible to have an unlicensed foyer area which separates one licensed premises from another if the foyer is accessed from the street. See Figure 2. The licensing authority would expect as a minimum that the area should be used for non-gaming purposes such as an information point, a coffee shop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

Figure 2



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~~ 2025 come into force on 31 January ~~2019~~ 2025. From this date any new or variation 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.

1.3 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, the 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 the 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.

1.4 Location

The 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, the 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 statement of principles 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. The licensing authority does expect that issues in respect of a premises location are addressed in the local risk assessment.

1.5 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.

1.6 Duplication with other regulatory regimes

The 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.

1.7 Licensing objectives

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

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

The 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 the 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.

The 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.

1.9 Objective 2 - Ensuring that gambling is conducted in a fair and open way

The 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.

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

The 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). The 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.

The 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." The 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.

The 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. The 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.

1.11 Conditions

Gambling Premises Licenses are subject to a series of mandatory and default conditions. **These are intended to be and usually are sufficient to ensure operation is consistent with the licensing objectives and that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives which is not acknowledged or adequately addressed by the applicant's risk assessment.**

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 the licensing authority decides to exclude them, using its powers under Section 169. ~~In the vast majority of cases, these conditions will suffice.~~ Any additional conditions attached to the licenses will be considered by way of a Licensing & Regulatory 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.

Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures the 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. **Premises must not display signage which may suggest that the premises have a different premises licence to the one held.**

The 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.

The 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.

The 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, the 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.

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

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the 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.

1.12 Door Supervisors

The Gambling Commission advises in the Guidance that if the 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).

1.13 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 the 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, the 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 The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the licensing authority that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises. ~~The Authority will expect applicants to offer their own measures to meet the licensing objectives, appropriate measures / licence conditions may cover issues such as:-~~ The licensing authority must be satisfied that the applicants understand the measures below to be able to prove compliance. Applicants are expected to offer their own measures and must be included in the local risk assessment to meet the licensing objectives. ~~Appropriate measures and / or 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 Premises must not display signage which may suggest that the premises have a different premises licence to the one held.
- Physical separation of areas (an expectation for barriers to be tangible and evident)
- Proof of age schemes – Challenge 25
- 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 The 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. The licensing authority reserves the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.
- 2.3 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
- 2.4 The 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.
- 2.5 The 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 The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the 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 The 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 Premises must not display signage which may suggest that the premises have a different premises licence to the one held.
 - Physical separation of areas (an expectation for barriers to be tangible and evident)
 - Proof of age schemes – Challenge 25
 - 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 The 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. The licensing authority will also make itself aware of any mandatory or default conditions on these premises' licences when they have been published.
- 3.4 The 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 The 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 the 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.
- 4.2 Despite the fact that the Council has not passed such a resolution, the Council is currently not enabled by the Secretary of State (in accordance with regulations made under Section 175 of the Act) to grant a premises licence for a casino.

5 Bingo premises

- 5.1 The licensing authority notes in Part 18 of the Guidance it states:

'18.5 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.'

- 5.2 The licensing authority considers that if persons under 18 years of age are allowed to enter premises licensed for bingo, it is important that they do not participate in gambling, other than on category D machines. Where category C or above machines are available on premises to which persons under 18 years of age have access, the licensing authority will require that:

- All such machines are located in an area of the premises 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 the machines are located.
- Access to the area where the machines are located is adequately supervised.
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- At the entrance to and inside any such area there are notices prominently displayed, indicating that access to the area is prohibited to persons under 18.
- No under 18s may play bingo on these premises' must be displayed at each entrance to the bingo premises.

- 5.3 The licensing authority will expect applicants to offer their own measures and must be included in the local risk assessment to meet the licensing objectives. However, appropriate measures ~~and/or 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** Premises must not display signage which may suggest that the premises have a different premises licence to the one held.
- Must display notices at each entrance stating that 'No one under 18 may play bingo on this premises'
- Physical separation of areas (an expectation for barriers to be tangible and evident)
- Proof of age schemes – **Challenge 25**
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Self-exclusion schemes
- Specific opening hours
- Supervision of entrances / machine areas
- **Identify local risks, such as proximity to schools.**

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

- 5.4 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 –

'18.9 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.'

- 5.5 In determining any application for a bingo premises licence, the licensing authority will have regard to any [guidance](#) issued by the Gambling Commission with regard to the suitability and general layout and appearance of bingo premises (Social Responsibility code 9 of the [Gambling Commission - licence conditions and code of practice](#))

6 Betting premises

- 6.1 The licensing authority is responsible for the issue of premises licences for all betting establishments, including casinos, licensed betting offices and tracks. It is illegal for person under 18 years of age to enter licensed betting premises and bet, but they may gain entry to tracks.

- 6.2 Section 172(8) provides that the holder of a betting premises licence is entitled of up to 4 category B, C, or D. The category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines (also known as Fixed Odds Betting Terminals (FOBTs)).

- 6.3 The licensing authority will have regard to:
- The size of the premises
 - The number of counter positions available for person-to-person transactions.
 - The ability of staff to monitor the use of the machines by person under 18 years of age or vulnerable persons.

- 6.4 The licensing authority expects applicants to offer their own measures and must be included in the local risk assessment to meet the licensing objectives. Appropriate measures **and/or licence conditions** may cover issues such as:

Factors to be taken into consideration will include the following:

- CCTV
- Door supervisors
- Location of entry
- Notices / signage Premises must not display signage which may suggest that the premises have a different premises licence to the one held.
- Physical separation of areas (an expectation for barriers to be tangible and evident)

- Proof of age schemes – **Challenge 25**
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Self-exclusion schemes
- Specific opening hours
- Supervision of entrances / machine areas
- Identify local risks, such as proximity to schools in area with high crime rate or high deprivation.
- Re-location of the machines
- Door buzzers
- Remote cut-off switches
- Measures / Training for staff on how to deal with suspected underage access and play on the premises
- Any other factor considered relevant.

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

- 6.5 The 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.
- 6.6 In determining any application for a Betting Premises licence, the licensing authority will have regard to any [guidance](#) issued by the Gambling Commission with regard to the suitability and general layout and appearance of betting premises (Social Responsibility Code of the [Licence Conditions and Codes of Practice](#)).

