

Forde House
Newton Abbot

E-mail: comsec@teignbridge.gov.uk

22 October 2018

EXECUTIVE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 30th October, 2018** in the **Council Chamber - Forde House** at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

Distribution:

- | | |
|--|--|
| (1) The Members of the Executive: | |
| Councillor Jeremy Christophers
(Leader) | The Leader and Portfolio Holder for Strategic
Direction |
| Councillor Humphrey Clemens
(Deputy Leader) | Portfolio Holder for Planning & Housing |
| Councillor Phil Bullivant | Portfolio Holder for Recreation & Leisure |
| Councillor Stuart Barker | Portfolio Holder for Corporate Resources |
| Councillor Timothy Golder | Portfolio Holder for Economy, Skills and Tourism |
| Councillor John Goodey | Portfolio Holder for Community Neighbourhoods |
| Councillor Kevin Lake | Portfolio Holder for Environment Services |
| Councillor Sylvia Russell | Portfolio Holder for Health & Well-being |

A link to the agenda on the Council's website is emailed FOR INFORMATION (less reports (if any) containing Exempt Information referred to in Part II of the agenda), to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

Public Access Statement

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- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the provisions of the Local Government Act 1972.

A G E N D A

Part I

1. Apologies for absence
2. Minutes (Pages 1 - 6)
3. Agreement of the Agenda between Parts I and II
4. Matters of urgency/matters of report brought forward with the permission of the Chairman
5. Declarations of Interest
6. To note action taken under delegated powers as set out in Part III of the agenda (if any)
7. Public Questions (if any)
8. Notice of Motion under Council Procedure Rule 4.5(I) (if any)
See Council!
9. Amendments to the Gambling Act (Pages 7 - 94)
To consider the amendments to the Amendments to the Gambling Act.
10. Public Spaces Protection Order for Dog Control in Teignbridge (Pages 95 - 108)
To consider the report for Public Spaces Protection Order for Dog Control in Teignbridge.
11. Driver and Operation Staff Salaries - Market Forces (Pages 109 - 112)

To consider the report on Driver and Operation Staff Salaries - Market Forces.

12. Executive Forward Plan (Pages 113 - 118)

To note forthcoming decisions anticipated to be made by the Executive over the next 12 months.

Part II

(Private) Items which may be taken in the absence of the Public and Press on the grounds that Exempt Information may be disclosed.

13. Land at Sandy Lane, Dawlish (Pages 119 - 120)

To consider the report on Land at Sandy Lane, Dawlish.

Part III

(FOR INFORMATION ONLY)

Nil.

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EXECUTIVE

TUESDAY, 2 OCTOBER 2018

Present:

Councillors Christophers (Leader), Clemens (Deputy Leader), Bullivant, Barker, Golder, Goodey, Lake and Russell

Members Attendance:

Councillors Clarence, Connett, Dennis, Dewhirst, G Hook, Nutley, Prowse and Wrigley

Officers in Attendance:

Phil Shears, Managing Director

Martin Flitcroft, Chief Finance Officer

Nick Davies, Business Manager, Strategic Place

Fergus Pate, Principal Delivery Officer

Tom Winters, Economy Projects Officer

Sarah Selway, Democratic Services Manager (Exeter City Council)

**These decisions will take effect from 10.00 a.m. on 9 October 2018
unless called-in or identified as urgent in the minute**

174. MINUTES

Minutes of the meeting on 4 September 2018 subject to an amendment to minute no.130 (Greater Exeter Strategic Plan Update) to clarify the Leader stated evidence would be brought forward to formulate a report for the aspiration for a Sports Zone and Concert Hub, they were confirmed and approved and signed as a correct record.

175. MATTERS OF URGENCY/MATTERS OF REPORT BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN

The Portfolio Holder for Housing & Planning advised Members of the successful funding bid from Homes England under the Housing Infrastructure Fund Marginal Viability Fund Programme for £4,900,000 for the Dawlish Link Bridge, Teignbridge. He thanked the Principal Delivery Officer for all his work which helped to make the bid successful.

176. DECLARATIONS OF INTEREST

There were no declarations of interest.

177. TO NOTE ACTION TAKEN UNDER DELEGATED POWERS AS SET OUT IN PART III OF THE AGENDA

The delegated decisions were noted.

178. TEIGNBRIDGE ECONOMIC DEVELOPMENT PLAN

The Economy Projects Officer presented the report and provided Members with the final version of the Economic Development Plan 2018-2023, incorporating changes following the consultation, and agreement for the Plan to be endorsed for implementation. Members were advised of the '5 years, 5 ventures' initiative which laid out the Council's specific objectives:-

- Supporting & Networking
- Driving Productivity
- Building Partnerships
- Catalysing Growth
- Cooperatives Services

The Economy Projects Officer thanked the Members of the review group, officers, representatives of outside organisations and businesses who had assisted in the production of the Plan.

The draft Economic Development Plan following approval from Executive on 1 May 2018 had been subject to consultation between 14 May and 29 June 2018. The responses were attached to the report together with the amendments made as a result of the consultation.

During discussion Members raised the following points:-

- the impact of Brexit in particular the effect this could have on agricultural workers in the district
- concern with regards to the low number of consultation responses and engagement with the Town and Parish Councils on the plan
- importance that progress on the plan was monitored

In response to questions and comments from Members, the Economy Projects Officer advised that once further data was available with regards to the effect that Brexit had on migrant workers the impact would be assessed, annual reports on the Economic Development Plan would be presented to Members advise on its progress.

The Managing Director stated that performance monitoring of the plan would be incorporated into the quarterly Council Strategy Performance reports that were received by Overview and Scrutiny Committee.

The Portfolio Holder for Economy, Skills and Tourism thanked the officers and the review group for their work into this important plan to take forward the economic development of the district.

RESOLVED that the Teignbridge Economic Development Plan 2018-23 be endorsed for implementation.

179. BUDGET MONITORING - REVENUE & CAPITAL, TREASURY MANAGEMENT LENDING LIST.

The Chief Finance Officer presented the report identifying the principal areas where there were likely to be departures from the approved 2018/19 budget and summarised the likely overall variation based on the information available to the end of August 2018. Members were advised of progress that had been made with achieving savings and efficiencies. He updated Members on progress with the capital programme and funding including the variations by services and on the lending list for treasury management purposes.

Members were advised that Government proposed that New Homes Bonus be abolished from the end of 2019/20, it would be replaced with an alternative form of housing delivery funding in 2020/21. The Council had been part of the Devon pilot Business Rates group this year and would look to bid for 2019/20 although the Government had stated that there would be fewer pilots next year and it was anticipated that the retention percentage would also be lower.

Comments raised from Members; if the economy & assets repairs and maintenance budget progressed as reported then there would be an underspend of £120,000; could the surplus in the car parking income be used to extend free parking in Newton Abbot on Saturday afternoons and noted the savings from Strata and utility costs.

In response to Members, the Chief Finance Officer stated that the spend to date on repairs and maintenance ignored future commitments so an underspend was not predicted, there were variations on the leisure budgets throughout the year but below the reportable figure of £10,000, the surplus on car parking income would be added to the budget variations as it could not be predicated what would happen in the next financial year, the project for the flood prevention at Combeinteignhead was under investigation and likely to occur next year.

The Portfolio Holder for Corporate Resources welcomed the mid-term report noting the variations to date and that the Council had business rates earmarked reserve to help cushion the impact of any initial losses of income as a result of the baseline reset. Although it was still hoped that the Council would be a pilot area next year.

RESOLVED that:-

- (1) the revenue budget variations as shown at appendix 1 be approved:
- (2) the updated capital programme as shown at appendix 2 be approved; and
- (3) the updated lending list as shown at appendix 3 be noted.

180. CALL IN OF PORTFOLIO HOLDER DECISION 12-2018 - PLANNING SITE INSPECTION PROCEDURE

Executive had before it the report circulated with the agenda, which included the Portfolio Holder decision, comments from Town and Parish Councils and the minute from Overview & Scrutiny Committee 10 September 2018.

The decision that the planning site inspection procedure is amended so that Parish and Town Council representatives are no longer invited to site inspections, had been called in by Councillor Dewhirst and supported by Councillors Connett, Cook, Cox, Evans, Keeling, Nutley, Parker and Rollason.

Councillor Dewhirst's reason for the call-in was detailed in the agenda report.

The resolution from Overview & Scrutiny was:

Resolved

That the call-in be referred to the Executive with a recommendation that:

- a) Town and Parish Council's should continue to be invited to planning site inspections.
- b) Planning Services meet with Town and Parish Councils to discuss issues raised in the Portfolio Holder decision.

The Business Manager, Strategic Place introduced the item and stated that complaints had been received from stakeholders, who were not afforded the same opportunity to attend site visits. There was an inherent unfairness in the current procedure which opened the Council up to legal challenges. Town and Parish Councils were a statutory consultee and their views were reported in the Planning agenda reports. The Local Government Association and Planning Advisory Service's publication advice on site inspections stated that they should not be used as a lobbying opportunity.

He advised that he had received a letter from the Teignbridge Association of Local Councils affirming their support for the continuation of the attendance of Town and Parish Clerks at site inspections.

A Member stated that the Overview & Scrutiny Committee had a full debate on this issue and were supportive of the continuation of the attendance of Town and Parish's at site inspections. It was also commented that decisions were not made at site inspections and it was particularly beneficial to have Town and Parishes attending when visiting major application sites.

During discussion, Executive Members commented that site inspections should not be used to lobby, what about applicants, objectors and other consultees they did not currently attend and that the site inspections had to be fair and equitable.

The Portfolio Holder for Planning & Housing commented that it was difficult to stop the lobbying at the site inspections and suggested that Planning Site Inspection Procedure should be referred to the Constitution Review which would be undertake in due course.

The Interim Monitoring Officer advised that the Town and Parishes were one of many statutory consultees and their attendance at site inspections gave them an additional advantage. The current process could open the Council up to challenge and a robust procedure should be in place.

The proposer of the call-in reiterated the need for training to be available to Town and Parish Councils to ensure probity as stated in his call-in.

In response to Members, the Business Manager, Strategic Place clarified that whilst there had not been many complaints in the last few years, there had recently been one of a more serious nature and that the Council should have robust process in place to avoid challenge.

What was a major site was subjective and it would be difficult to have two different procedures for site inspections allowing Town and Parishes to attend some site inspections and not others.

The Managing Director stated that it was not the number of complaints but the seriousness of their nature and that the Council would only need one complaint which could be costly to the Council.

RESOLVED that:-

- (a) Town and Parish Council's should continue to be invited to planning site inspections;
- (b) Town and Parish Council's should only be able to answer questions from the visiting site inspection party;
- (c) Officers attend Teignbridge Association of Local Councils to offer training to their members; and
- (d) It was noted that the Site Inspection Procedure would be considered as part of the Constitution Review.

181. EXECUTIVE FORWARD PLAN

RESOLVED that the Forward Plan be noted.

182. DEVON CONTROL BUILDING PARTNERSHIP COMMITTEE MINUTES 27 JULY 2018

RESOLVED that the minutes of Devon Control Building Partnership Committee 27 July 2018 be noted.

183. EXCLUSION OF PRESS AND PUBLIC

That under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

184. LAND WORKS AND MANAGEMENT

The Principal Delivery Officer presented the report agreeing the establishment and ongoing management of Suitable Alternative Natural Greenspace (SANGS) at South West Exeter. This proposal would also allow land transfers to be completed, some of whose terms would require the Council to establish SANGS for public access within prescribed timescales.

Members were advised of the background with regards to the allocation and delivery of SANGS, the Council approval in September 2017 for the acquisition of SANGS, the

ongoing SANGS management and the financial considerations. It was confirmed that this proposal was for 39 Hectares of SANGS and was necessary to ensure that that housing in South West Exeter could come forward. He advised that the recommendations should include consultation with the relevant Portfolio Holder.

In response to Members questions the Principal Delivery Officer clarified the following:-

- clarified the proposal for the SANGS management;
- outlined the Soft Market Test Process and advised that one substantive response had been received;
- the proposals would unlock houses that were awaiting planning approval;
- the report before Members was a precursor action which was subject to Council approval, if terms could not be agreed a further report would be brought back to Members;
- clarified the position with regards to the Housing Infrastructure Fund (HIF) bids submitted by Teignbridge District Council and Devon County Council.

Executive Members supported the proposals and the recommendation to Council.

The Portfolio Holder for Housing & Planning stated that the proposal met the requirements of the South West Exeter Development Framework which required the provision of 36 Hectares of SANGS to mitigate the impact of the 2,000 dwellings allocated in South West Exeter 1.

RECOMMENDED that Council:-

- (1) Approve a funding approach for establishment and ongoing management of Suitable Alternative Natural Greenspace (SANGS) at South West Exeter. Funds be deployed in consultation with the Portfolio Holder for Planning and Housing.
- (2) Delegate authority to the Interim Head of Commercial Services in consultation with the Portfolio Holder for Planning and Housing to commission a scheme for designing and undertaking works necessary for the creation of approximately 39 hectares of SANGS on and adjacent the site shown at Appendix A of the circulated report;
- (3) Delegate authority to the Business Manager for Spatial Planning and Delivery, in conjunction with the Section 151 Officer and in consultation with the Portfolio Holder for Planning and Housing to secure an arrangement for ongoing management and maintenance of the SANGS.

Chairman

EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Sylvia Russell

DATE: 30 October 2018

REPORT OF: Licensing Manager

SUBJECT:
Gambling Act 2005 – Review of Statement of Principles

PART I

RECOMMENDATIONS

The Executive is recommended to comment on the Statement of Principles, the representations received and the proposed amendments to the Statement (if any).

Resolve

That the Statement of Principles be approved subject to approval by Full Council.

1. PURPOSE

To consider the draft Statement of Principles is set out at Appendix A prepared under the Gambling Act 2005 the amendments are in bold. Three letters have been received these are set out in Appendix B.

2. BACKGROUND

The Council is required every three years, to prepare and keep under review, a statement of the principles which it proposes to apply when exercising its functions and the statement must be published. The Council has prepared its statement which has been subject to consultation.

The current statement of principles come into effect on 31 January 2016 and expires on 30 January 2019.

3. MAIN IMPLICATIONS

The publication of the Statement of Principles within the timescale referred to and its application in the licensing process is a legal requirement.

4. GROUPS CONSULTED

The Licensing Authorities draft Statement of principles was made available for consultation on the 30 July 2018. The final date for comments was 28 September 2018.

The consultation exercise for the draft statement of principles has been wide. Section 34(3) 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. A letter was sent to each of the consultees inviting them to make comment on the principles. They were given the choice of downloading a copy of the review of the licensing policy from Teignbridge District Councils website or requesting a printed copy to be sent out by post. The Licensing Office received one request to supply a printed copy this was from a town council. A copy of the review of the statement of principles was placed on the Council's internet site and libraries within the District.

- South Devon and Dartmoor Community Safety Partnership
- Devon and Cornwall Police
- Devon County Council Social Services/Education Department
- Devon & Somerset Fire and Rescue Service
- TDC - Environmental Health
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- Local businesses and their representatives
- Local faith groups
- Local residents and their representatives
- Mencap
- NSPCC
- NHS Northern Eastern and Western Devon Clinical Commissioning Group
- Representatives of existing licence-holders
- Voluntary & Community organisations working with children & young people
- All Parish Councillors
- All District Councillors
- All premises identified as being affected by the changes
- All known Chambers of Trade operating within the District
- The Children's Safeguarding Board
- H M Revenue & Customs
- Association of British Bookmakers

- British Amusement Catering Trade Association (BACTA)
- Bingo Association
- British Association of Leisure Parks, Piers & Attractions Limited (BALPPA)

The feedback from the consultation process has been minimal, details are set out on the attached representations received and proposed amendments Appendix C. The list of factors that have been raised are covered by the Gambling Commissions Licensing Conditions and Code of Practice, Social Responsibility codes as well as changes made to Teignbridge District Council's review of the Statement of Principles.