7 Tracks

- 7.1 Section 353 of the Act defines a track and Part 20 of the [guidance](#) provides information in relation to Tracks, **including, for example, on-course, off-course, other permissions and betting facilities, even and non-event days, social responsibility, gaming machines**. The licensing authority currently has two licensed tracks.
- 7.2 The 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, the 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.
- 7.3 The 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.
- 7.4 The licensing authority may consider measures to meet the licensing objectives such as:
- CCTV
 - **Door supervisors**
 - Location of entry **and gaming machines**
 - Notices / **signage** **Premises must not display signage which may suggest that the premises have a different premises licence to the one held.**
 - Physical separation of areas (an expectation for barriers to be tangible and evident)
 - Proof of age schemes – **Challenge 25**
 - Provision of information leaflets / helpline numbers for organisations such as GamCare
 - Self-exclusion schemes
 - Specific opening hours
 - Supervision of entrances / exits / machine areas

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

- 7.5 The licensing authority will consider on its own merit applications for venues such as athletics tracks or sports stadium for track betting licences to cover the whole track.
- 7.6 Applicants will be required to:
- Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the racetrack.
 - In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operators by the Tote or track operator as well as any other proposed gambling facilities.
 - Evidence measures taken to ensure the third licensing objective will be complied with
 - Indicate what arrangements are being proposed for the administration of the betting. The Gambling Commission and the licensing authority recommend that betting takes place in areas reserved for, and identified as being for, that purpose).
 - Areas of the track that will be used by on course operators (bookmakers) visiting the track on race days shall be defined.
 - Any temporary structures erected on the track for providing facilities for betting shall be defined.
 - Location of any gaming machines (if any) shall be defined.
- 7.7 Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- 7.8 The licensing authority recommends an applicant consults with the Gambling Commission and the licensing authority prior to submission of their application.

7.9 Gaming machines

- 7.10 A track premises licence does not itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operator licence. 'Where the applicant holds a pool betting operating licence, currently only greyhound tracks, 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.
- 7.11 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 the 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. (two via the alcohol licence and four via the operating licence).
- 7.12 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.
- ## 7.13 Self Service Betting Terminals (SSBTs)
- 7.14 Section 235(2)(c) of the Act makes it clear that the 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.
- 7.15 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, the 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.

7.16 Applications and plans

- 7.17 Section 151 of the Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. Part 20 of the guidance also refers. Please see Part B section 1.22 of this statement of principles for further plan information.
- 7.18 The 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 the licensing authority can satisfy itself that the plan indicates the main areas where betting might take place.
- 7.19 Further information can be found in [Part 20 of the guidance](#).

8 Vessels and Vehicles

- 8.1 Section 353(1) of the Act defines a vessel as;
- Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water
 - A hovercraft
 - Anything, or part of any place, situated on or in water
- 8.2 The 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 the licensing authority any of the three objectives are undermined, and this cannot be resolved through the imposition of conditions, the application will be refused.
- 8.3 Premises licenses for vessels will be accepted by the licensing authority only in relation to vessels that are usually moored or berthed within the district of Teignbridge.
- 8.4 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles, other than a hovercraft) may not be the subject of a premises licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain.

9 Travelling Fairs

- 9.1 Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements as to the way the machines operate. They may provide an unlimited number of Category D machines and / or equal chance prize gaming machines, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.
- 9.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair. **Section 286** of the Act defines a travelling fair. **Along with Section 287 relating to gaming machines. Part 30 of the Guidance also refers.**
- 9.3 A given area of land may, by statute, only be used on 27 days per calendar year for the purposes of accommodating a fair. The statutory maximum of 27 days calendar use applies to the land on which the fairs are held, and that the use is cumulative, regardless of whether it is the same fair or a procession of different travelling fairs.

10 Provisional Statements

- 10.1 Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.

[Part 11 of the guidance](#) also refers.

- 10.2 Developers may wish to apply to the 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. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 10.6 In addition, the licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the 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 the licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

11 Reviews

- 11.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This 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 the licensing authority's statement of principles.
- 11.2 The request for the review will also be subject to the consideration by the licensing authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause the 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 The licensing authority can also initiate a review of a ~~particular~~ premises licence, or a ~~particular~~ class of premises licence on the basis of any reason which it thinks is appropriate.

- 11.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 11.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 11.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 11.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 11.8 ~~In particular,~~ The licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 11.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the **Gambling** Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs.

12 Complaints about Licensed Premises

- 12.1 The licensing authority will investigate complaints about the operation of licensed premises regarding matters relating to the licensing objectives for which it has responsibility. For all customer complaints about the gambling products, complainants must raise the complaint directly with the licensee or business concerned to seek a local resolution. If they are not satisfied, they should contact the Gambling Commission.
- 12.2 Where an interested party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the licensing authority may initially recommend a conciliation meeting to address and clarify the issues of concern.
- 12.3 This process will not override the right of any interested party to ask that the Licensing and Regulatory Committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

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PART C - Permits / Temporary & Occasional Use Notice

1 Unlicensed Family Entertainment Centre (uFEC)

- 1.1 Where an operator does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. The operator does not require a licence from the Gambling Commission in order to apply for a permit.
- 1.2 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. 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.
- 1.3 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.
- 1.4 The marketing of these premises is often targeted towards under 18's and therefore may be a child's first experience of gambling. Prizes range from 2 pence to £5 notices or sometimes soft toys and more commonly prize redemption tickets which can be accumulated and exchanged for a higher value prize.
- 1.5 The 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. **We will expect gaming machines to be situated clearly defined areas within multi-purpose premises for example motorway service area.**
- 1.6 The Licensing authority will issue permits for uFECs in accordance with the following:
- The Gambling Commission Guidance to licensing authorities;
 - Any Responsible regulations or Code of Practice;
 - The licensing authority's Statement of Principles; and
 - The Licensing objectives.
- 1.7 As these premises ~~particularly~~ appeal to children, young persons **and vulnerable persons**, the licensing authority will be required to demonstrate:
- **That the applicant has** a full understanding of the maximum stakes and prizes of the gambling that is permissible in a uFEC;
 - That staff are **suitably** trained to have a full understanding of the maximum stakes and prizes permissible in a uFEC;
 - That the applicant has no convictions, which may have been identified as **'Relevant Convictions'** for the purposes of the Act, Schedule 7.
 - That the staff are easily identifiable
 - That staff are trained in relation to Safeguarding see Appendix B for more information.
 - **Appropriate measures / training for staff as regards suspected truant school children on the premises.**
 - **Appropriate measures / training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on / or around the premises.**
 - **Clear Notices and Signage Premises must not display signage which may suggest that the premises have a different premises licence to the one held.**
- 1.8 The licensing authority will require the following supporting documents to be served with all uFEC permit applications:
- proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over.

- proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document.
- A [basic disclosure and barred service check](#) for the responsible persons 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.)
 - Where an applicant is a company or organisation and does not hold an Operating licence, then the proposed manager responsible for the day to day running of the premises will be required to produce a basic disclosure and barring check dated within one calendar month of the date the application being submitted to the licensing authority.
 - When a permit holder appoints a new manager responsible for the day to day running of the premises, that persons will be required to produce a basic disclosure and barring check dated within one calendar month of the appointment date.
- 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 gaming machine supplier or manufacturer who holds a valid [gaming machine technical operating licence](#) issued by the Gambling Commission
- Please see Part B– Plans for what the licensing authority would expect to see on the plans.
- A suitable and sufficient safeguarding policy.

1.9 The 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. The 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.

1.10 The licensing authority will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. The [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.

1.11 The 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.

1.12 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.

1.13 The licensing authority can grant or refuse an application for an uFEC permit. An application for a renewal of a permit may be refused 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. Exceptional regard shall be given to the duty to protect children and other vulnerable persons from being harmed or exploited by gambling.

1.14 The uFEC will then remain in effect for 10 years unless surrendered or lapsed.

1.15 The licensing authority cannot attach conditions to a permit.

2 (Alcohol) Licensed premises gaming machines

2.1 Automatic Entitlement for two machines

2.2 [Section 282 of the Act](#) provides for a premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines of categories C and/or D. This is subject only on the proviso that the premises licence holder must serve notice of intention upon the licensing authority in respect of those machines.

2.3 The licensing authority can remove the automatic entitlement in respect of any premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- the licensee has breached the requires of section 282 of the Act
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises

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

2.5 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 such as CCTV.

2.6 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.

2.7 Permit - three or more machines

2.8 [Section 283](#) of the Act and Schedule 12 of the Guidance provides for a premises licensed for the sale and consumption of alcohol, more than the automatic two machines entitlement.

2.9 If a premises wishes to have more than 2 machines, then it needs to apply for an alcohol licensed gaming machine permit. The licensing authority will consider any application based upon:

- The licensing objectives
- Section 283 of the Act,
- Schedule 12 of the Guidance and
- [Code of Practice](#)
- The licensing authority statement of principles
- Other such matters as the licensing authority think relevant.

2.10 The applications will be required to satisfy the licensing authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures that will satisfy:

- The adult machines being sited close to the bar;
- The adult machines being sited where staff can monitor them;
- Appropriate notices and signage; **Premises must not display signage which may suggest that the premises have a different premises licence to the one held.**
- 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.

2.11 The licensing authority will consider that 'such matters' shall be decided on a case-by-case basis, and may include, but are not exclusive:

- Any comments from responsible authorities
- The percentage of gross turnover the gaming machines contribute to total gross turnover of the premises, and this should not be significant.
- The confidence the licensing authority has in the manager of the premises.

2.12 In granting a permit the licensing authority can prescribe a different number of machines to that which was applied for and can prescribe the particular category of machine(s) that may be permitted. However, the licensing authority cannot attach conditions to a permit. The number of machines will be clearly stated on each permit.

2.13 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.

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

2.15 Gaming in alcohol-licensed premises

2.16 The licensing authority recognises that low level (exempt) gaming (for example, bingo, poker and race nights) may take place in alcohol- licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises.

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

- 2.18 Where the licensing authority is suspicious that a licensee or club exceeds the prescribed limits, the licensing authority will inform the Gambling commission accordingly.
- 2.19 No child shall be permitted to use a Category C gaming machine on the premises and the holder of the premises licence must comply with any code of practice responsible for the location and operation of the gaming machines. [Section C – Gaming machines in clubs and premises with an alcohol licence.](#)
- 2.20 Gaming in alcohol-licensed premises should therefore be supervised by the person in day-to-day management control of the premises (a person authorized by the Designated Premises Supervisor (DPS). All gaming should comply with the codes of practice issued by the Gambling Commission. [Section C – Gaming machines in clubs and premises with an alcohol licence.](#)
- 2.21 As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the premises licence holder is considered fully responsible and must be aware of and adopt these codes of practice together with any subsequent guidance issued by the Gambling Commission and to ensure that all gaming in such premises is suitably managed.
- 2.22 Further information on poker and gaming can be found here.
[Section B – Equal chance gaming in clubs and premises with an alcohol licence](#)
[Section C – Gaming machines in clubs and premises with an alcohol licence.](#)

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

- 3.1 [Section 288](#) of the Act defines prize 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 on display. 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 licensing authority propose to consider in determining the suitability of the applicant for a permit”. [Part 27 of the guidance](#) provides further information.
- 3.2 **Statement of Principles**
- 3.3 The 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 the licensing authority will expect applicants to demonstrate when applying for a prize gaming permit. This will allow the licensing authority to better determine the suitability of the applicant and the premises for a permit.
- 3.4 Within this process the licensing authority will aim to grant the permit where the applicant is able to demonstrate that:
- they are a fit and proper person to hold the permit.
 - they have considered and are proposing suitable measures to promote.
 - the licensing objectives, and
 - they have a legal right to occupy the premises to which the permit is sought.
- 3.5 The licensing authority will expect the applicant to set out the types of gaming that he or she is intending to offer, and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in [The Gambling Act 2005 Limits on Prize Gaming Regulations 2007](#);
 - and that the gaming offered is within the law.
 - clear policies that outline steps to be taken to protect children from harm.
- 3.6 In making its decision on an application for a prize gaming permit the licensing authority will have regard to the following:
- The type of gaming that the applicant is intending to provide;
 - The requirements of the Act;
 - The licensing objectives;
 - Any guidance issued by the Gambling Commission;
 - This licensing authority's statement of principles
- 3.7 The measures suggested in this document should be read as guidance only and the 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.
- 3.8 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises. A permit is not applicable where a premises licence is in force (casino, bingo hall, AGC or FEC). A permit cannot be issued in respect of a vessel or a vehicle.
- 3.9 Applicants should be aware of the conditions set out in [Section 293](#) of 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.

3.10 In line with the Act, while the licensing authority cannot attach conditions to this type of permit, the 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.