On 5 October 2018 the Licensing Committee discussed the Statement of Principles and recommended the amendments to representations received as set out in the report and appendices as circulated with the agenda, be referred to the Executive for approval subject to the following further amendment:

- That all references to safeguarding and vulnerable individuals and children in the Appendix to the Statement of Principles be also referred to in the Statement of Principles at the following paragraphs:
 - (a) Page 13, Paragraph 6 '*Overriding Principles.*'
 - (b) Page 34, Part C, Paragraph 1.1 *Permits/Temporary & Occasional Use Notice – Unlicensed Family Entertainment Centre*

5. TIME-SCALE

- 5 October 2018 – Licensing Committee consider draft Statement of Principles
- 30 October 2018 - Executive consider draft Statement of Principles
- 19 November 2018 - Council consider and approve Statement of Principles
- By 3rd January 2019 - Publish Statement of Principles
- By 31st January 2019 - Statement of Principles takes effect.

6. JUSTIFICATION

Regulations require the Statement of Principles to be approved by Council, subject to the comments of the Executive.

7. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

10.00 a.m. on Tuesday 30 October 2018.

Andrea Furness
Licensing Manager

Cllr Sylvia Russell
Portfolio Holder for Environment,
Health and Wellbeing

Wards affected	All
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Contact for any more information	Andrea Furness
Background Papers (For Part I reports only)	Gambling Act 2005 Guidance to Licensing Authorities 5th Edition
Key Decision	N
In Forward Plan	Y
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	Appendix A – Draft Statement of Principles Appendix B – Comments / Representations Appendix C – Representations and Proposed Amendments



Statement of Principles

UNDER THE GAMBLING ACT 2005

For the period 31st January 2019 to 30th January 2022

(Approved by Full Council on 19 November 2019)
Responsible Authorities updated

Published by:

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

Telephone: 01626 215151 (voicemail)
Email: licensing@teignbridge.gov.uk
Website: www.teignbridge.gov.uk/licensing

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Table of Contents

Item	Page
Part A	
Licensing Objectives	4
Introduction	4
Geographical Area	5
Review of Statement of Principles	6
Declaration	7
The Overriding Principle	7
Responsible Authorities	7
Interested Parties	8
Exchange of Information	8
Enforcement	8
Licensing Authority Functions	9
The Licensing Process	10
Local Risk Assessments	10
Part B – Premises Licences	
General Principles	13
Access to Premises	13
Plans	19
Adult Gaming Centres	20
(Licensed) Family Entertainment Centres	21
Casinos	22
Bingo	22
Betting Premises	23
Tracks	23
Travelling Fairs	25
Vessels	25
Provisional Statements	25
Reviews	26

Part C – Permits/Temporary & Occasional Use Notices	
Unlicensed Family Entertainment Centre Gaming Machine Permits	28
(Alcohol) Licensed Premises Gaming Machine Permits	30
Prize Gaming Permits	31
Club Gaming & Club Machine Permits	34
Temporary Use Notices	36
Occasional Use Notices	37
Small Society Lotteries	37
Delegation of Officers – Appendix A	39
Safeguarding– Appendix B	40
Glossary	41
References	47

STATEMENT OF PRINCIPLES

Part A

1 The Licensing Objectives

- 1.1 Teignbridge District Council as ('this licensing authority') has a duty under the Gambling Act 2005 ('the Act') to carry out its licensing functions in a manner which is consistent with the three licensing objectives, which are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way, and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 This Licensing Authority particularly notes the Gambling Commission's latest Guidance to Local Authorities (5th Edition September 2016) from now on referred to as 'the Guidance'.

2 Introduction

- 2.1 This Statement of Licensing Principles is written pursuant to the provisions of the Act and the Guidance issued under s.25 of the Act by the Gambling Commission.
- 2.2 The Statement takes effect on 31 January 2019.
- 2.3 The Act gives licensing authorities a number of important regulatory functions. The main functions are:-
- licence premises for gambling activities;
 - consider notices given for the temporary use of premises for gambling;
 - grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
 - regulate gaming and gaming machines in alcohol licensed premises;
 - grant permits to family entertainment centres for the use of certain lower stake gaming machines;
 - grant permits for prize gaming;
 - consider occasional use notices for betting at tracks; and
 - register for small societies' lotteries.

3 The Geographical Area



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

Local Area Profiles

3.8 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that this Licensing Authority will apply when granting licenses. By adopting the Local Area Profile it is likely to assist operators in identifying specific local risks within the District.

3.9 The creation of this Local Area Profile, however, is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations that have the expertise and knowledge of the impact gambling has in the local area. Where evidence is submitted to this Licensing Authority which identifies the areas of concern it is intended to produce a Local Area Profile separate to this Policy.

4 Review of Statement of Principles

4.1 Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

4.2

The Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to this licensing authority to represent the interests of persons carrying on gambling businesses in the this licensing authority's area;
- One or more persons who appear to this licensing authority to represent the interests of persons who are likely to be affected by the exercise of this licensing authority's functions under the Act.

4.3 List of persons this licensing authority consulted:

- Citizen's Advice Bureau
- **South Devon & Dartmoor Community Safety Partnership** Devon and Cornwall Constabulary
- Devon and Somerset Fire and Rescue Service
- Environmental Health
- **British Amusement Catering Trade Association (BACTA)**
- **Association of British Bookmakers**
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- Local businesses and their representatives
- Local faith groups
- Local residents and their representatives
- Mencap
- NSPCC
- NHS Northern Eastern and Western Devon Clinical Commissioning Group
- Representatives of existing licence-holders

Voluntary & Community organisations working with children & young people

4.4 Proper weight **will** be given to the views of all those who **are** consulted prior to the date of implementation of the Statement of Principles.

Our consultation took place between 30 July 2018 and 28 September 2018 and we followed the Cabinet Office, Consultation Principles: (published October 2013), which is available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf

Should you have comments regarding this Statement of Licensing Principles please write to the above address at the front of this document or email licensing@teignbridge.gov.uk
A Statement of Principles is proposed to be approved at a meeting of the Full Council on 18 November 2018 and **will be** published via our website on 3 January 2019. Copies will be placed in the public libraries of the area as well as being available for viewing at Teignbridge District Council, Forde House, Brunel Road, Newton Abbot, TQ12 4XX

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

5 Declaration

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

6 The Overriding Principle

- 6.1 In exercising its functions under the Act, this licensing authority will aim to permit the use of premises for gambling;
- in accordance with the Act & associated legislation;
 - in accordance with any relevant Code Of Practice issued by the Gambling Commission under section 24 of the Act;
 - having regard to the relevant Guidance issued by the Gambling Commission under section 25 of the Act;
 - as is reasonably consistent with the licensing objectives; and
 - have regard to this Statement of Principles under section 349 of the Act.

6.2

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

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

6.3 **Each case will be considered on its merits.**

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

7 Responsible Authorities

- 7.1 Responsible authorities are those public bodies, as specified by the Act, which must be notified of applications for premises licence. Such bodies are entitled to make representations to this licensing authority in relation to the applications. The Responsible Authorities are detailed on our website <https://www.teignbridge.gov.uk/media/7109/responsible-authorities-contacts.pdf>.

- 7.2 This licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise this licensing authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of this licensing authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 7.3 In accordance with the suggestion in the Guidance this licensing authority designates the Area Child Protection Committee for this purpose.

8 Interested Parties

- 8.1 **Section 158 of the Act defines interested parties. To accept a representation from an interested party, the authority must take the view that the person:**
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) has business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)"
- 8.2 This licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:
- 8.3 Each case will be decided upon its merits. This licensing authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Guidance <http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>
- 8.4 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Sub-Committee. If there are any doubts then please contact the Licensing **Team who may be contacted on details at the beginning of this document.**

9 Exchange of Information

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

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

10 Enforcement

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

- 10.2 The Gambling Commission is the enforcement body for operating and personal licenses and it is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by this licensing authority but should be notified to the Gambling Commission.
- 10.3 When interpreting legislation and determining necessary enforcement action this Licensing Authority will be guided by the Guidance and its Code of Practice, the Regulators Code and its own Enforcement Policy and any Primary Authority partnership that may be in place.
- 10.4 Whilst this authority has not currently adopted any primary authority agreements with the local businesses in respect of gambling activity, a number of councils have now signed primary authority agreements with some of the largest gambling operators covering the issue of age verification. Where such arrangements are in place this licensing authority will have regard to the plan agreed between the company and primary authority in developing their own programmes of activity and inspection. It is acknowledged that any primary authority relationship will provide a useful mechanism to feedback general concerns about a particular operator, as the primary authority will have regular contact at senior levels with the operator.**
- 10.5 As per the Guidance this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 10.6 In order to ensure that any compliance issues are recognized and resolved at the earliest opportunity, operators are requested to give this licensing authority a single named point of contact, who should be a senior individual, and whom this licensing authority will contact should any compliance queries or issues arise.
- 10.7 If reports are received of non-compliance, enforcement action will take place in accordance with the above. This authority adopts a graduated approach to enforcement and when seeing to resolve or address issues the general expectation of the authority is that operators promptly work alongside this licensing authority in taking remedial action. However, where a serious issue is identified it is likely that the Authority will immediately initiate some form of enforcement action.
- 10.8 In undertaking any enforcement action this Authority will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 10.9 This licensing authority uses standard templates when carrying out our compliance inspections. The link to enable you to view these templates is as follows:
<http://www.llepbizgateway.co.uk/gambling-act-2005/assessment-template-forms/>**

11 This Licensing Authority's functions

- 11.1 The Authority **are required under the Act to undertake various regulatory functions in relation to a number of activities, they are** issuing premises licenses for:
- Casino premises
 - Bingo premises
 - Betting premises including tracks
 - Adult Gaming Centres (AGC); and
 - Family Entertainment Centres (FEC)
- 11.2 The Authority may also grant other forms of authorisation:
- Temporary Use of Premises (TUN)
 - Occasional Use Notices (OUN)
 - Notifications from alcohol licensed premises – less than two machines

- Permits for Gaming Machines on Alcohol Licensed Premises – more than two machines
- Permits for Unlicensed Family Entertainment Centres (uFEC)
- Permits for Prize Gaming
- Permits for Club Gaming Machines and
- Permits for Club Gaming

11.3 The Authority is also required to:

- Register Small Society Lotteries
- Maintain registers of the licenses and permits that are issued
- Provide information to the Gambling Commission regarding details of licenses issued

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

12 The Licensing Process

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

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

12.3 This licensing authority will ensure that all Licensing Officers and Members of the Licensing Committee have received adequate training for their role under the Act.

12.4 Where admissible and relevant representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Sub-Committee will be convened to hear the matter.

12.5 Applicants for premises licences are required to copy their applications in full to the responsible authorities as **listed on the website** -

<https://www.teignbridge.gov.uk/media/7109/responsible-authorities-contacts.pdf>

12.6 Delegated functions permitted under the Act are set out in Appendix A.

13 Local Risk Assessments

13.1 **As of 6 April 2016 it is a requirement that licensees must comply with the** Gambling Commission's Social Responsibility Code, it requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, licensees should take into account any relevant matters identified in this policy statement.

13.2 Licensees **are** required to undertake local risk assessment when applying for a **new or transfer of a** premises licence. Their risk assessment will also need to be updated **and supplied as part of any application:**

- When applying for a variation of a premises licence.
- To take account of significant changes in local circumstances, including those identified in this policy.
- When there are significant changes at a licensee's premise that may affect the level of risk or the mitigation of those risks, **to include any changes to the interior layout of the premises.**
- **To expect that local risk assessments will be kept available at a licensees premises and being readily available for inspection by licensing authorities**
- **Where premises consist of an uFEC and AGC that the local risk assessment is to be completed for the whole premises.**

- 13.3 The Code of practice provision is supplemented by an Ordinary Code that will require licensees to share their risk assessments with this licensing authority when applying for a premises licence or applying for a variation to existing licensed premises.
- 13.4 **The risk assessment must be reviewed annually, kept on the premises to which it relates and be available for inspection by an authorised officer of this licensing authority or Gambling Commission.**
- 13.5 There are no plans to request that licensed premises share their risk assessments on a periodic basis, where concerns do exist, perhaps prompted by new or existing risks, this Licensing Authority is likely to request that a licensee share a copy of its risk assessment. The risk assessment will set out the measures the licensee has put in place to address specific concerns, thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required.
-
- 13.6 **In some circumstances it may be appropriate for this licensing authority to offer a licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.**
- 13.7 **The code of practice requires the licensing authority to set out matters they expect the operator to take account of in the risk assessment in its statement of principles and this licensing authority would recommend that the following matters are considered by operators when making their risk assessment:**
- **Information held by the licensee regarding self-exclusions and incidences of underage gambling**
 - **Arrangement for localised exchange of information regarding self-exclusions and gaming trends**
 - **Gaming trends that may mirror days for financial payments such as pay days or benefit payments**
 - **Proximity to schools, commercial environment or other factors affecting footfall**
 - **Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities**
 - **Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.**
 - **Potential for money laundering**
 - **Proximity of machines to the entrance door**
 - **Assessing staffing levels to cover peak periods, eg summer season, college closures.**

Matters relating to children and young persons including:

- **Institutions, places or areas where presence of children and young person should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues**
- **Any premises where children congregate including bus stops, cafes, shops and any other place where children are attracted**
- **Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc.**
- **Recorded incidents of attempted underage gambling**
- **An age verification policy.**

Matters relating to vulnerable adults, including:

- **Information held by the licensee regarding self-exclusions and incidences of underage gambling**
- **Gaming trends that may mirror Days for financial payments such as pay days or benefit payments**

- **Arrangement for localised exchange of information regarding self-exclusions and gaming trends**
- **Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.**

Other issues that may be considered could include:

- **Proximity of premises which may be frequented by large numbers of people including sports stadiums, leisure centres, places of workshop**
- **Matters of faith, including all religious or faith denominations including proximity of churches, mosques, temples or any other place of worship.**

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

Part B - Premises Licences: Consideration of Applications

1 General Principles

- 1.1 Premises Licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant Guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with this licensing authority's Statement of Licensing Principles.
- 1.3 It is appreciated that as per the Guidance "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for this licensing authority. **Meaning of "premises"**

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

- 1.5 This licensing authority takes particular note of Part 7 of the Guidance, which **sets out multiple activity premises – layout and access** <http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

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

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

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

1.6 Access to premises

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, this licensing authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.

The Commission Guidance at paragraph 7.22 states "There is no definition of 'direct access' in the Act or Regulations, but licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access."