3.11 Supporting documents

3.12 The 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.
 - 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 the licensing authority.
 - When a permit holder appoints a new manager responsible for the day to day running of the premises, that person will be required to produce a disclosure and barring check dated within one calendar month of the appointment date.
- Please see Part B – Plans for what the licensing authority would expect to see on the plans.

3.13 Child protection issues

3.14 The 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. The 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 for example 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.

3.15 Protection of Vulnerable Persons Issues

3.16 The 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 the licensing authority considers vulnerable. The 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.

3.17 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.

3.18 Other miscellaneous issues

3.19 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.

3.20 Where the 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.

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.

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

4.3 Each type of permit allows the provision of different types of gaming. The current limits can be found in the [Guidance - Appendix A Summary of machines provisions by premises](#), [Appendix B summary of gaming machine categories and entitlements](#) and [Appendix C Summary of Gaming Entitlements for clubs](#).

4.4 A non-commercial club must **satisfy the licensing authority by meeting the requirements of 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 men's clubs, branches of Royal British Legion and clubs with political affiliations.

4.5 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.

4.6 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."

4.7 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.

4.8 The **licensing** 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:

- Is there a list of committee members and evidence of their election by the club members?
- Which members hold the position of Chair, Secretary and Treasurer?
- Are there 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.

- 4.9 When examining the clubs constitution the **licensing** authority would expect to see evidence such as:
- Who makes commercial decisions on behalf of the club?
 - What are the aims of the club?
 - Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
 - Can people join with a temporary membership?
 - What is the usual duration of membership?
 - Is there a provision for the election of officers?
- 4.10 Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The licensing authority will consider such factors as:
- How many nights a week gaming is provided;
 - How the gaming is advertised;
 - What stakes and prizes are offered;
 - Whether there is evidence of leagues with weekly, monthly or annual winners;
 - Whether there is evidence of members who do not participate in gaming;
 - Whether there are teaching sessions to promote gaming such as poker;
 - Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
 - Whether there is sponsorship by gaming organisations;
 - Whether participation fees are within limits.

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, **for example, a poker tournament held at a conference venue.**
- 5.2 The licensing authority can only grant a TUNs to a person or company **who must hold** a relevant operating licence.
- 5.3 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 for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in 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".
- 5.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises. 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.

5.6 The licensing authority **may** 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

5.7 Further information for **Temporary Use Notices** can be found on the Gambling Commission website.

6 Occasional Use Notices (OUN)

6.1 An OUN permits gambling at a premises that would not otherwise have a gambling premises licence. An example would be to permit betting at a sporting event (such as a Point-to-Point meeting). Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify.

6.2 The licensing authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.

6.3 The licensing authority will ensure the following:

- That the statutory limit of 8 days in a calendar year is not exceeded.
- That the subject premises can reasonable and effectively be defined as a 'track'.
- That the applicant is permitted to avail himself/herself of the notice.

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

7 Small Society Lotteries

7.1 The licensing authority has a legal responsibility to register and administer small society lotteries under **Schedule 11, Part 4** 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 The 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 The licensing authority may see further information from the society if not provided to declare that they present a bona fide non-commercial society and have no relevant convictions.

7.4 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.

7.5 Advice regarding the definitions of the above **exempt lotteries** and other information on lotteries is available from [the Gambling Commission](#) website.

7.6 Applicants for small society lottery registrations must apply to the licensing authority in the area where their principal office is located. Where the 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.

- 7.7 The licensing authority may revoke the registered status for society if it thinks that they would have been obliged or permitted to refuse and application for registration if it were being made a new. No revocations will take place unless the society has been given the opportunity to make representations. The licensing authority will inform the Society of the reasons why it is minded revoking the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 7.8 The 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.
- 7.9 Where the annual fee is not paid by the due date the licensing authority will cancel the small society registration. The onus is firmly placed on the Society to ensure they pay the annual fee by the due date.
- 7.10 The licensing authority is permitted to inspect the records of the lottery for any purpose related to the lottery. It is likely to do so where:
- the society has failed to complete the statement of return correctly on two or more occasions.
 - the society fails to submit a statement of return for a lottery the society has held within 3 months of the draw taking place.
 - breaches of the limits for small society registration/
- 7.11 The licensing authority will accept returns electronically scanned and sent by email.

APPENDIX A - 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 representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Applications for other permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of licensed premises gaming machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Consideration of temporary use notice		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Decision to give a counter notice to a temporary use notice		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Determination as to whether a person is an interested party			All Cases
Determination as to whether representations are relevant			All Cases
Determination as to whether a representation is frivolous, vexatious or repetitive			All Cases

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

The 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 **25** 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) and Devon Safeguarding Children Partnership (by telephone: 0345 155 1071 or emergency out of hours 0345 600 0388).

APPENDIX C - Glossary

<u>Authorised Person</u>	Gambling Act Part 15 Section 304 defines.
<u>BACTA</u>	British Amusement Catering Trade Association
<u>Betting</u>	Gambling Act Part 1 Section 9 defines Gambling Act Section 181 defines <u>Betting Machines</u> Guidance Parts 19 and 20. Gambling Act Part 1 Section 13 defines <u>Betting Intermediary</u>
<u>Betting - Tracks</u>	Gambling Act Section 353 defines Guidance Part 20 refers to on-course betting, off-course betting, betting on event and non-event days <u>Pool Betting – Tracks</u>
<u>Bingo</u>	Guidance Part 18 refers
<u>Child</u>	Gambling Act Section 45(1) defines a child as an individual who is less than 16 years old.
<u>Christmas Day Period</u>	Section 183 of the Gambling Act 2005 the premises shall not be used to provide facilities for gambling on Christmas Day.
<u>Conditions</u> (Default and Mandatory)	Gambling Act 167 to 169 defines Guidance Part 9 refers
<u>Delegation of Licensing Authority Functions</u>	Gambling Act Section 154 defines Guidance Part 4 Section 3 refers.
<u>Equal Chance Gaming</u>	Gambling Act Section 8 defines.
<u>Exchange of Information</u>	Gambling Act Section 350 and Part 1 of Schedule 6 defines
<u>Gambling Act – Interpretations</u>	Gambling Act Part 18 Section 353 defines
<u>Gaming Machine</u>	Gambling Act Part 10 defines Guidance Part 16 refers
<u>Guidance to Licensing Authorities</u>	Gambling Act Part 2 Section 25 defines Guidance Part 1 refers.
<u>Human Rights Act 1998</u> Articles: 1, 6, 8 and 10	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
<u>Interested Party</u>	Gambling Act Section 158 defines Guidance Part 8 refers.
<u>Licensing Objectives - (Gambling Act 2005)</u>	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.
<u>Licensing Objectives - (Licensing Act 2003)</u>	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
<u>Live Gaming</u>	Gambling Act Part 1 Section 4 defines Guidance Part 5 Section 19.9 (In-play or in-running betting) refers

<u>Local Conditions and Codes of Practice</u>	The Gambling Commission - set out the requirements all licensees must meet in order to hold a Gambling Commission licence.
<u>Lotteries and their Regulations</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>Members Club</u>	Gambling Act Part 12 defines Guidance Part 25 refers
<u>Occasional Use Notice</u>	Gambling Act Section 39 defines Guidance Part 15 refers
<u>Operating Licences</u>	Gambling Act Part 5 defines Guidance Part 2 Section 2.4 to 2.6 refers
<u>Permits</u> including additional information	Guidance Part 23 sets out various types of permits. <u>Club Gaming and machine permits</u> <u>Unlicensed Family Entertainment Centres</u> <u>Pubs and Clubs</u> including Bingo
<u>Personal Licence (PFL) or Personal Licence (PML)</u>	Gambling Act Part 6 defines Guidance Part 5 refers Personal Functional Licence Personal Management Licence
<u>Premises Licence</u>	Gambling Act Part 8 defines Guidance Part 7 refers.
<u>Prize Gaming and Prize Gaming Permits</u>	Gambling Act Section 288 and Schedule 14 defines Guidance Part 27 refers.
<u>Provisional Statement</u>	Gambling Act Part 8 Section 204 and 205 defines Guidance Part 11 refers.
<u>Representations</u>	Gambling Act Section 161 defines Guidance Part 7 Section 7.52 – 7.55 refers. SI 2007/173 refers.
<u>Responsible Authorities</u>	Gambling Act Section 157 defines Guidance Part 8 refers
<u>Rights of Appeal and Judicial Review</u>	Gambling Act Section 206 – Rights of Appeal defines Guidance Part 12 refers
<u>Skills with Prizes</u>	Gambling Act Section 6 defines
<u>Temporary Use Notice</u>	Gambling Act Part 9 defines Guidance Part 14 refers
<u>Travelling Fair</u>	Gambling Act Part 12 Section 286 defines Guidance Part 30 refers
<u>Vehicles and Vessels</u>	Gambling Act Part 8 Section 211 defines Guidance Section 32 refers
<u>Vulnerable Persons</u>	Gambling Act does not set a definition Guidance Part 5 refers
<u>Young Person</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.

APPENDIX D - References

[Gambling Act 2005](#)

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

[GOV.UK](#)

[Gambling Commission](#)

[BACTA](#)

[Guidance for interested parties](#)

Gambling Commission [Quick guides](#)

- [Poker in Clubs and in Pubs, Race, Casino and Poker Nights, Members Clubs or Commercial Club, equal change 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](#)

[LLEP Templates](#)

[Reducing Gambling Harms resources](#)

APPENDIX E – Gambling Support

South West NHS Gambling Service

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

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

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

[Gamble Aware](#) raise awareness and identify support available for people affected by harmful gambling including guidance for self-exclusion. Page 4 of 5 July 2024

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

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

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

Mental Health and Suicide

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

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

First Response Service

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

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

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

Drug & Alcohol Support

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

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

Money/Debt Support

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

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

GAMBLING ACT 2005
DRAFT STATEMENT OF PRINCIPLES
REPRESENTATIONS RECEIVED AND PROPOSED AMENDMENT
Highlighted in **RED** in the Statement of Principles

Made by	Representation	Proposed Amendment (if any)
Licensing Holder: Aaron amusements	<p>Page 22 – AGC, section 2.1</p> <ul style="list-style-type: none"> The advice can be interpreted that supervision methods are not mandatory merely as examples. AGC operators in Motorway Service Centres appear to rely on CCTV only in order to meet the conditions. This would make it more difficult for any licensing authority to police should there be instances off underage gambling and other licensing condition issues. The problem is that this new draft of principles will only be applicable to new applicants. Unless the gaming laws specifically say that all premises must be supervised by staff present at all times, then this draft will not change anything. I feel that operators of unmanned AGC premises must demonstrate that they have a robust scheme in place that adopts the under25 rule and can quickly react to prevent any underage harm. Perhaps the wording could be changed to: The Licensing Authority must be satisfied that applicants understand the examples in this list to be able to prove compliance. 	<p>Comment only</p> <p>Comment only – we do not have any motorway services</p> <p>Comment only</p> <p>These principles if approved will apply to all premises not just new applicants.</p> <p>Comment only</p> <p>Agree to change from Challenge 21 to Challenge 25. This is also the view of the Betting and Gaming Council below, due to the Gambling Commissions white paper.</p> <p>Agree to make amendment. Last paragraph of paragraph 2.1</p>
Gamcare	<ul style="list-style-type: none"> We welcome the position Teignbridge Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles. Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm 	<p>Comment only</p> <p>Comment only</p>

	<p>in land-based gambling venues, due to council's licensing responsibilities.</p> <ul style="list-style-type: none"> It is vital that Teignbridge Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area. Building on the proactive approach the council is already taking, we would like to see Teignbridge Council commit in its statement of principles to a public health approach to gambling. This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support. In the absence of Cumulative Impact Assessments as a method by which the "aim to permit" approach can be challenged, Teignbridge Council should pursue a Local Area Profile approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application. The changes to Teignbridge Council's statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment. 	<p>Comment only – nothing has been brought to our attention.</p> <p>Comment only, although we did not consult with public health direct, we have a response received by another Devon Authority that we are taking into consideration and is set out below.</p> <p>We have not been approached with any evidence or information relating to the impact within Teignbridge.</p> <p>We have received no evidence that identifies areas of concern within Teignbridge to warrant the resources to produce a Local Area Profile.</p> <p>Comment only</p>
Betting and Gaming Council c/o Gosschalks, Solicitors	<p>General information on first three and a half pages.</p> <ul style="list-style-type: none"> <u>Misleading/ambiguous premises signage</u>. In order to avoid any ambiguity, the draft statement of principles should be clear that premises must not display signage which may suggest that the premises have a different premises licence to the one held. <u>Differentiation between Licensing Act 2003 and Gambling Act 2005 applications</u>. Paragraph 4 relating to age verification policy. Change from challenge 21 to challenge 25. <u>Considerations specific to the Gambling Act 2005 Statement of Licensing Principles</u>. Paragraphs 15.7 to 15.10 bullet point list of considerations that the Council 'recommends' are considered by 	<p>Agree to make amendment. Changes to pages 20, 22, 23, 24, 25, 26, 31 and 34.</p> <p>Agree to make amendment. As specified in the Gambling Commission white paper. Changes to pages 22, 23, 24, 25, 26 and 44</p> <p>Agree to make amendment to paragraphs 15.7, 15.8 and 15.10</p>