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

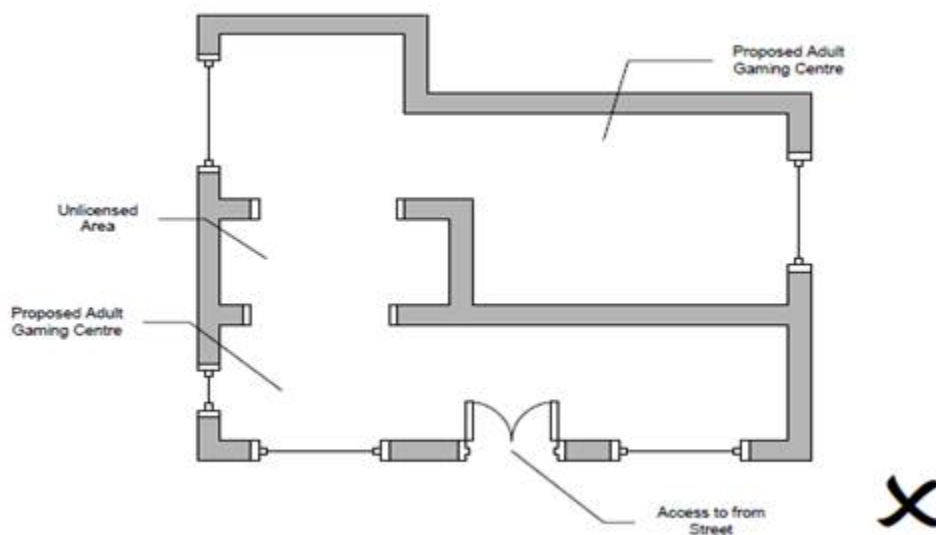
Where this licensing authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, this licensing authority will expect applicants to ensure that:

- Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part,
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

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

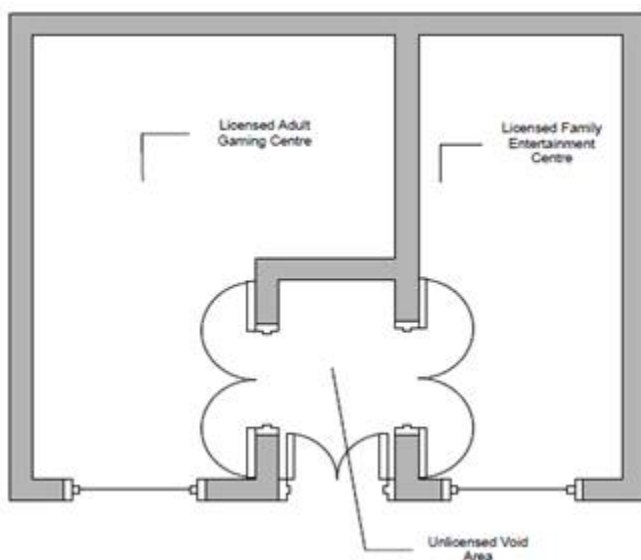
Applications to place two licensed premises in one premises with an unlicensed area separating them, see Figure 1, will not meet this Policy because of the artificial nature of the premises, access, and likely use issues which will arise.

Figure 1



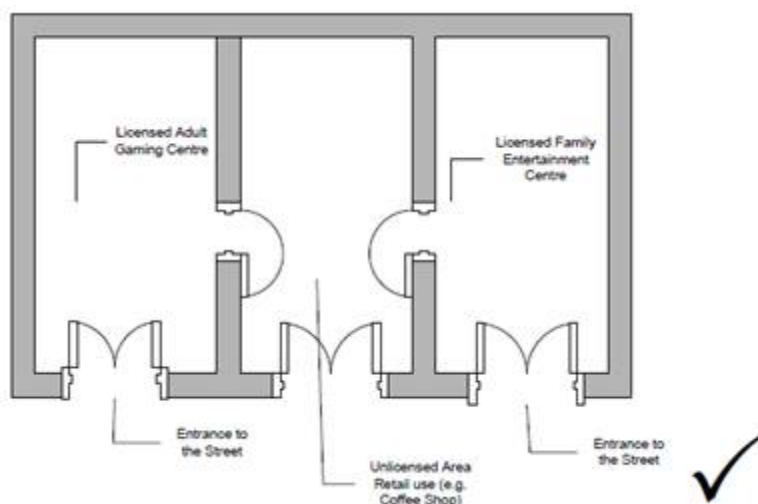
It is possible to have an unlicensed foyer area which separates one licensed premises from another if the foyer is accessed from the street. See Figure 2. This Licensing Authority would expect as a minimum that the area should be used for non-gaming purposes such as an information point, a coffee shop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

Figure 2



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

Figure 3



The provisions of this revised statement of principles 2019 come into force on 31 January 2019. From this date any new application for any type of Gambling premises licence, will be expected to fully comply with the terms and conditions as set out above. Existing licensed premises may continue to operate under the terms that have been granted by virtue of the licence that they currently hold, provided that the licensing objectives continue to be fully promoted at all times. Any application to vary, however, will be subject to the full terms as outlined above.

1.7 Premises “ready for gambling”

Part 7 of the Guidance also sets out the circumstances in which a licence can be granted. <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>

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

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

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

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

1.8 Location

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

1.9 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.

1.10 Duplication with other regulatory regimes

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible.. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.11 Licensing objectives

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

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

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

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

This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour

was to those who could see it and nuisance is an activity that is more serious and disruptive than mere nuisance), so as to make that distinction.

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

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

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

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

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

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." **This licensing authority shall consider this licensing objective on a case by case basis.**

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

The Licence Conditions and Code of Practice (LCCP) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are present. In particular operators must ensure that:

- **All staff are trained**
- **That all customers are supervised when on gambling premises**
- **Procedures for identifying customers who are at risk of gambling related harm are in place.**

This licensing authority will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility. These should cover all aspects including in particular staff training records and self-exclusion records.

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

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

1.15 **Conditions**

Gambling Premises Licenses are subject to a series of mandatory and default conditions. Mandatory conditions made under Section 167 of the Act must be attached to premises licenses and default conditions made under Section 168 of the Act are attached unless this licensing authority decides to exclude them, using its powers under Section 169. In the vast majority of cases, these conditions will suffice. Any additional conditions attached to the licenses will be considered by way of a Licensing Sub-Committee. Conditions will be proportionate and:-

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

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

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

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

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

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

1.19 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

1.21 **Door Supervisors**

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

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (Part 33 of the guidance refers).

1.22 Plans

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

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

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

In addition where the application is for a:

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

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

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

Family entertainment centre premises licence, the plan must show—

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

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

- (a) gaming machines

- (b) self-service betting terminals; and
- (c) counters

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

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

Unlicensed Family Entertainment Centre permits

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

Prize Gaming permits

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

2 Adult Gaming Centres

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

- **No direct access from any other licensed gambling premises or one with a permit (such as a uFEC)**
- CCTV
- Door supervisors
- Location of entry
- Notices / signage
- Physical separation of areas **(an expectation for barriers to be tangible and evident)**
- Proof of age schemes

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

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

- 2.2 This licensing authority recognises that the design and layout of adult gaming centres will vary. It will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff properly monitor the use of these machines by children and young persons. This licensing authority reserves the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

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

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

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

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

3 (Licensed) Family Entertainment Centres

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

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

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

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

- 3.3 This licensing authority will, as per the Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

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

4 Casinos

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

Despite the fact that the Council has not passed such a resolution, the Council is currently not enabled by the Secretary of State (in accordance with regulations made under Section 175 of the Act) to grant a premises licence for a casino.

5 Bingo premises

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

'Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.'

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility code states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.'

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

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

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

- 5.3 **Section 172(7) of the Act, as amended, and Part 18 of the guidance provides information on the gaming machines in relation to the total number and category of machine allowed on bingo premises. <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>**

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

6 Betting premises

6.1 Betting machines

This licensing authority **will take into account** the **size**, design and layout of betting premises (or any other premises including tracks). It will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, that staff **have the ability** to properly **prevent** the use of these machines by children and young persons. This licensing authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

Factors to be taken into consideration will include the following:

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

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

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

7 Tracks

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

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

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

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

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

7.4 Gaming machines

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

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

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

7.5 Self Service Betting Terminals (SSBTs)

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

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

7.6 Applications and plans

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

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

8 Vessels

8.1 Section 353 of the Act defines a vessel.

This licensing authority when considering applications for premises licences in respect of vessels will give particular weight to the views of the Maritime and Coastguard Agency in

respect of promoting the licensing objectives. Where in the opinion of this licensing authority any of the three objectives are undermined, and this cannot be resolved through the imposition of conditions, the application will be refused.

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

9 Travelling Fairs

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

10 Provisional Statements

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

Part 11 of the guidance also refers.

- 10.2 Developers may wish to apply to this licensing authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 10.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 10.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 10.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. This licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.

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

- which could not have been raised by objectors at the provisional statement stage;
- which in this licensing authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

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

11 Reviews

11.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for this licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission (**LCCP**);
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this licensing authority's Statement of Principles.

11.2 The request for the review will also be subject to the consideration by this licensing authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this licensing authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

11.3 This licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

11.4 Once a valid application for a review has been received by this licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by this licensing authority, who will publish notice of the application within 7 days of receipt.

11.5 This licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

11.6 The purpose of the review will be to determine whether this licensing authority should take any action in relation to the licence. If action is justified, the options open to this licensing authority are:-

- (a) add, remove or amend a licence condition imposed by this licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

11.7 In determining what action, if any, should be taken following a review, this licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

11.8 In particular, this licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

- 11.9 Once the review has been completed, this licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs.

PART C

Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre (uFEC)

- 1.1 **Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to this licensing authority for this permit. Section 238 of the Act defines** the term ‘unlicensed family entertainment centre’ (uFECs) and refers to a premises which provides category D gaming machines along with various other amusements, such as computer games and penny-pushers. The premises is ‘unlicensed’ in that it does not require a premises licence, but does require a permit to be able to provide its category D gaming machines. It should not be confused with a ‘licensed family entertainment centre’ which does require a premises licence because it contains both category C and D gaming machines.

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

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

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

- 1.9 When a permit holder appoints a new manager responsible for the day to day running of the premises, that person will be required to produce a disclosure **and barring** check dated within one calendar month of the appointment date.
- 1.10 As these premises are open to children and young persons, **this licensing authority** will require additional information when an applicant applies for this permit as follows:
- proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
 - proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
 - the result of a disclosure and barring disclosure (the disclosure must have been issued within the previous month). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) –The website link www.gov.uk/request-copy-criminal-record
 - In the case of applications for an uFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission
 - **Please see Part B section 1.22 – plans for what this licensing authority would expect to see on the plans.**
- 1.14 **This licensing authority** will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, **please see Appendix B**. **This licensing authority** will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:
- maintain contact details for any local schools and or the education authority so that any truant children can be reported
 - employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
 - employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
 - maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
 - display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets
 - maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.)
 - ensure all young children are accompanied by a responsible adult.
 - Maintain policies to deal with any young children who enter the premises unaccompanied
 - The provision of satisfactory basic disclosure checks for all staff who will be working closely with children.

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

- 1.15 **This licensing authority encourages applicants for uFECs to consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.**
- 1.16 **This licensing authority** will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. The Authority will assess these policies and procedures on

their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

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

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

1.17 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.

1.18 This Statement of Principles applies to initial applications only and not to renewals. With regard to renewals, this licensing authority may refuse an application for renewal of a uFEC only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives, **for example, where the premises are no longer an uFEC or have significantly changed from that originally subject of the permit**

1.19 Where an applicant fails to comply with the above requirements, this licensing authority may refuse the application. Where there is such a refusal, this licensing authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.

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

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

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

2.1 Automatic Entitlement for two machines

There is provision in the Act for a premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify this licensing authority. This licensing authority can remove the automatic authorisation in respect of any premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to this licensing authority, that a fee has been

provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)

- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises

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

The premises must comply with Gambling Commission code of practice for gaming machines in clubs and premises with an alcohol licence.
<http://www.gamblingcommission.gov.uk/PDF/Code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf>

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

2.2 Permit - three or more machines

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

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

2.3

2.3 It should be noted that this licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

2.4 A plan must accompany applications indicating where and what type of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.

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

2.6

The premises must comply with Gambling Commission code of practice for gaming machines in clubs and premises with an alcohol licence.
<http://www.gamblingcommission.gov.uk/PDF/Code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf>

2.7 Gaming in alcohol-licensed premises

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

2 Prize Gaming Permits –

(Schedule 14 Para 8 (3))

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

3.2 Statement of Principles

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

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

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

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

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

3.2.4 In making its decision on an application for a prize gaming permit this licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to **the guidance**. <http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx> 3.2.5 The measures suggested in this document should be read as guidance only and this licensing authority will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

3.3 Prize gaming permits

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

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

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

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

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

3.4 Supporting documents

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

- proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
- proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
- the result of a **basic** disclosure (the disclosure must have been issued within the previous month). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) – Basic Disclosures can be obtained from the website link www.gov.uk/request-copy-criminal-record

Please see Part B section 1.22 – plans for what this licensing authority would expect to see on the plans.

3.4.2 Where an applicant is a company or organisation and does not hold an Operating Licence, then the proposed Manager responsible for the day to day running of the premises of the premises will be required to produce a disclosure **and barring** check dated within one calendar month of the date of the application being submitted to this licensing authority.

3.4.3 When a permit holder appoints a new manager responsible for the day to day running of the premises, that person will be required to produce a disclosure **and barring** check dated within one calendar month of the appointment date.

3.4.4

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

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

3.5 Child protection issues

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

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

- ensure all young children are accompanied by a responsible adult.
- Maintain policies to deal with any young children who enter the premises unaccompanied
- The provision of satisfactory basic disclosure checks for all staff who will be working closely with children.

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

3.6 Protection of Vulnerable Persons Issues

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

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

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

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

3.7 Other miscellaneous issues

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

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

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

4 Club Gaming and Club Machines Permits

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

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

Each type of permit allows the provision of different types of gaming. The current limits can be found by visiting the Gambling Commissions website www.gamblingcommission.gov.uk

- 4.2 A non commercial club must meet the following criteria to be considered a members club:
- it must have at least 25 members
 - it must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations)
 - **it must not allow a candidate, any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission** it must be permanent in nature
 - it must not be established to make a commercial profit
 - it must be controlled by its members equally.

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

- 4.3 **Part 25 of the guidance** also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Guidance states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed by regulations under s.266 of the Act;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 4.6 The Authority will need to satisfy itself that the club meets the requirements of the Act to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:
- Whether there is a list of committee members and evidence of their election by the club members?
 - Which members hold the position of Chair, Secretary and Treasurer?
 - Whether there are any minutes of previous meetings (where appropriate)?
 - Is the primary activity of the club something other than gaming?
 - Are the clubs profits retained solely for the benefit of the clubs members?
 - Are there 25 or more members?
 - Do guest arrangements link each guest to a member?
 - Are there annual club accounts available for more than one year?
 - Are children permitted in the club?
 - Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?

- **Is the interval of at least two days between their nomination or application for membership and their admission being adhered to.**

- 4.7 When examining the clubs constitution the Authority would expect to see evidence such as:
- Who makes commercial decisions on behalf of the club?
 - What are the aims of the club?
 - Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
 - Can people join with a temporary membership?
 - What is the usual duration of membership?
 - **Is there a provision for the election of officers?**

- 4.8 **Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. This licensing authority will consider such factors as:**

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

5 Temporary Use Notices (TUN)

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by TUNs, and at the time of writing this statement of principles the relevant regulations (SI No.3157) state that the TUNs can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

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

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

- **it can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both**
- **gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises**

- **it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner**
- **gaming machines may not be made available under a TUN.**

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

6 Occasional Use Notices

- 6.1 This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will consider the definition of a ‘track’ and whether the applicant is permitted to serve the notice. **Further information can be found on the Gambling Commission website <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Betting/Occasional-Use-Notices-OUNs.aspx>**

8 7 Small Society Lotteries

- 7.1 **This licensing authority has a legal responsibility to register and administer small society lotteries under Part 4 of Schedule 11 of the Act. Under the Act a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. Promoting or facilitating a lottery will fall into two categories.**

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

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

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

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

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

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website:

<http://www.gamblingcommission.gov.uk>

- 7.4 Applicants for **small society** lottery registrations must apply to this licensing authority in the area where their principal office is located. Where this licensing authority believes that the Society’s principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 7.5 This licensing authority may refuse an application for registration if in their opinion:

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

8. Exemptions

8.1 The Act makes provision for a number of forms of exempt gaming and betting. These will generally be low-level, low risk activities and in some cases (for example, poker in pubs and clubs), limits on stakes and prizes are prescribed in regulations.