	<p>an applicant completing a local risk assessment. To delete matters that are nothing to do with gambling. For example, 15.7 'Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc' and 15.8 'Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc.' Also 15.10 not clear why or how, 'Matters of faith' could ever be relevant.</p> <ul style="list-style-type: none"> • Para 1.11 – Conditions – Insertion of a clear statement that the mandatory and default conditions referred to are intended to be, and usually are sufficient to ensure operation is consistent with the licensing objections and that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives which is not acknowledged or adequately addressed by the applicant's risk assessment. • Part B, Para 2.1 – 'The Authority will expect applicants to offer their own measures to meet the licensing objectives, appropriate measures/licence conditions may cover issues such as....' Redraft in order to make it clear applicants cannot add conditions or measures in the application it will form part of the local area risk assessment, but they cannot add conditions. This also needs to be reworded in paragraphs 5.3 and 6.4 	<p>Agree to make amendment to paragraph 1.11, although we did have this, just needs to be reworded.</p> <p>Agree to make amendment to make it clearer. This change to paragraph 2.1 is reworded to include Aaron Amusements amendment.</p> <p>Agreement to make amended, Paragraphs 5.3 and 6.4</p>
Public Health Devon (received by another authority)	<p>General information.</p> <ul style="list-style-type: none"> • <u>Language and Terminology</u> 'Harmful gambling' is an umbrella term to describe any frequency of gambling that results in people experiencing harm. Anyone can be negatively affected by gambling. Narratives which suggest the individual experiencing harm is a 'problem' contributes to stigma and often leads to gambling harms being hidden. Avoid using language which can include terms like 'problem gambler' and 'gambling addict'. • Gambling support contact deals with website links and telephone numbers. • Public Health contact for future consultation. 	<p>Although we had not consulted with Public Health Devon, they will be included for future consultations and therefore felt the information provided should be considered where applicable.</p> <p>Replace wording 'problem gambling' with 'harmful gambling' paragraphs 14.1, 14.2 and 14.3</p> <p>Agree to add an Appendix E to include the information relating to Gambling Support. publichealth-mailbox@devon.gov.uk</p>

Lyn Phillips	<p>AMENDED-Page28- Section 9 para 9.1 to 9.3 Why are travelling fairs exempt from permits? What is the definition of an ancillary amount at the fair.</p> <p>ADDED-Page 31- New para 1.4 Need to add section 3 of the act to definition of operators in this paragraph.</p>	<p>I am unable to find any information that specifically defines 'ancillary amount' I have added links to Sections 286 and 287 of the Act and Part 30 of the Guidance to provide additional information relating to fairs.</p> <p>Page 31 refers to an Unlicensed Family Entertainment Licence, an operator's licence is not required. Refer to Part C para 1.1 Section 3 of the Act mentioned refers to gambling not definition of operators.</p>
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Andrea Furness

From: bob doubleday [REDACTED] >
Sent: 06 October 2024 11:11
To: Ext Mail: Licensing
Subject: 2024 Oct 06 - Aaron Amusements
Attachments: TDC AGC.docx

Categories: Andrea

Hi Andrea,

I attach the section regarding AGC's.

I have highlighted the wording associated with supervision in Red.

The advice in Blue can be interpreted that supervision methods are not mandatory merely as examples.

AGC operators in Motorway Service Centres appear to rely on CCTV only in order to meet the conditions.

This would make it more difficult for any licensing authority to police should there be instances of underage gambling and other licensing condition issues.

The problem is that this new draft of principles will only be applicable to new applicants.

Unless the gaming laws specifically say that all premises must be supervised by staff present at all times, then this draft will not change anything.

I feel that operators of unmanned AGC premises must demonstrate that they have a robust scheme in place that adopts the under25 rule and can quickly react to prevent any underage harm.

Perhaps the wording in Blue could be changed to:

The Licensing Authority must be satisfied that applicants understand the examples in this list to be able to prove compliance.

Regards

Bob

From: [Ext Mail: Licensing](#)
Sent: 30 September 2024 10:2
To: [bob doubleday](#)
Subject: RE: Gambling Act 2005 - Consultation of Statement of Principles

Hi Bob

I hope this email finds you well.

If you feel there is better wording that could be used, please let me know, I am more than happy to put this forward for amendment before committee make their decision in November.

Kind regards.

Mrs Andrea Furness

Licensing Manager

Tel: 01626 361101 (Customer Support)

Email: licensing@teignbridge.gov.uk

www.teignbridge.gov.uk

From: bob doubleday <[REDACTED]>

Sent: Sunday, September 29, 2024 2:54 PM

To: Ext Mail: Licensing <licensing@Teignbridge.gov.uk>

Subject: RE: Gambling Act 2005 - Consultation of Statement of Principles

Dear Andrea,

I have read through the Draft Statement of principles.

I do not see any concerns I need to address.

Our business conforms to the LCCP conditions.

My only comment refers to Adult Gaming Centres located in Road service centres where it would appear to be difficult to monitor underage entry and to enforce anti money laundering measures where there are no trained staff present. Merely relying on CCTV is questionable.

Thank you

Robert Doubleday

Aaron Amusements Ltd

The Royal Casino. Newton Abbot

Sent from [Mail](#) for Windows

From: Ext Mail: Licensing <licensing@Teignbridge.gov.uk>

Sent: Tuesday, September 24, 2024 9:43:41 AM

To: Ext Mail: Licensing <licensing@Teignbridge.gov.uk>

Subject: Gambling Act 2005 - Consultation of Statement of Principles

Good Morning

Please see letter attached.

Kind regards.