8.2 Private Gaming (Schedule 15 of the Act)

Gaming is private gaming when it is equal chance gaming, no charge is made for participation and the gaming is conducted entirely in private (for example, in premises to which the public does not have access).

8.3 Private Betting (Section 295 of the Act)

There are two types of private betting: domestic betting (for example, betting in one's own home) and workers' betting (betting among persons who all work for the same employer).

8.4 Non-commercial gaming (Section 297-301 of the Act)

Non-commercial gaming may be carried out without an authorisation subject to the following conditions:

- **All players must be informed that the purpose of the gaming is to raise money for a purpose other than private gain**
- **Profits from the gaming must be applied for a purpose other than private gain**
- **The event must not take place in a premises which has a premises licence or is being used under a TUN**
- **The gaming must not be remote gambling.**

8.5 Alcohol licensed premises (Section 279-284 of the Act)

The Act contains provisions which allow alcohol licensed premises (pubs, clubs) to provide certain forms of gaming without the requirement for a licence/permit.

8.6 Bingo (Section 275 and 281 of the Act)

Pubs and clubs are permitted to conduct low turnover bingo. To qualify as low turnover bingo, the total value of stakes and prizes must not exceed £2,000 in any period of seven days. Above this limit, bingo becomes high turnover bingo and requires an operating licence from the Gambling Commission plus a premises licence from this licensing authority.

8.7 Gaming (Section 279 and 280 of the Act)

These sections allow gaming facilities to be provided in pubs and clubs subject to certain conditions:

- **Facilities must be for equal chance gaming only (eg poker)**
- **Stakes and prizes must not exceed any limits set by regulations**
- **No amount may be deducted from amounts staked or won**
- **No fees may be charged to participate**
- **Gaming must not take place on more than one set of premises; and**
- **Children under 18 must not participate.**

8.8 Generally, this licensing authority will not become involved in these types of gambling unless the exempt provisions are contravened for example, if any of the limits on stakes and/or prizes are exceeded.

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

Child Sexual Exploitation and Trafficking of Children and young people

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

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

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

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

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

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

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

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

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

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

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

GLOSSARY

Admissible Representations	Representations submitted by a Responsible Authority or interested party
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	A Licensing Officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons: <ul style="list-style-type: none"> • Inspectors appointed under the Fire Precautions Act 1971; • Inspectors appointed under the Health and Safety at Work, etc. Act 1974 • Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995; • A person in a class prescribed in regulations by the Secretary of State.
ATM	Automated Teller Machine (cash machine)
Automatic Conditions	Conditions attached automatically to premises licences or authorisations. This Licensing Authority has no discretion not to include or modify them.
AWP machines	Amusement with Prizes Machines
BACTA	British Amusement Catering Trade Association
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Machines	A machine designed or adapted for use to bet as a substitute for placing bets over the counter.
Bingo High and Low Turnover Bingo	A game of equal chance. Occurs when aggregate stakes or prizes in any 7-day period exceed £2,000. If this occurs then play at that level in the ensuing year would require an Operating Licence. Anything below this level is deemed to be low turnover bingo normally held in pubs, clubs and community centres, etc.
Child	Individual who is less than 16 years old.
Christmas Day Period	Covers the period of 24 hours from midnight on 24 December.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines, equal chance gaming and games of chance.
Complex Lottery	An arrangement where: <ul style="list-style-type: none"> • Persons are required to pay to participate in the arrangement; • In the course of the arrangement, one or more prizes are allocated to one or more members of a class; • The prizes are allocated by a series of processes; and • The first of those processes relies wholly on chance.
Conditions	Conditions to be attached to licences by way of: <ul style="list-style-type: none"> • Automatic provision • Regulations provided by Sec. Of State • Conditions provided by Gambling Commission • Conditions provided by this licensing authority Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may <u>not</u> be conducted on vessels.
Default Conditions	Conditions that will apply unless this licensing authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Domestic Computer	Definition in Regulations. Exempt from a Gaming Machine Permit.
Dual Use Computer	Definition in Regulations. Exempt from a Gaming Machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.
Enforcement Officers	The Gambling Commission have power to appoint Enforcement Officers.
Exempt Gaming	Equal chance gaming generally permissible in any club or alcohol-licensed premises. Such gaming to be ancillary to the purposes of the premises.
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types: <ul style="list-style-type: none"> • Small Society Lottery (required to register with Licensing Authorities. • Incidental Non Commercial Lotteries • Private Lotteries • Customer Lotteries
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
Fixed Odds Betting	General betting on tracks.
Gaming	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 prizes will be determined by the operator before the play commences.
Gaming Machine	As defined by the Gambling Act 2005, a machine that is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes). Stakes and prizes available on Gambling Commission's website.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission. The document that Licensing Authorities should refer to when discharging their functions under the Gambling Act 2005.
Human Rights Act 1998 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
Inadmissible Representation	A representation not made by a Responsible Authority or Interested Party.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private gain, and which are incidental to non-commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).
Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act.
Inspector	A constable, enforcement officer or authorised person.
Interested Party	A person who: <ul style="list-style-type: none"> • Lives sufficiently close to the premises to be likely affected by the authorised activities • Has business interests that might be affected by the authorised activities • Represents persons in either of the above groups
Irrelevant Representations	<ul style="list-style-type: none"> • Where other legislation can cover the representation • Demand • Competition • Likelihood of obtaining planning consent
Judicial Review	Legal action in the Administrative Court where a party believes that the decision taken by this Licensing Authority is: <ul style="list-style-type: none"> • Illegal, i.e. beyond the powers available to this Licensing Authority • Procedurally improper or unfair • Irrational
Judicial Review - Orders	<ol style="list-style-type: none"> 1. Mandatory Order – compels the reviewed body to do something 2. Prohibitory Order – compels it to refrain from doing something 3. A 'declaration' – sets out the court's view on the legality of a particular course of action 4. Quashing Order – nullifies a decision and remits it for reconsideration 5. Injunction – similar to Mandatory or Prohibitory Order
Large Lottery	Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.
Licensed Lottery	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.
Licensing Objectives (Gambling Act 2005)	<ol style="list-style-type: none"> 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.
Licensing Objectives (Licensing Act 2003)	<ol style="list-style-type: none"> 1. Prevention of Crime and Disorder 2. Public Safety 3. Prevention of Public Nuisance 4. Protection of Children from Harm
Live Gaming	Gambling on a live game as it happens.

Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	Tickets that must: <ul style="list-style-type: none"> • Identify the promoting society • State the price of the ticket, which must be the same for all tickets • State the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and • State the date of the draw, or enable the date of the draw to be determined.
Mandatory Conditions	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Members Club	A club that must <ul style="list-style-type: none"> • have at least 25 members • be established and conducted ‘wholly or mainly’ for purposes other than gaming • be permanent in nature • not established to make commercial profit • controlled by its members equally.
Non commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
Non Commercial Society	A society established and conducted: <ul style="list-style-type: none"> • for charitable purposes • for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or • for any other non-commercial purpose other than that of private gain.
Occasional Use Notice	Betting may be permitted on a ‘track’ without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place
Operating Licences	Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non-remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track
Premises	Defined as including ‘any place’. It is for this Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres

Private Lotteries	<p>3 Types of Private Lotteries:</p> <ul style="list-style-type: none"> • Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society • Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises • Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;
Prize Gaming	Where 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 prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	<p>Where an applicant can make an application to this licensing authority in respect of premises that he:</p> <ul style="list-style-type: none"> • Expects to be constructed • Expects to be altered • Expects to acquire a right to occupy.
Racino	Casino located at a racecourse.
Relevant Representations	Representations that relate to the Licensing Objectives, or that raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Code of Practice.
Responsible Authorities	<p>Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:</p> <ul style="list-style-type: none"> • This licensing authority in whose area the premises is partly or wholly situated • The Gambling Commission • The Chief Officer of Police in whose area the premises is partly or wholly situated • Devon & Somerset Fire & Rescue Service • Planning Authority – Teignbridge District Council; or • Planning Authority – Dartmoor National Park • Environmental Health (related to pollution and harm to human health) • Body competent to advise on protection of children from harm, i.e. Children & Young Peoples' Service • HM Revenue & Customs • Authority in relation to vulnerable adults (yet to be decided by Sec. of State??) • Vessels only – Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. <ul style="list-style-type: none"> • Environment Agency • British Waterways Board • Maritime & Coastguard Agency
SIA	Security Industry Authority
Simple Lottery	<p>An arrangement where:</p> <p>Persons are required to pay to participate in the arrangement</p> <ul style="list-style-type: none"> • In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and • The prizes are allocated by a process which relies wholly on chance.
Skills with Prizes	<p>A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance, e.g. trivia game machine, Formula 1 simulators, shooting game. Skills Machines are unregulated.</p>

Small Lottery	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Small Operations	Independent on course betting operators with only one or two employees or a bookmaker running just one shop.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To 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.
Totalisator or Tote	Pool betting on tracks.
Touch Bet Roulette	Where a player gambles on a live game of chance on an electronic terminal.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, seaplanes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.
Vessel and Relevant Licensing Authority	This licensing authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.
Vulnerable Persons	No set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
Young Person	An individual who is not a child but who is less than 18 years old.

References:

Gambling Act 2005

<http://www.legislation.gov.uk/ukpga/2005/19/contents>

Guidance under Section 25 of the Act

<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>

DCMS - Department for Culture Media and Sport

<https://www.gov.uk/government/policies/gambling-regulation>

Gambling Commission

<http://www.gamblingcommission.gov.uk/>

with areas that cover the following:

- **Quick guides including:**
Poker in Clubs and in Pubs
Members Clubs or Commercial Club
Prize competitions and free draws
Race, Casino and Poker Nights
Equal chance gaming in clubs and premises with an alcohol licence
And many more
- **Code of Practice:**

Licensing conditions and code of practice –

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>

- **Gaming machines maximum stakes and prizes -**
<http://www.gamblingcommission.gov.uk/news-action-and-statistics/news/2014/Changes-to-gaming-machine-stake-and-prize-limits.aspx>
- **Gaming machine categories and premises allowed -**
<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>

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Andrea Furness

From: Catherine Sweet <catherine.sweet@gamcare.org.uk>
Sent: 30 July 2018 16:41
To: Ext Mail: Licensing
Subject: RE: Review of Gambling Statement of Principles
Attachments: GamCare Local Authorities Brochure 2018 (web-version).pdf; GamCare Training Brochure 2017.pdf

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

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GamCare Local Authority Services



Why choose GamCare?

GamCare is the UK's leading provider of information, advice, support and treatment for anyone affected by problem gambling. Our expert services are confidential and non-judgemental.

Our core support and treatment services are currently funded through grant agreements with GambleAware. We also work to minimise gambling related harm through awareness, education and outreach for groups who are identified as at-risk of gambling-related harm.

We also work with the gambling industry to provide training and Certification, aiming to ensure that operators who provide products in the UK understand more about problem gambling, social responsibility and appropriate customer interaction to minimise gambling related harm. We work to ensure players are protected and that employees know more about problem gambling so that they can support their customers.

Our education and awareness initiatives include work with young people and the frontline professionals supporting them, as well as police, prisons and probation services across the UK.

There is a gap between the number of people affected by problem gambling and those accessing support. GamCare currently supports around 1 in 10 problem gamblers through our HelpLine and treatment services. One of the challenges we face is that problem gambling support services, whilst funded, do not usually have a high profile in local areas.

Problem gambling can present a challenge to local authorities as it links to a range of services, such as licencing, community safety, children and families and housing/homelessness.

GamCare are uniquely positioned to support local authorities to develop an integrated strategy to address problem gambling, from promoting safer play through to targeting those with increasing risk and ensuring problem gamblers, and those affected by problem gambling, have access to effective support and treatment.

GamCare is able to work across local authorities to provide an holistic response to problem gambling in each local area. We have developed knowledge and expertise relevant to a range of stakeholders working in frontline roles across your area and have developed training for teachers, GP's, police and probation workers, youth workers and many more.

GamCare offers a pick and mix package of paid-for training, consultancy, auditing and engagement services, all underpinned by an expert advice and treatment service which is available completely free of charge across the country.

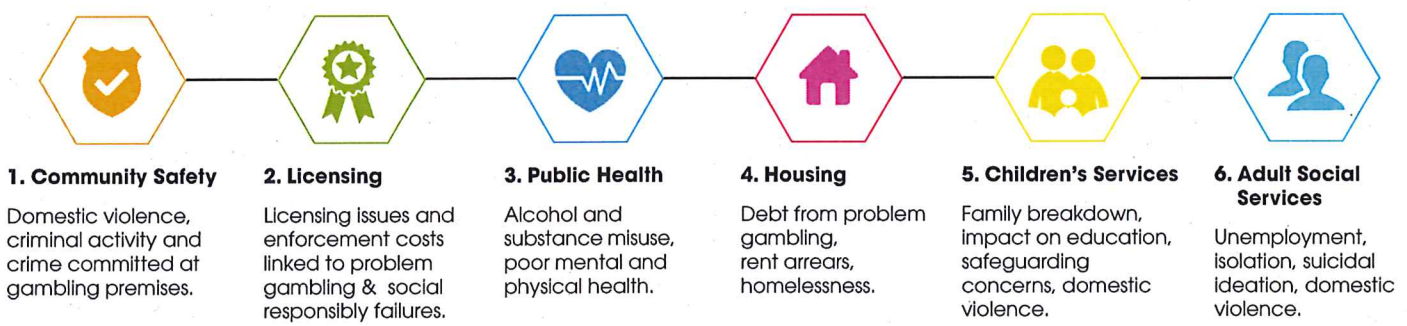
We are expert in problem gambling and understand its manifestation in context. We have developed a wide range of training programmes which provide:

- Awareness raising to highlight the issue of problem gambling, its nature and incidence, as well as impacts, and where to get support;
- Identification and Brief Advice for frontline staff who may come across problem gamblers (or 'affected others') in their everyday work;
- In-depth, pro-active behaviour change training aimed at those working with those affected in supportive capacities.