Mrs Andrea Furness

Licensing Manager

Tel: 01626 361101 (Customer Support)

Email: licensing@teignbridge.gov.uk

www.teignbridge.gov.uk

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[Email disclaimer](#)

- 2.1 The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the licensing authority that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises. The 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 The 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. The licensing authority reserves the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.
- 2.3 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
- 2.4 The 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.
- 2.5 The 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.

By Email Only
Licensing Section
Teignbridge Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: [REDACTED]
Your ref:
Date: 12/11/2024

Dear Teignbridge Council,

Re: Gambling Act 2005 Statement of Principles for Gambling

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four objectives. These are to:

1. create a culture of safer gambling throughout the betting and gaming sector, with a particular focus on young people and those who are vulnerable.
2. ensure future changes to the regulatory regime are considered, proportionate and balanced.
3. become respected as valuable, responsible, and engaged members of the communities in which its members operate.
4. safeguard and empower the customer as the key to a thriving UK betting and gaming industry.

BGC members support 110,000 jobs, generate £4.2 billion in taxes and contribute £7.1 billion to the economy in GVA (Gross Value Added), according to a report by EY in 2022.

Betting shops alone also support 42,000 jobs on the UK's hard-pressed high streets, contributing £800 million a year in tax to the Treasury and another £60m in business rates to local councils. Further, according to ESA Retail report 89% of betting shop customers go on to spend money in other high street establishments, further cementing the important role of betting shops in the local economy.

BGC members also support the UK's hospitality, tourism and leisure industry through our casinos – there are currently 116 across the UK. Overall, we are a major component of world leading British technology, where our members have founded tech powerhouses in many cities throughout the UK.

Betting is a hugely popular British leisure activity. Each month, around 22.5 million adults in the UK have a bet - whether it's buying a lottery ticket, having a game of bingo, visiting a casino, playing online or having a wager on football, horseracing and other sports - and the overwhelming majority do so perfectly safely and responsibly.

BGC members are proud to support UK sport, from the grassroots to the elite level. The industry contributes around £350 million to racing in levy, media, and sponsorship rights each year, £40 million to the EFL (English Football League), and £12.5 million to snooker, darts, and rugby league.

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Any consideration of gambling licensing at the local level should also be considered within the broader context.

The raft of measures recently put in place by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission, and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures, and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act (see further details on problem gambling rates below).

In addition, a range of further measures will be implemented imminently following the Government's White Paper, published in April 2023. These include: financial risk checks for those at risk of gambling harm, changes to the way operators market to their customers, changes to online game design which will remove certain features, the introduction of a mandatory levy for research, prevention and treatment (RPT) activities, an Ombudsman to adjudicate on customer redress and the introduction of mandatory stake limits on online slots, bringing the maximum stakes online in line with land based casinos.

It should also be noted that:

- The overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2023) was 5,995. This is reducing yearly and has fallen by 28% since March 2019 – equating to 2,309 betting shop closures in just four years.
- Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019, a maximum stake of £2 was applied to the operation of fixed odds betting terminals.

- Successive prevalence surveys and health surveys show that problem gambling rates in the UK are stable.

Problem Gambling

A point often lost in the debate about the future of gambling regulation is that problem gambling rates in the UK are low by international comparison.

The most recent “Gold standard” NHS (National Health Service) Health Survey found that problem gambling rates among adults are 0.4 per cent – the rate was 0.5 per cent in 2018. In comparison to other European countries, problem gambling rates in the UK are low. The problem gambling rate is 2.4 per cent in Italy, 1.4 per cent in Norway, and 1.3 per cent in France.

Both the Gambling Commission and the Government have acknowledged that problem gambling levels have not increased. However, one problem gambler is one too many, and we are working hard to improve standards further across the regulated betting and gaming industry.

In June 2020, the BGC’s largest members committed to increasing the amount they spend on RPT (Research, Prevention and Treatment) services from 0.1 per cent to 1 per cent in 2023. This was expected to raise £100 million but they have gone further and will have donated £110 million by 2024.

In the White Paper, the Government committed to introducing a statutory RPT (Research, Prevention and Treatment) levy, which would apply to all gambling licensees (excluding the national lottery). This levy is expected to raise £100m annually by 2026/2027.

The BGC also funds the £10 million Young People’s Gambling Harm Prevention Programme, delivered by leading charities YGAM and GamCare. As of March last year (2023), it has educated over 3 million children.

Advertising and Sponsorship

All betting advertising and sponsorship must comply with strict guidelines, and safer gambling messaging must be regularly and prominently displayed.

The Government has previously stated that there is “no causal link” between exposure to advertising and the development of problem gambling, as stated in a response by then Minister of State at DCMS, in June 2021. The Gambling Review White Paper, in relation to advertising, restated that there was “little evidence” of a causal link with gambling harms or the development of gambling disorder.

The Seventh Industry Code for Socially Responsible Advertising, adopted by all BGC members, adds a number of further protections in particular for young people. New measures include ensuring that all social media ads must target consumers aged 25 and over unless the website proves they can be precisely targeted at over-18s. In addition to raising advertising standards for young people, this

code, which came into force on 1 December 2023, extended the previous commitment that 20% of TV and radio advertising is devoted to safer gambling messaging to digital media advertising.

Under the 'whistle-to-whistle' ban, ads cannot be shown from five minutes before a live sporting event until five minutes after it ends, before the 9 p.m. watershed. Research by Enders Analysis found that in its first 12 months in operation, the ban reduced the number of TV betting adverts seen by children by 97% at that time. Overall, the number of gambling adverts viewed by young people also fell by 70% over the entire duration of live sports programmes. At the same time, the ban also reduced the number of views of betting ads by 1.7 billion during its first five months in operation.

BGC members also continue to abide by the stringent measures established by advertising standards watchdogs. These measures are in stark contrast to the unsafe, unregulated black market online, which has none of the safer gambling measures offered by BGC members, including strict age-verification checks. Any withdrawal of advertising would simply level the playing field with illegal operators thus providing opportunities for those operators to peel off customers from the regulated markets.

Misleading/ambiguous premises signage

There are increasing numbers of premises (usually Adult Gaming Centres) which describe themselves on their shopfronts and external signage as casinos despite these premises not being permitted to operate as a casino.