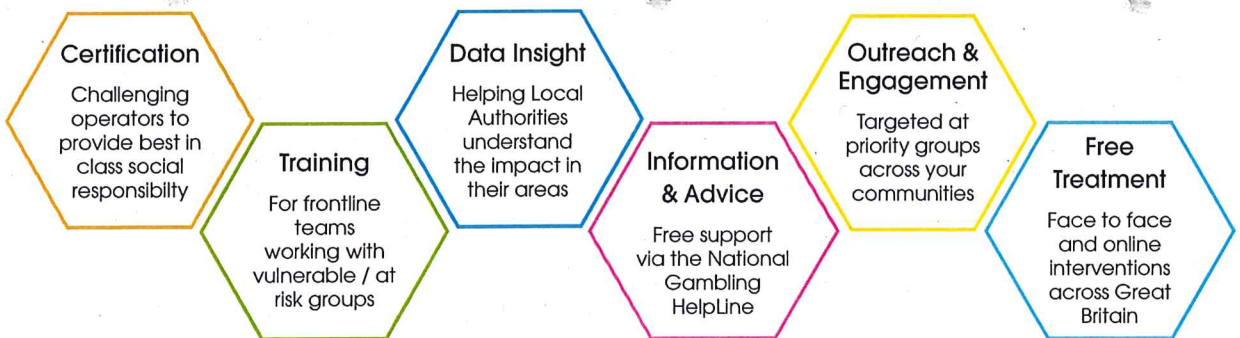
Impacts of Problem Gambling in Local Areas

It is estimated that problem gambling affects around 400,000 people in the UK, with around 2 million at risk of harm. It's also estimated that for every problem gambler, up to seven others are impacted. Problem gambling is a cross-cutting social issue with a wide range of impacts for individuals, families and communities.

Problem gambling disproportionately affects certain groups. Young people, those in the criminal justice system and homeless people are at increased risk. In 2016, the Institute for Public Policy Research estimated that the social cost of gambling to the UK economy could be up to £1.2bn¹. The range of gambling impacts cuts right across your borough; GamCare has services to address every one.



GamCare's Local Authority Offer



1. See Cards on the table: The cost to government associated with people who are problem gamblers in Britain

GamCare Certification - Audit and Consultancy

We work with gambling operators to review their policies and procedures, audit their training and support them to embed a culture of social responsibility from the board room to the customer service team.

Our Certification reviews a range of social responsibility measures to help to promote safer gambling and to minimise gambling-related harm.

We can support your Licensing and Safer Communities teams, alongside their own programme of audit and inspections, to ensure that:

- Gambling industry staff are trained in the identification and signposting of individuals towards problem gambling support services;
- Staff understand the value of high quality personalised interactions, made in the right ways at the right times;
- Operators have embedded a culture of responsible gambling and prioritise the minimisation of risks and gambling-related harm.

Local authorities are encouraged to ensure the principles of GamCare Certification, promoting best practice around social responsibility for UK operators, are embedded in licensing Statement(s) of Principles.



"The Certification process certainly assisted us in understanding our role, as operators and product suppliers, regarding (the prevention of) problem gambling. Knowing our role is key to understanding our responsibilities."

GamCare Awareness Training

Problem Gambling Awareness



3 hours



15 max.



At a location to suit you



Contact us for a quote

Provides an understanding of problem gambling and gambling-related harm, including signs, symptoms and the impacts of problem gambling on an individual's life and those around them.

- Start to understand the psychology of gambling, why people gamble and what happens to the brain when we gamble.
- Understand the difference between gambling and problem gambling, indicators and how to signpost to appropriate services.

This course is for those working in frontline roles where they may encounter those affected by gambling-related harm, and who wish to gain a better understanding of the issue.

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www.cpdstandards.com



Identification and Brief Advice



3 hours (CPD)



15 max.



At a location to suit you



Contact us for a quote

Provides an understanding of gambling-related harm, with a focus on key risk factors and how to identify the problem, how to use a brief gambling screen and a range of current referral sources.

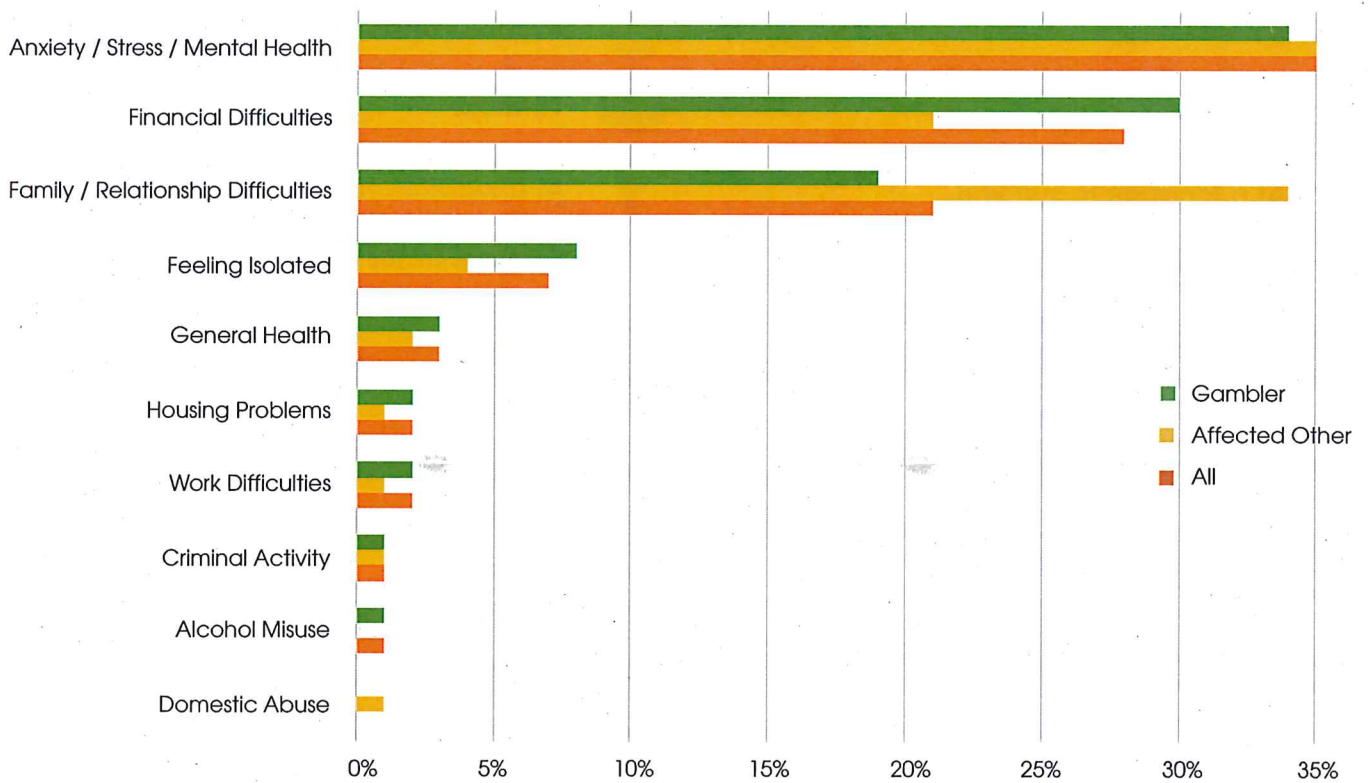
- Understand problem gambling, how to screen for it and structure a brief conversation to elicit further detail.
- Attain knowledge of the support and advice available, including player protection tools as well as emotional and practical support.

This course is for those working in frontline roles where they may encounter those affected by gambling-related harm, such as gambling industry staff, primary care workers, clinicians, advisers support workers or other healthcare professionals.

It provides the skills and knowledge to manage concerns and direct individuals to specialist help and support.

Data Insight

GamCare can provide local authorities with data about the number of calls we get from their area (by first part of postcode) and the impacts raised by these callers (where known). Nationally, the most common impacts disclosed in 2016/17 included:



Information, Advice and Treatment

GamCare operates the National Gambling Helpline; open every day from 8am to midnight, providing information, advice and support over the phone and via web chat to more than 30,000 callers each year.

This service is supported by a range of funded treatment, operating through GamCare and our network of partner agencies across England, Scotland and Wales, delivering expert one to one and group interventions.

These fully funded services are free to access right now:

- Telephone information and advice for problem gamblers and those affected by gambling-related harm;
- Brief and Extended Brief Interventions to reduce gambling-related harm;
- A range of face-to-face, online and telephone treatment;
- Onward signposting into appropriate local services;
- Aftercare and peer support, including GamCare's online Forum and Chatrooms;

GamCare is a source of local expertise on problem gambling and its impacts.

We can partner with local authorities to promote our services at no or low cost to improve the uptake of treatment and support and reduce the impacts of problem gambling in your area.

Engagement and Outreach

We understand how problem gambling develops in people's lives, and we understand how to intervene before things get out of control.

Our engagement teams work to proactively connect with the gambling industry, schools, police and probation services to provide a local signpost for all services in the community seeking expert help for gambling related harm.

Our engagement services will:

- Provide a specific gambling outreach service embedded within your local community;
- Engage with stakeholders across Local Authorities, operating a no-wrong door policy to ensure anyone, at any stage of the development of a problem can be supported;
- Operate from local authority or other desired premises;
- Link service users directly into the GamCare treatment network where further support is needed.

Contact GamCare



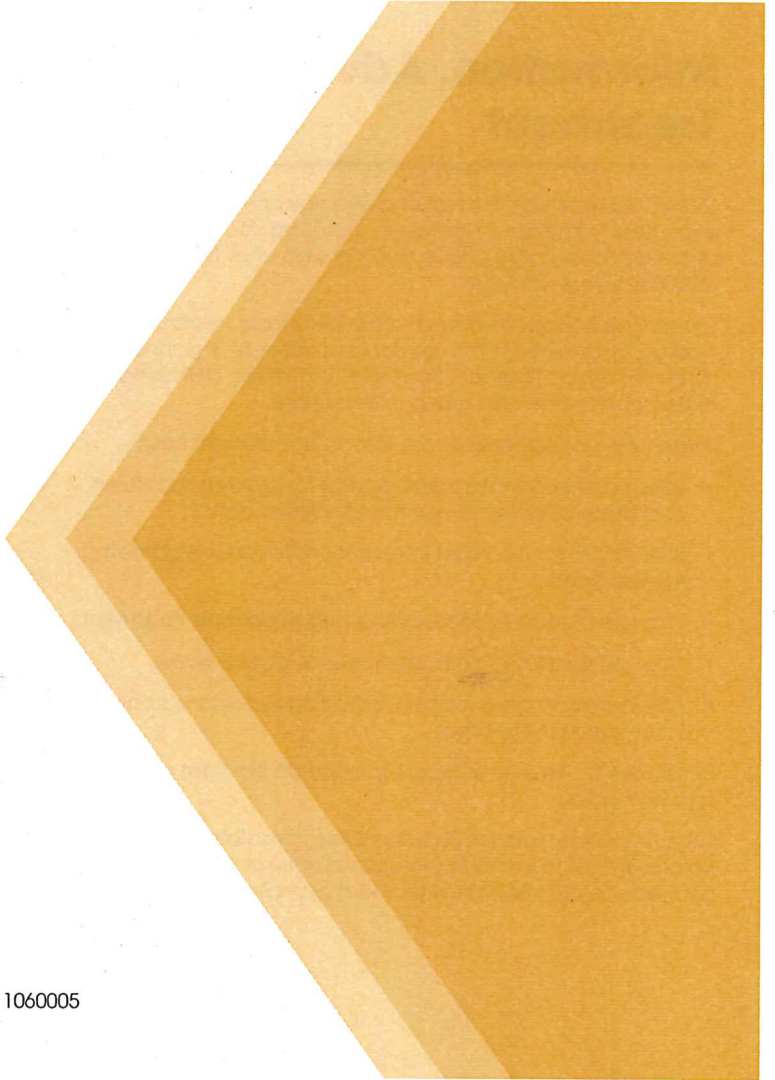
020 7801 7000



info@gamcare.org.uk



www.gamcare.org.uk



GamCare

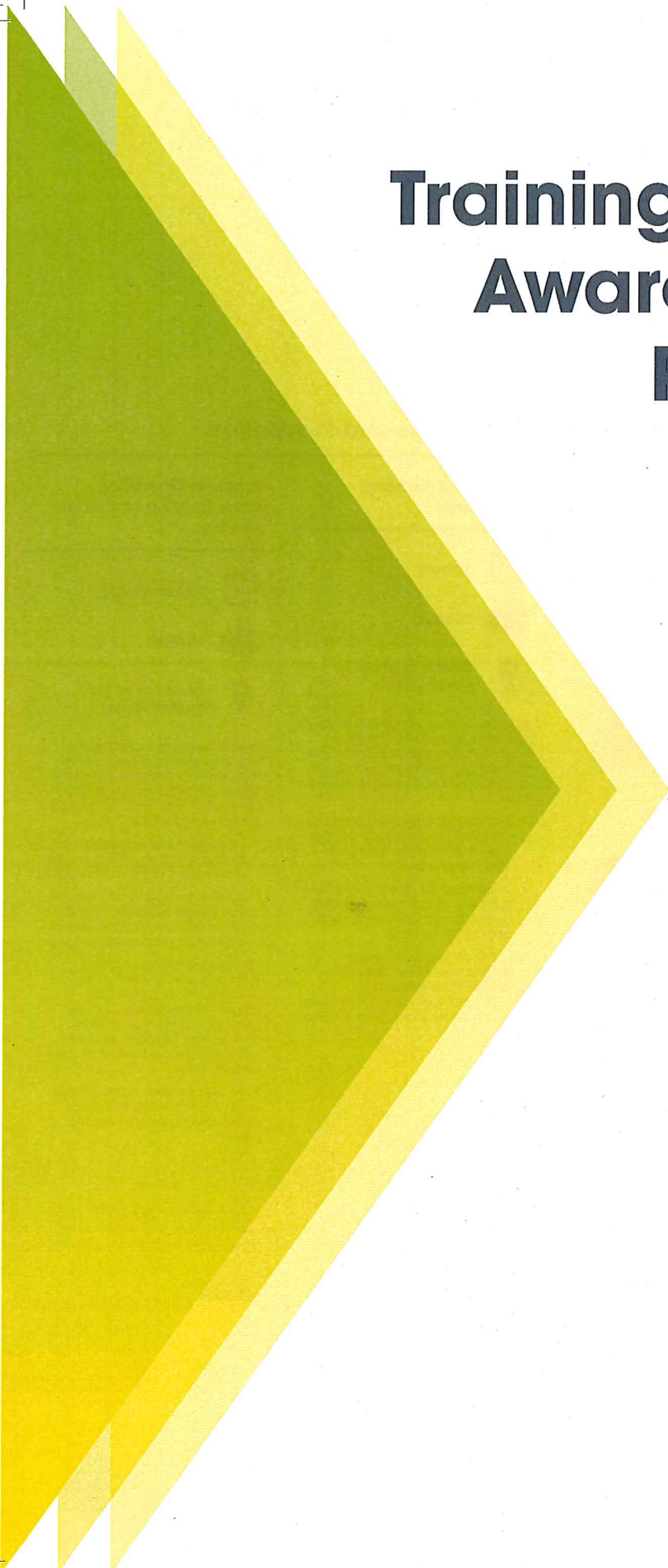
1st Floor, CAN Mezzanine Old Street
49-51 East Road, London, N1 6AH

020 7801 7000

info@gamcare.org.uk

www.gamcare.org.uk

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GamCare Training Services: Awareness and Prevention



Why choose GamCare?

GamCare is the UK's leading provider of information, advice, support and treatment for anyone affected by problem gambling. We also work to minimise gambling related harm through education and training.

Since 1997 GamCare has provided training for clinicians, researchers, educators, policy makers, the gambling industry and other professionals to increase understanding of problem gambling, its causes and consequences.

With 20 years of expertise, speaking daily to those affected by gambling problems, GamCare can work with many different organisations to raise awareness of problem gambling, and to educate those who might choose to gamble to do so responsibly.

This brochure is for anyone in a frontline role working with the public who believes they may come into contact with those affected by gambling related harm.

We deliver a comprehensive range of training products to suit your needs. Contact us today to discuss your requirements.

"The sessions Gamcare hosted have improved our knowledge and understanding of responsible gambling and the issues that can affect our customers.

This was an empowering session for all - our teams are now better equipped and more confident in dealing with more complex and sensitive matters."



Contact GamCare:

☎ 020 7801 7000

✉ info@gamcare.org.uk

🖱 www.gamcare.org.uk/training-and-certification

Awareness and Prevention

Problem Gambling Awareness

📅 1 3 hours

👥 15 max.

📍 On-site or at our London office

Provides an understanding of problem gambling and gambling-related harm, including signs, symptoms and the impacts of problem gambling on an individual's life and those around them.

- Start to understand the psychology of gambling, why people gamble and what happens to the brain when we gamble.
- Understand the difference between gambling and problem gambling, indicators and how to signpost to appropriate services.

This course is for those working in frontline roles where they may encounter those affected by gambling-related harm, and who wish to gain a better understanding of the issue.

Problem Gambling - Identification and Brief Advice

📅 1 3 hours (CPD)

👥 15 max.

📍 On-site or at our London office

Provides in-depth understanding of gambling-related harm, with a focus on key risk factors and how to identify the problem, how to use a brief gambling screen and a range of current referral sources.

- Understand problem gambling, how to screen for it and structure a brief conversation to elicit further detail.
- Attain knowledge of the support and advice available, including player protection tools as well as emotional and practical support.

This course is for those working in frontline roles where they may encounter those affected by gambling-related harm, such as gambling industry staff, primary care workers, clinicians, advisers support workers or other healthcare professionals.


It provides the skills and knowledge to manage concerns and direct individuals to specialist help and support.

Gambling Industry Training

Social Responsibility and Interaction

 **6 hours (3 CPD Hours)**

 **15 max.**

 **On-site or at our London office**

Enables gambling industry managers and employees to identify customers who may have an issue with gambling, to understand their behaviour and conduct sensitive, meaningful interactions with those customers at the right time and place to signpost to appropriate support services.

As well as helping teams to identify the behavioural characteristics of customers who may be at risk of gambling-related harm, this course gives an understanding of the psychology of gamblers in relation to interaction. It will encourage the development of skills to provide effective, motivational interactions and conversations with at-risk customers.

This course is aimed at those working across the gambling industry, who have responsible gambling interactions with customers in a frontline capacity, such as customer service teams or those working in land-based premises.

Social Responsibility, Communication and Motivating Behaviour Change

 **12 hours**

 **15 max.**

 **On-site or at our London office**

Provides staff with the knowledge and skills to have proactive interactions on the subject of responsible gambling with all customers, whether or not they are experiencing harm from their gambling.

This two-day course gives an in-depth understanding of how motivational communication works and includes opportunities for practice time, to improve confidence in handling interactions with social, at-risk or problem gamblers.

The course equips learners with the theoretical and practical skills for handling calls and conversations, with special focus on staying safe and self-care when dealing with more challenging situations.

This course is aimed at those working across the gambling industry dealing with escalated responsible gambling issues, who need to carry out proactive responsible gambling interactions.

Gambling Industry Training & Certification

GamCare Extra eLearning: Player Protection and Social Responsibility

 **1 hour**

 **eLearning**

Increase understanding of problem gambling and player protection.

Find out how to identify and respond to player activity that may indicate problem gambling, inform customers about responsible gambling and signpost to appropriate help and support.

Extra eLearning is a series of scenario-based multiple choice modules, aimed at those interacting with customers in the remote sector of the gambling industry.



GamCare Certification

We recognise the importance of acknowledging those organisations that achieve high standards of social responsibility and player protection. We also believe that it's important that players can identify companies that operate to these high standards.

GamCare Certification is a voluntary audit process, assessed against our Code of Practice, and we certify both remote and land based gambling companies that have successfully implemented player protection policy and practice relevant to their platform and gambling service.

For more information contact Daniel Reilly at daniel.reilly@gamcare.org.uk

"The Certification process certainly assisted us in understanding our role, as operators and product suppliers, regarding (the prevention of) problem gambling. Knowing our role is key to understanding our responsibilities."

Awareness and Prevention

Young People and Problem Gambling Awareness

 3 hours (CPD)

 15 max.

 On-site or at our London office

Around 370,000 young people aged 11-15 gamble each week, and it's estimated that as many as 25,000 may already be problem gamblers (Gambling Commission, 2017).

Many more may also be affected by the gambling of a loved one.

Youth facing professionals such as teachers and youth workers are well placed to be able to minimise harm as part of a robust safeguarding, mental health and prevention agenda.

This training provides knowledge of the nature of young people's gambling, confidence when dealing with the issue and awareness about where to signpost young people to if they need further support.

This CPD Accredited course is suitable for anyone working with young people aged 11-19.

Identification and Brief Advice - For Universities

 3 hours

 15 max.

 On-site or at our London office

Student gambling issues are an increasing concern for universities. Provide your staff with the awareness, knowledge and skills to identify problems with gambling and advise students who are affected.

Attendees will gain practical communication skills to invite students to discuss their gambling and provide a brief screening of their gambling behaviour, and will leave equipped with the knowledge of which services they can signpost to for further support.

This training is relevant to all staff members at universities who interact with students - you may be working in the student finance department, or you may be a clinician or welfare worker.



Awareness and Prevention

Identification and Brief Advice - For the Criminal Justice System

 3 hours

 15 max.

 On-site or at our London office

Problem gambling is disproportionately prevalent amongst those in the criminal justice system. From arrestees to those on probation, there is compelling evidence that problem gambling is an issue which too often remains unidentified.

Provide your staff with the knowledge and skills to be aware of, understand and screen for problem gambling.

This training will enable staff to understand the complexities of the issue and will equip your team with the knowledge of which services they can signpost to for further support.

This training is for anyone working within the criminal justice system, at any stage.

Please note we offer reduced fees for charities and statutory sector organisations.

Identification and Brief Advice - For Sports Clubs and Organisations

 3 hours

 15 max.

 On-site or at our London office

This course raises awareness of problem gambling for professional sports players, academies and the sports industry, and promotes a responsible attitude to gambling among this at-risk group.

This training provides coaches and sports leaders with the knowledge and skills to screen for problem gambling. It will enable attendees to understand the complexities of the issue and will equip them with the knowledge of which services they can signpost to for further support.

This course is aimed at leaders in the sports industry who have a duty of care to their players.



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BY EMAIL ONLY

consultation@teignbridge.gov.uk

Licensing Department
Teignbridge DC

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 097505.00005
#GS2184283
Your ref:
Date: 25th September 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

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

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

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also

believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

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

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- 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.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

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

LGA – ABB Betting Partnership Framework

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

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

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and

socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account

based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

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

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are 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 the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

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

Other concerns

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

Considerations specific to the Draft Statement of Principles Under the Gambling Act 2005 – January 2019 to January 2022

Paragraph 13 of Part A explains the Licensing Authority's expectations with regard to risk assessments. This section correctly identifies that each operator must assess the local risks to the licensing objectives posed by the provision of gambling facilities and have policies, procedures and control measures to mitigate those risks. However, at paragraph 13.7, there are four lists of bullet

points detailing matters that the Licensing Authority recommends be taken into account by operators when making risk assessments.

These lists of bullet points need to be re-drafted as they refer to matters that are not relevant for any assessment of risk to the licensing objectives. For example, in the first list of bullet points there is a reference to *“gaming trends that may mirror days for financial payments such as pay days or benefit payments.”* The payment of benefits cannot be a relevant consideration for an assessment of risk to the licensing objectives unless the Licensing Authority has pre-determined that those in receipt of benefits are automatically vulnerable or are more likely to commit crime as a result of gambling. We are certain that this pre-determination has not taken place.

Similarly, the references to *“problems arising from street drinkers, youths participating in antisocial behaviour, drug dealing activities etc”* are issues of nuisance which is not relevant to any assessment of risk to the licensing objectives or issues of crime that are not connected with gambling. Accordingly these references should be removed from these lists.

Finally issues of graffiti/tagging and underage drinking cannot be relevant to an assessment of a risk to the licensing objectives or indeed can matters of faith. All of these references should therefore be removed.

Paragraph 1.9 of Part B simply refers the reader to section 210 Gambling Act 2005. This section should be clear that Section 210 provides that a Licensing Authority may not take into account the likelihood of grant of planning permission or building regulation approval when considering an application under the Gambling Act 2005.

Paragraph 1.15 of Part B explains the Licensing Authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.

The section should go on to state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

Paragraphs 6 and 6.1 refer to betting premises and betting machines in betting premises. These sections should be re-drafted as the second sentence to paragraph 6.1 seems to indicate that staff must have the ability to prevent the use of machines by children of young persons. A betting office is not an environment that may be entered by any person under the age of 18 and therefore this section should be re-drafted to reflect this.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the

three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



GOSSCHALKS

Andrea Furness

From: Brian Minihane <bminihane@williamhill.co.uk>
Sent: 19 September 2018 14:28
To: Ext Mail: Licensing
Subject: Draft Statement of Gambling Principles - consultation response
Attachments: Response to gambling-draft-statement-of-principles.docx

Good afternoon,

Please find attached our response to the above consultation, where we just wish to respond on the one point shown. If you have any further questions in relation to this, please don't hesitate to get in touch.

Kind regards

Brian



Brian Minihane

National Licensing & Development Manager

Mobile: 07740 735475

Featurenet: 7375

William Hill | Greenside House | 50 Station Road | Wood Green | N22 7TP

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Teignbridge District Council - Consultation response document re Review of Statement of Principles		
Name	Brian Minihane	Ref Number: for official use only
Organisation (if applicable)	William Hill Organization Ltd	
Address	Greenside House, 50 Station Road, Wood Green, London N22 7TP	
Contact	Tel: 07740 735475	e-mail: bminihane@williamhill.co.uk
Paragraph No	Please photocopy if more sheets are needed	
6 Betting Premises 6.1 Betting machines	Comments	<p><i>This licensing authority will require a full premises licence variation application where a substantial or significant variation to the premises occurs, this includes the sighting or placement of privacy screens and/or booths of any kind around any machines.</i></p> <p>Although in agreement with the first part of this paragraph, we would not agree that a full premises licence variation is required for the placement of privacy screens around gaming machines. When we install such a set-up, we would, as a responsible operator, take into consideration the suitable positioning of the machine within the premises, and the ability of staff to be able to monitor the machines fully, and we would also document this in the Local Area Risk Assessment. The licence conditions and code of practice (LCCP) state: 'Facilities for gambling must be offered in a manner which provides for appropriate supervision of those facilities by staff at all times'. As a result, this subject is already covered by the LCCP, and it is clear that we must ensure that all facilities can be supervised adequately, including any gaming machine that may be situated within a privacy booth. The LCCP guidance gives you the protection that operators are required to ensure adequate supervision, and of course, we would also be more than happy to discuss any concerns you may have with our approach in any individual shop, given that all shops are of various sizes and layouts. We would be willing to consider further appropriate measures to alleviate these concerns if the situation arose.</p> <p>There cannot therefore be the need for a full licence variation, and it is certainly not necessary so long as operators aim to act responsibly (with the guidelines already set in the LCCP), and are content to act further where there are any concerns. If there is any concern, it can be discussed without any application having to be made, which will ensure a quicker resolution.</p> <p>We would therefore request for the reference to privacy screens to be removed from this section.</p>
	Comments	

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

Made by	Representation	Proposed Amendment (if any)
Gamcare	<p><i>'A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/'.</i></p> <p><i>'Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling/alcohol/drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities'.</i></p> <p><i>'A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place'.</i></p> <p><i>'Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to</i></p>	<p>No action required on this point. Teignbridge District Council is not in a position to produce a local area profile because, in the three previous years no information or data was submitted that would assist the Council in the production of such a profile.</p> <p>No action required on this point. As per the Gambling Commission's guidance to Licensing Authorities, this Authority shall pay particular attention to the protection of children and vulnerable persons being exploited by Gambling.</p> <p>No action required on this point. The Licensing Authority does expect that under the Gambling Commission's Social Responsibility Code issues in respect of a premises location are addressed in local risk assessments.</p> <p>No action required on this point. The Licensing Authority will expect all operators to have policies and procedures in</p>

ensure they are not able to access the premises or are supported appropriately’.

‘Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools/colleges/universities, and/or pubs, bars and clubs’.

‘Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling’.

‘We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an

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.

No action required on this point.
The Licensing Authority are recommending that Operators when considering their risk assessments assess staffing levels to cover peak periods.

Unlicensed family entertainment licence permit holders 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, and they will be expected to address this.

No action required on this point.
The Licensing Authority shall pay particular attention to the protection of children and vulnerable persons being exploited by gambling. It would expect this issue to be addressed in the local risk assessment.

Unlicensed family entertainment licence permit holders are requested to consider the design and layout of the outside of the premises to deter the congregation of children and youths.

The Licensing Authority thanks GamCare for its response, and the information provided regarding GamCare Certified operators. The licensing process and the Gambling Act require

	<p><i>operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk</i></p> <p><i>For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures'.</i></p>	<p>the Licensing Authority to permit gambling if it is reasonably consistent with the licensing objectives, the Gambling Commissions Guidance for Licensing Authorities and the Statement of Principles. An application that does not attract a representation is granted automatically. Otherwise a licensing sub-committee would only consider the contents of any such representation when deciding to grant a licence. Although an applicant can use their GamCare certification as a way of demonstrating the quality of player protection measures and social responsibility standards this would only be considered if these matters are relevant to the received representations.</p>
<p>68 William Hill</p>	<p>The representation from William Hill indicated that they have responded to one point Part A 6.1 final paragraph relating to</p> <p>'This Licensing Authority will require a full premises licence variation application where a substantial or significant variation to the premises occurs, this includes the sighting or placement of privacy screens and/or booths of any kind around any machines.'</p> <p>Although in agreement with the first part of this paragraph, we would not agree that a full premises licence variation is required for the placement of privacy screens around gaming machines. When we install such a set-up, we would, as a responsible operator, take into consideration the suitable positioning of the machine within the premises, and the ability of staff to be able to monitor the machines fully, and we would also document this in the Local Area Risk Assessment. The licence conditions and code of practice (LCCP) state: <i>'Facilities for gambling must be offered in a manner which provides for appropriate supervision of</i></p>	<p>The Licensing Authority acknowledges that the Gambling Commission in its own documentation has chosen not to include any direct reference to screening and/or booting. However this issue is specific to premises which is the responsibility of this Licensing Authority.</p> <p>The location of gaming machines is not explicitly mentioned in the Guidance to Licensing Authorities, however, given that the majority of business in premises is derived from the B2 machines, their siting and screening/booting has a direct impact on the risks presented by the premises.</p> <p>The Licensing Authority attaches a high importance to the safeguarding issues associated with gambling related harm and the wider impact on society. It believes the requirement to make a full premises licence</p>

	<p><i>those facilities by staff at all times</i>'. As a result, this subject is already covered by the LCCP, and it is clear that we must ensure that all facilities can be supervised adequately, including any gaming machine that may be situated within a privacy booth. The LCCP guidance gives you the protection that operators are required to ensure adequate supervision, and of course, we would also be more than happy to discuss any concerns you may have with our approach in any individual shop, given that all shops are of various sizes and layouts. We would be willing to consider further appropriate measures to alleviate these concerns if the situation arose.</p> <p>There cannot therefore be the need for a full licence variation, and it is certainly not necessary so long as operators aim to act responsibly (with the guidelines already set in the LCCP), and are content to act further where there are any concerns. If there is any concern, it can be discussed without any application having to be made, which will ensure a quicker resolution.</p> <p>We would therefore request for the reference to privacy screens to be removed from this section.</p>	<p>variation application when intending to apply screening and/or booting to machines within licensed premises and to consult with all the responsible authorities is justified because of the increased risk to safeguarding arising from the potential for a reduction in supervision capability.</p> <p>It would be expected that the licence holder would discuss their plans with the Licensing Authority regarding the relocation of machines (e.g. where self-service betting terminals have been introduced which has resulted in a movement of machines). For the majority of machine relocation requests a full premises licence variation application would not be required. It would be expected that staff can properly monitor and supervise the use of these machines by children and young persons and the Licensing Authority reserve the right to request the repositioning of machines where circumstances demonstrate that it is appropriate to do so.</p> <p>It is not the opinion that the comments are justified and as such it is not proposed to amend the draft Statement of Principles.</p>
Gosschalks, Solicitors on behalf of Association of British Bookmakers (ABB)	<p>The ABB have indicated that :</p> <p><i>'Paragraph 13 explains the licensing authority's approach to local risk assessments. At paragraph 14.7, there is a list of bullet points that sets out matters that the licensing authority expects operators to take into account when conducting the risk assessment. This list of bullet points needs to be redrafted as it contains matters that are irrelevant as far as the local risk assessment is concerned. One of the bullet</i></p>	<p>It is not recommended that there be any redraft of this paragraph 13.7 and the list of bullet points. The local risk assessment needs to recognise the socio-economic make-up of the area in which the premises is located. It is known that certain groups are more vulnerable to gambling harm as per</p>

points within paragraph 13.7 is “gaming trends that reflect benefit payments”. This bullet point should be removed as it is impossible to see how this could be relevant to an assessment of risk to the licensing objectives unless the licensing authority has determined the persons in receipt of benefits are automatically vulnerable or more likely to commit crime. We are certain that this predetermination has not been made.