Section 150 Gambling Act 2005 creates five separate classes of premises licences – the operation of a casino (a casino premises licence), the provision of facilities for the playing of bingo (a bingo premises licence), making category B gaming machines available for use (an adult gaming centre premises licence), making category C gaming machines available for use (a family entertainment centre premises licence) and the provision of facilities for betting (a betting premises licence). Whilst casinos are permitted under a casino premises licence to provide bingo and betting facilities, the holder of an adult gaming centre premises licence may not offer casino facilities.

In order to avoid any ambiguity, the draft statement of principles should be clear that premises must not display signage which may suggest that the premises have a different premises licence to the one held.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important to clearly distinguish between the regimes, processes, and procedures established by the Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities—the regimes, processes, and procedures relating to the Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, which are then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications, where the LCCP provides a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in the Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances with clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In most cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry employs a policy called “Think 21”. This policy is successful in preventing underage gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission shows that ID challenge rates are consistently around 85%. Following the publication of the Gambling Commission’s response to their consultation on age verification on premises, all gambling venues will be moving to a “Think 25” policy from 30th August 2024.

Since Serve Legal began working with the gambling sector in 2009, the industry has now become the highest performing sector across all age verification testing. Across thousands of audits, there was an average pass rate of 91.4 per cent (2024 data). For casinos, there is a near perfect pass rate in the last period of 98%. When comparing Serve Legal audit data between members of the BGC and comparative age verification audit data in the Alcohol and Lottery sector we see how the gambling sector is performing between 10-15 per cent higher every year.

It should be noted that the Executive Summary of the Gambling White Paper stated that when parliamentary time allows, the Government will align the gambling licensing system with that for alcohol by introducing new powers to conduct cumulative impact assessments.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships between betting and gaming operators and licensing authorities and that problems can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this, and the opportunity to respond to this consultation is welcomed.

Considerations specific to the Gambling Act 2005 Statement of Licensing Principles

Paragraphs 15.7 to 15.10 contain bullet point list of considerations that the council “recommends” are considered by an applicant completing a local risk assessment. These bullet point list should be redrafted to delete matters that are not relevant to any assessment of risks to the licensing objectives. For example, “*Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.*” are issues of nuisance which is not a relevant consideration and is nothing to do with gambling. Accordingly this reference should be deleted.

For the same reasons, “Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc.” are not relevant and should be deleted. The references to “Gaming trends that may mirror days for financial payments such as pay days or benefit payments,” can only be relevant as to whether an operation is/will be consistent with the licensing objectives if the authority has predetermined that the local residents in receipt of benefits are more likely to commit crime associated with gambling than their neighbours who are do not receive benefits or that those in receipt of benefits are to be considered automatically vulnerable. Finally, it is not clear why or how, “Matters of faith,” could ever be relevant.

The content of the bullet point list should therefore be reconsidered and matters irrelevant to risks to the licensing objectives should be deleted.

Paragraph 1.11 is headed conditions. This section would be assisted by the insertion of a clear statement that the mandatory and default conditions referred to are intended to be, and usually are sufficient to ensure operation that is consistent with the licensing objectives and that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives which is not acknowledged or adequately addressed by the applicant’s risk assessment.

Paragraph 2.1 states, “The Authority will expect applicants to offer their own measures to meet the licensing objectives, appropriate measures / licence conditions may cover issues such as...” This sentence should be redrafted in order that it is clear that these suggested measures to meet the licensing objectives are expected to be outlined within the applicant’s local risk assessment and not within the application itself or that there is any expectation that applicants suggest conditions. Unlike Licensing Act 2003 applications where an applicant is required to indicate the steps to be taken to promote the licensing objectives with these steps then being converted into premises licence conditions, there is no such requirement under Gambling Act 2005 applications as the mandatory and default conditions coupled with the local risk assessment will detail how the premises will operate consistently with the licensing objectives. There is no requirement within the legislation nor expectation that applicants for Gambling Act 2005 premises licences will offer/propose conditions. Instead, the risk assessment will outline local risks and the policies, procedures and measures to be implemented to ensure consistency with the licensing objectives.

The expectation that applicants, “offer their own measures” is repeated in paragraphs 5.3 and 6.4 but initially with reference to the risk assessment although there is then a reference to conditions. These paragraphs should be amended in order that it is clear that these “measures” are expected to be contained within the local risk assessment and would only be the subject of conditions if the risk was either not identified or not adequately addressed by the mitigation measures proposed in the risk assessment.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope these comments above are helpful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,

The logo for Gosschalks, featuring the name in a stylized, handwritten-style font.**GOSSCHALKS LLP**

Queens Gardens, Hull, HU1 3DZ **T** 01482 324252 **F** 0870 600 5984 **W** www.gosschalks.co.uk **DX** 11902 – Hull

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GamCare's response to Teignbridge Council – Consultation on the revision of statement of principles under the Gambling Act 2005

About GamCare:

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

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

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

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



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

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Saturday, October 12, 2024 9:11:27 AM
Last Modified: Saturday, October 12, 2024 9:46:44 AM
Time Spent: 00:35:16
IP Address: 141.195.162.23

Page 1: Your views wanted September 2024

Q1

Contact Details

Name	Lyn phillips
Address	
City/Town	Teignmouth
Postal Code	
Email Address	
Phone Number	

Q2

Please make your comments next to the relevant paragraph changes

AMENDED-Page28- Section 9 para 9.1 to 9.3	Why are travelling fairs exempt from permits? What is the definition of an ancillary amount at the fair.
ADDED-Page 31- New para 1.4	Need to add section 3 of the act to definition of operators in this paragraph.

Gambling Statement of Licensing Policy Public Health Devon Statement

Purpose

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

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

Context

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

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

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

Language and terminology

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

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

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

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

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

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

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

At risk groups

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

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

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

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

(section 5.26)

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

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

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

Suicide risk

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

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

Staff training

The typical recommendation for staff training seen in policies of “building an employee’s ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable” focuses only on the duration of gambling as harmful.

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

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

Support & signposting

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

Gambling support

South West NHS Gambling Service

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

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

National Gambling Helpline – GamCare

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

Gamble Aware

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

Ara Gambling Support

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

Gamblers Anonymous

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

GAMSTOP

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

Mental Health and Suicide

Samaritans

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

SHOUT

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

First Response Service

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

Talkworks

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

Every Mind Matters

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

Drug & Alcohol Support

Together

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

Y-Smart

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

Money/Debt Support

MoneyHelper

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

National Debt Line

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

Public Health Devon – harmful gambling

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

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

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

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

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

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

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

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