The bullet points relating to street drinking and antisocial behaviour should be removed as these are issues of nuisance and not relevant as far as an assessment of risk to the licensing objectives is concerned.

The final bullet point refers to “matters of faith”. On the basis that moral objections to gambling are not relevant, it is difficult to see how “matters of faith” can be relevant as far as an assessment of risk to the licensing objectives is concerned.

Request that all these references should be removed.’

‘Part B Paragraph 1.9 refers the reader to section 210 Gambling Act 2005. It should be clear that Section 210 provides that a Licensing Authority may not take into account the likelihood of grant of planning permission or building regulation approval when considering an application under the Gambling Act.’

<https://www.geofutures.com/research/gambling/>

There is clear evidence to show that more betting shops are located in areas of deprivation than in areas of relative affluence.

It is not the opinion that the comments are justified and as such the draft Statement of Principles will not be amended. The surrounding area of a premises and street drinkers who are potentially vulnerable persons are important factors in producing the risk assessment and appropriate mitigations.

The Authority is aware that moral objections regarding gambling are not relevant. It is included in the draft Statement of Principles to allow licence holders when completing a risk assessment to consider people gathering at such places including youth groups that may use those premises and any impact it may have on a licensed premises.

It is the opinion that the Licensing Authority will amend to include **‘there is no legal basis to refuse a licence application because it does not have planning permission. Applicants are recommended, however, to ensure that appropriate planning permissions or building regulation are obtained.’**

	<p><i>'Paragraph 1.15 relates to the Licensing Authorities imposition of conditions on premises licenses. Stating that the section would be assisted by a clear explanation that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.</i></p> <p><i>That it should go on to state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.'</i></p> <p>Paragraph 6.1 relates to redrafting the second sentence <i>'It will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, that staff have the ability to properly prevent the use of these machines by children or young persons'</i>. As betting office is not an environment that may be entered by any person under the age of 18 and therefore should be redrafted.</p>	<p>It is not the opinion that the comments are justified as it is already included and as such it is not proposed to amend the draft Statement of Principles.</p> <p>It is not the opinion that the comments are justified this has only had <i>'so far as is reasonably practicable'</i> removed from previous document also this and as such it is not proposed to amend the draft Statement of Principles.</p>
Gambling Commission	<p>The Licensing Authority works closely in partnership with the Gambling Commission. Discussions with the Gambling Commissions Compliance Manager in respect of the revised Statement of Principles has led to a number of further proposed amendments which have been included as part Appendix B. These included:</p> <ul style="list-style-type: none"> • minor word changes for example the words 'monitor' replaced with 'prevent' • inclusion of hyperlinks to Gambling Commission webpages • Part B paragraph 1.22 – scale of plans to be included. 	

	<ul style="list-style-type: none"> • Part B paragraph 1.6 - Access to premises - with diagrams to assist with what is and what is not acceptable. • Part C paragraph 1.3 - additional wording relating to when a uFEC cannot be issued • Part C paragraph 1.15 – additional wording giving an example when premises are no longer uFEC or significantly changed from that originally subject of the permit. 	
<p>Licensing Committee – 5 October 2018</p>	<p>Page 13 section 6 to include a paragraph under ‘Overriding Principles’ regarding ‘Safeguarding’.</p> <p>Page 34 Part C section 1.1 to include a paragraph regarding ‘Safeguarding’.</p>	<p>The agreed paragraph to be added in both areas is’</p> <p>‘Safeguarding – provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking. More information can be found at Appendix B.’</p>

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EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Cllr Sylvia Russell

DATE: 30th October 2018

REPORT OF: Environmental Protection Manager and
Portfolio Holder for Health and Wellbeing

SUBJECT: Implementation of a Public Spaces Protection Order
for responsible dog ownership

PART I

RECOMMENDATIONS

The Executive is recommended to

A Consider and approve the implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014.

B Authorise the Council's Solicitor to draft and make the order.

C Authorise the Council's Environmental Protection Manager to issue fixed penalty notices under the PSPO.

1. PURPOSE

The purpose of a Public Spaces Protection Order (PSPO) is to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life. It can be used to deal with existing problems and problems that are likely to arise in the future.

The definition of a PSPO is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Only a local authority can make a PSPO in respect of a public place within its area. The definition of a 'local authority' in England under Section 74(1) is (amongst others) a district council. Parish and Town Councils do not have the power to issue PSPO's. The local authority must be satisfied on reasonable grounds that two conditions are met.

The first condition is that:

- Activities carried out in a public place within the authority's area **have had** a detrimental effect on the quality of life of those in the locality, or

TEIGNBRIDGE DISTRICT COUNCIL

- It is **likely** that activities will be carried out in a public place within that area and that will have such an effect.

The second condition is that:

- It is or is likely to be of a **persistent or continuing nature**
- Is or is likely to be, such to make the activities **unreasonable**; and
- Justifies the restrictions imposed by the notice.

The broad aim is to keep public spaces welcoming to law abiding people and communities and not simply to restrict access.

2. BACKGROUND

Within the Clean Scene Programme of works in the Teignbridge Council Strategy 2016 – 2025 is an action to “Review council policies on dog fouling and restricted access across Teignbridge’s open spaces and beaches.” An Officer Working Group has reviewed the current situation, undertaken a wide ranging public consultation and recommends the implementation of a Public Spaces Protection Order to deal with the issues around irresponsible dog ownership. This project started in October 2016 and progress has been reported to Overview and Scrutiny Committee on a quarterly basis.

The PSPO will enhance the existing controls; the law in the past on dog control has been patchy, so a PSPO will help the council deal with the minority of irresponsible dog owners who don’t clear up after their dog or control it. A frustration to officers and members has been the inability to deal with dog fouling on roads that do not have a national speed limit of less than 40mph. This means that many of our rural areas had no controls on dog fouling on the highway.

Currently officers are able to prosecute offenders who breach a dog byelaw. Under the proposed PSPO a range of enforcement options would be available to officers and are described in section 6.

It should be noted that the legislation for dealing with stray dogs will remain and is sufficient and is therefore not included in the proposed PSPO.

For the many responsible dog owners who pick up after their dog wherever they go, nothing will change. Inconsiderate dog owners would be targeted through awareness and enforcement. Registered blind people and assistance dog users will be exempt.

3. MAIN IMPLICATIONS

A PSPO would introduce a clear and simple set of rules that all dog owners would need to comply with across the Teignbridge district. Enforcement would be targeted and graduated to ensure that the irresponsible dog owner is dealt with.

4. GROUPS CONSULTED

Section 72(4) of the act defines what necessary consultation means:

TEIGNBRIDGE DISTRICT COUNCIL

1. The chief officer of police and the local policing body for the police area that includes the restricted area;
2. Whatever community representatives the local authority thinks is appropriate to consult with; and
3. The owner or occupier of land within the restricted area, if, or to the extent that is reasonably practicable to consult with the owner.

The Statutory Guidance recommends that the council engages in an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all.

It also recommends that the Council should also ensure that specific groups likely to have a particular interest are consulted, such as a local residents association, or regular users of the open space or those involved in specific activities in the area.

Consultation was undertaken between June 2017 and the 2nd October 2017. Officers consulted the following groups and organisations;

- Existing Licenced businesses
- All Teignbridge District Councillors
- Town and Parish Councils
- Police and Crime Commissioner for Devon and Cornwall
- National Organisations involved in the welfare of dogs including the Kennel Club.
- Attending a number of community events in the District
- Online survey promoted via local newspaper articles, TV and Social Media.

Overall we received 2055 returns with over 1179 specific comments made. The majority of respondents supported the control and requested that the Council provided sufficient resources to target the irresponsible dog owners. Concerns were raised about how the controls would be enforced and that they should be applied with common sense.

There were those who felt that the controls were too restrictive and others who requested more stringent controls. A detailed summary is available in Appendix B.

5. SUGGESTED CONTROLS AND CONSULTATION RESPONSES

The proposed PSPO would contain eight controls, some of which are an enhancement of existing controls whilst others are new. The first seven proposed controls show a significant majority of those consulted agreeing with the proposal.

The eighth control, the maximum number of dogs that can be walked is less clear with a number of differing views.

FOULING – making it an offence if a person in charge of a dog fails to pick up its faeces straight away.

- Improvement of an existing control

TEIGNBRIDGE DISTRICT COUNCIL

- 99% of those consulted in agreement with this control

MEANS TO PICK UP- making it an offence if a person in charge of a dog does not carry a bag or other means of clearing up after their dog at all times.

- New Control
- 84% of those consulted in agreement with this control

DOG EXCLUSION AREAS (EXCEPT BEACHES) – making it an offence for a person in charge of a dog, to let a dog be in dog ban area (e.g. Children’s play park).

- Existing control
- 96% of those consulted in agreement with this control

SEASONAL DOG EXCLUSION AREAS (BEACHES) - an offence for a person in charge of a dog, between 1 May and 30 September or 1 April and 30 September in Dawlish Warren to take the dog onto, or permit the dog to enter or to remain on, any beach designated as a dog ban area. The beaches are Dawlish Warran, Dawlish Town, Dawlish Coryton Cove, Holcombe, Teignmouth Town, Shaldon and The Ness.

- Existing control
- 96% of those consulted in agreement with this control

DOGS ON LEAD AREAS - an offence if a person in charge of a dog at any time does not keep the dog on a lead on land designated as a dog on lead area.

- Existing control
- 88% of those consulted in agreement with this control

DOG(S) ON LEAD ON THE HIGHWAY – an offence if, at any time, a person in charge of a dog does not keep the dog on a lead, whilst on a road or footpaths adjacent to a road.

- New control
- 80% of those consulted in agreement with this control

DOG(S) ON LEAD BY DIRECTION - an offence if at any time within a dog ban area, a person in charge of a dog does not comply with a direction given to him by an authorised officer of the council or police officer to put and keep the dog on a lead.

- Existing control
- 91% of those consulted in agreement with this control

RESTRICTION ON THE NUMBER OF DOGS - restrict the number of dogs that can be walked by a single individual on or off the lead

- New Control
- 57% of those consulted in agreement with this control
- 30% of those consulted disagree with this control

TEIGNBRIDGE DISTRICT COUNCIL

- 13% of those consulted don't know

Of those in agreement with this control how many dogs should the single individual should walk on or off a lead at any one time?

Number	Number	Percentage
3	588	50%
4	267	23%
5	24	2%
6	18	2%
Other	272	23%

Whilst there is no statutory guidance to assist when setting the numbers the following advice has been considered.

- Comments in the consultation suggest that the numbers of dogs relates to the circumstances such as dog size, with, behaviour, strength and ability of the owner to control the dogs.
- Kennel Club feel that an arbitrary figure is an inappropriate approach and will simply displace and intensify the problem in other areas.
- Dogs Trust states that the behaviour of the dogs and the competency of the owner needs to be taken into consideration. Research from 2010 shows that 95% of dog owners have up to 3 dogs and therefore the number of dogs would not normally be expected to exceed 4 dogs.
- PDSA commented that the control may not have the desired effect as owners abilities vary.
- East Devon District Council have recently introduced a similar PSPO for dog control and they have limited the number of dogs to no more than 6 dogs.
- The recently issued Guidance notes for Conditions for providing home boarding for dogs, October 2018 states that "no more than four dogs must be walked at the same time" this is to ensure dogs are exercised at least once daily as appropriate for its age and health.

Members are asked to consider setting the restriction on the number of dogs.

When drafting the controls the potential negative impacts they may have on vulnerable groups and ensuring we meet the requirements under the Equality Act 2010 were considered.

Nothing in the proposed PSPO would apply to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 if they are alone with the dog; or

(b) a person with a disability affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects or who relies upon a dog trained by a prescribed charity (and is clearly identified) for assistance if they are alone with the dog.

(c) any police dog or fire dog.

TEIGNBRIDGE DISTRICT COUNCIL

6. ENFORCEMENT

The aim is not to penalise responsible dog owners but to target persistent offenders who refuse to comply with the proposed controls. Consideration will be given to the ability of the owner to exercise control over the dogs before taking enforcement action.

A person observed not to be complying with the PSPO is liable to receive a fixed penalty notice. This can be up to £100 and we are recommending that the fine is set at £100. Officers also have powers to issue Community Protection Notices or prosecute if the offence warrants the sanction.

A poster and awareness campaign is planned should the PSPO be approved to inform the public about the controls and how to report incidents online.

7. TIME-SCALE

The order lasts for not more than three years. It can be extended under s60 (2) by the Council if it is satisfied on reasonable grounds that it is necessary to extend the order to prevent:

- Occurrence or recurrence after that time of the activities identified in the order, or
- An increase in the frequency or seriousness of those activities after that time.

The PSPO can also be discharged and varied by the Council.

8. JUSTIFICATION

The order is required to effectively tackle irresponsible dog ownership within the Teignbridge District.

9. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

10.00 a.m. on 6 November 2018

Officer- David Eaton

**Designation–Environmental Protection
Manager**

Cllr Sylvia Russell

**Portfolio Holder for Health and
Wellbeing**

Wards affected	All
Contact for any more information	David Eaton, Environmental Protection Manager david.eaton@teignbridge.gov.uk 01626 215064
Background Papers (For Part I reports only)	None
Key Decision	Y
In Forward Plan	Y
In O&S Work Programme	Y Part of the Council Strategy
Community Impact Assessment attached:	N – Completed for the Council Strategy and the proposed controls prior to the Consultation.
Appendices attached:	A: Draft Public Spaces Protection Order Controls B: Consultation Summary

Public Spaces Protection Order

Fouling

If within the restricted area a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith and properly dispose of it, that person shall be guilty of an offence unless

- (i) he has reasonable excuse for failing to do so: or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (iii) Taking the faeces away from the land for proper disposal elsewhere or placing the faeces in a receptacle on the land, either a litter bin or dog waste bin, shall be sufficient removal from the land.
- (iv) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

Dog Exclusion Areas (except Beaches)

A person in charge of a dog must not take it into or keep it within a fenced/enclosed e.g. children's play area and signed at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children's play unless

- (i) he has reasonable excuse for failing to do so: or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Seasonal Dog Exclusion Areas (Beaches)

A person in charge of a dog shall be guilty of an offence if, between, 1st May and 30th September in any year, he takes the dog onto, or permits the dog to enter or to remain on, any land designated as a Dog Exclusion Area detailed in Schedule 1, unless

- (i) he has reasonable excuse for failing to do so, or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Dogs on lead Areas

A person in charge of a dog shall be guilty of an offence if, at any time on land designated as a Dogs on Lead Area detailed in Schedule 1 below, he does not keep the dog on a lead unless

- (i) he has reasonable excuse for failing to do so, or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so
- (iii) failing to have a lead in his/her possession shall not be a reasonable excuse for failing to do so

Dog(s) on lead on the highway

A person in charge of a dog shall be guilty of an offence if, at any time within the restricted area, he does not keep his dog on a lead less than 2m in length whilst on the public highway or on footpaths adjacent to the highway, unless he has reasonable excuse for failing to do so.

- (i) Failing to have a lead in his possession at the time shall not be a reasonable excuse for failing to do so.

Dog(s) on lead by direction

A person in charge of a dog shall be guilty of an offence if, at any time within the restricted area, he does not comply with a direction given to him by an authorised officer of the council or a Police Officer to put and keep the dog on a lead unless

- (i) he has reasonable excuse for failing to do so: or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer or Police Officer may only give a direction under the order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or danger to any other person or to a bird or another animal

Failing to have a lead in his possession at the time shall not be a reasonable excuse for failing to do so.

No more than X dogs

On land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, the maximum number of dogs which a person may take onto the land is X unless

- (i) he has reasonable excuse for failing to do so; or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Means to pick up

A person in charge of a dog on land to which this order applies must have with him an appropriate means to pick up dog faeces deposited by that dog unless

- (a) he has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

Exemptions

Nothing in this order shall apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 if they are alone with the dog; or
- (b) a person with a disability affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects or who relies upon a dog

trained by a prescribed charity (and is clearly identified) for assistance if they are alone with the dog.

A “prescribed charity” is:

- Dogs for the Disabled (Registered Charity no. 700454)
- Support Dogs (Registered Charity no.1088281)
- Canine Partners for Independence (Registered Charity no. 803680)

(c) any police dog or fire dog. The term “police dog” or “fire dog” is deemed to be any dog, which is trained, or is undergoing structured training on behalf of the Chief Police Officer or Chief Fire Officer for the relevant service’s dog unit. All reference to the term ‘dog’ also includes bitches and puppies belonging to that service that are subject to any separate contractual conditions and arrangements.

Explanations

For the purpose of this order:

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces
- “an authorised officer of the Authority” means an employee, partnership agency or contractor of Teignbridge District Council who is authorised in writing by Teignbridge District Council for the purposes of giving directions under the Order.

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PSPO Dog fouling survey 2017

From: June 2017

To: 2nd October 2017

Total number of returns: 2055

Comments made: 270

Fouling

Q1 The council has existing powers which make it an offence if a person in charge of a dog fails to pick up its faeces straight away. Would you like this to carry on?

Agree?	Number	Percentage
Yes	2028	99%
No	19	1%
No reply	8	na

Q2 The council would like to have an offence if a person in charge of a dog does not carry a bag or other means of clearing up after their dog at all times. Do you agree?

Agree?	Number	Percentage
Yes	1719	84%
No	326	16%
No reply	10	na

Dog ban areas (except beaches)

Q3 The council would like to continue to have it as an offence for a person in charge of a dog, to let a dog be in dog ban area (e.g. Children's play park). Do you agree?

Agree?	Number	Percentage
Yes	1966	96%
No	82	4%
No reply	8	na

Beaches - Seasonal dog ban area

Q4 The council would like to continue to have an offence for a person in charge of a dog, between 1 May and 30 September or 1 April and 30 September in Dawlish Warren to take the dog onto, or permit the dog to enter or to remain on, any beach designated as a dog ban area. Do you agree?

Agree?	Number	Percentage
Yes	1966	96%
No	82	4%
No reply	11	na

Dogs on leads

Q5 The council would like to continue to have an offence if a person in charge of a dog at any time does not keep the dog on a lead on land designated as a dog on lead area. Would you like to see this?

Agree?	Number	Percentage
Yes	1796	88%
No	249	12%
No reply	10	na

Q6 The council would like to have an offence if, at any time, a person in charge of a dog does not keep the dog on a lead, whilst on a road or footpaths adjacent to a road. Do you agree?

Agree?	Number	Percentage
Yes	1631	80%
No	412	20%
No reply	12	na

Q7 The council is planning on introducing an offence if at any time within a dog ban area, a person in charge of a dog does not comply with a direction given to him by an authorised officer of the council or police officer to put and keep the dog on a lead. Do you agree?

Agree?	Number	Percentage
Yes	1862	91%
No	181	9%
No reply	12	na

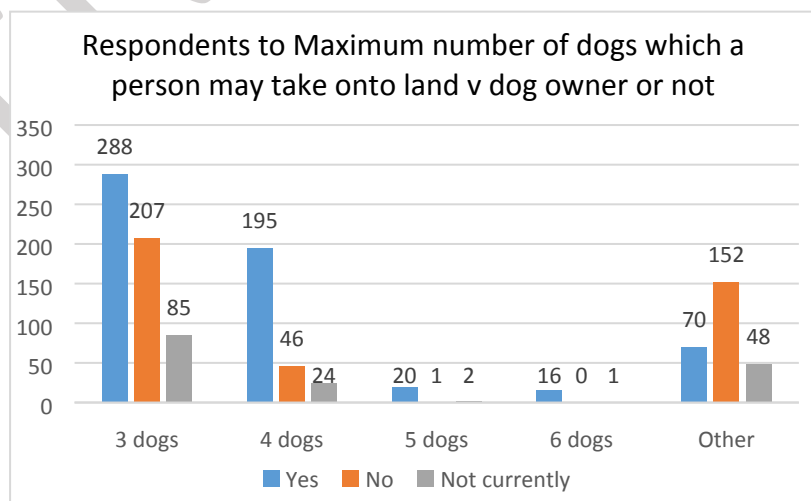
Maximum number of dogs which a person may take onto land

Q8 Would you like to see the introduction of a new control under the PSPO to restrict the number of dogs that can be walked by a single individual on or off the lead. Do you agree?

Agree?	Number	Percentage
Yes	1173	57%
No	608	30%
Don't know	266	13%
No reply	8	na

Q8a If yes, how many dogs do you think the single individual should walk on or off a lead at any one time?

Number	Number	Percentage
3	588	50%
4	267	23%
5	24	2%
6	18	2%
Other	272	23%



Q9 What is your post code?

1810 postcodes provided

Q10 Are you a dog owner/walker?

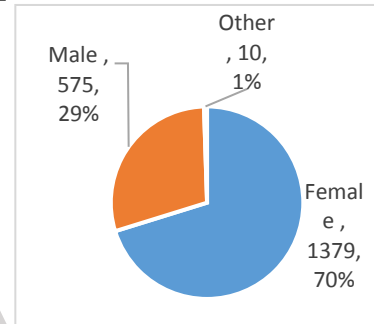
Agree?	Number	Percentage
Yes	1273	63%
No	504	25%
Not currently	236	12%
No reply	42	na

Q11 Does your work involve you caring for dogs?

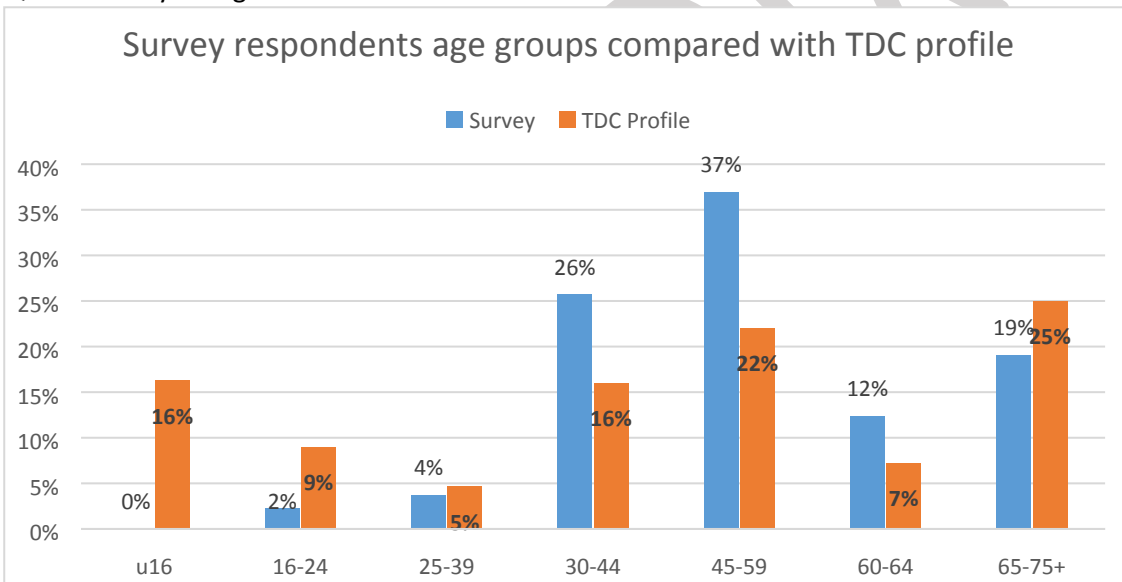
?	Number	Percentage
Boarding	31	7%
Dog walking for £	28	6%
Pet sales	6	78%
Training	18	1%
Vet services	20	4%
Other	368	4%

Q12 What is your gender?

?	Number	Percentage	TDC profile
Male	575	29%	48%
Female	1379	70%	52%
Other	10	1%	na



Q13 What is your age?



Q14 Do you consider yourself to have a limiting long term illness or condition that requires you to have an assistance dog provided by a recognised charity?

Agree?	Number	Percentage
Yes	17	0.8%
No	1984	99.2%
No reply	27	na

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EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Kevin Lake

DATE: 30th October 2018

REPORT OF: Interim Head of Operations/ Waste and Cleansing Manager and the Portfolio Holder for Environment Services

SUBJECT: Driver and Operation Staff Salaries – Market Forces

PART I

RECOMMENDATIONS

The Executive is recommended to

Consider the market forces information contained in the report and approve the implementation of the Council's Market forces Policy to increase LGV driver's salaries to Grade 16a equivalent. In addition to approve the increases to the posts in the operational management team to maintain the grade differential as detailed.

1. PURPOSE

To bring to the attention of the Executive the ongoing difficulties being experienced in the recruitment and retention of Large Goods Vehicle (LGV) Drivers and the implications of applying the Council's Market Forces Policy to resolve the issue.

2. BACKGROUND

The Waste Recycling and Cleansing service is continuing to experience difficulties in recruiting and retaining LGV drivers. This is a regional issue and our neighbouring authorities are experiencing the same difficulties.

Typically during recruitment exercises we have very low or no applicants which creates a significant operational pressure on the service. At present there are 4 LGV driver vacancies. The last 5 recruitment processes have only reduced the number of vacancies by 1 because new recruits have been balanced by those leaving.

In 2015 the Market Forces policy was applied to LGV drivers' salaries in order to retain existing staff and recruit the large number of new drivers required for the new weekly recycling service. This raised the role from Grade 8 to Grade 14.

As there are no significant changes to the nature of the job the 'Job Evaluation' process is not considered a viable process to address this issue.

The LGV driver recruitment issues are compounded by the fact that other operational staff (van drivers and manual operatives) received a higher percentage pay increase as part of the recent Local Government Pay Award. This effectively closes the gap between the roles and reduces the incentive for the additional responsibilities and qualifications required to be an LGV driver.

We have offered to cover the training costs of staff to gain an LGV qualification but take up on this offer has been very limited with only one current member of staff participating.

The current benchmarking information is shown below.

	2015	2018
Authority	Salary	Salary
North	£19,317	£23,111
Mid	£21,734	£23,112
Tor 2/Torbay	£17,722	£21,195
Exeter	£17,251	£20,811
Plymouth	£20,400	£21,625
South Hams	£17,761	£19,446
Torrige	£19,300	£20,541
East	£17,333	£20,849
Average	£18,852	£21,336
TDC		£19,819

The average is equivalent to Grade 16a of our current pay scales. It is important to note that both Tor2 and Exeter are both currently paying a higher rate than Teignbridge, geographical areas we typically recruit from.

3. MAIN IMPLICATIONS

Financial Implications

The cost to implement the changes for the 49 drivers on the establishment from Grade 14 to Grade 16a would be;

Year	18/19	19/20	20/21
Annual cost	£38,280*	£128,340	£134,490

* This assumes 1st December 18 implementation

Pay Differentials for Operational Management

If we assume that LGV driver salaries are increased to Grade 16a through the Market Forces policy it creates further issues for the operational management team as Charge-Hands are currently at that grade and the two Supervisors a few grades above.

In order to maintain the grade differentials for the supervisory staff in the operational team the following cost pressures would arise:

Year	18/19	19/20	20/21
Annual cost / (saving)	£2,580*	£10,080	£13,380

Total cost for all implicated staff

The table below shows the additional budget to find for the next three years taking into account the additional income to be received from the joint working with DCC.

Year	18/19	19/20	20/21
Annual cost	£40,860*	£138,420	£147,870
Additional Income**	£32,070	£47,170	£57,810
Budget shortfall	£8,790	£91,250	£90,060

* This assumes 1st December 18 implementation

** This includes income from the shared savings agreement with Devon County Council and some expenditure savings.

The additional costs associated with attracting and retaining staff will cost £8,790 initially rising to £91,250 for the following full year. These additional costs will require being met from general reserves initially whilst investigations are pursued to make additional savings to reduce these costs (including anticipated increases in the waste savings sharing agreement) and incorporated into the annual budget process for 2019/20.

HR Implications

This has been discussed with the HR and OD Manager who is supportive of the approach outlined and advised, if approved, this will need to be managed under the Council's existing Market Forces policy. HR can support the implementation.

4. GROUPS CONSULTED

SLT, Finance and HR department. HR will undertake any consultation required with staff and the Trade Unions.

5. TIME-SCALE

Immediate implementation is recommended, the report contains financial implications assuming a 1st December 2018 implementation.

6. JUSTIFICATION

It is clear from the difficulties being experienced that the existing salary being offered for LGV drivers by the Council is not attracting people to take up, or stay in these positions. The Market Forces information presented confirms the situation.

The repositioning of the LGV driver and Operational Management staff salaries using the Council's Market Forces Policy as recommended in this report is required to offset the significant risk that the quality of this statutory service will reduce if steps are not taken to improve recruitment and retention of staff.

7. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

10.00 a.m. on 6 November 2018

Lorraine Montgomery /Chris Braines
Interim Head of Operations/ Waste and
Cleansing Manager

Cllr Kevin Lake
Portfolio Holder for Cleansing Waste
and Recycling

BELOW TO BE FILLED IN BY REPORT AUTHOR:

Wards affected	All
Contact for any more information	L .Montgomery / Chris Braines 01626 215841
Background Papers (For Part I reports only)	
Key Decision	N
In Forward Plan	Y
In O&S Work Programme	N
Community Impact Assessment attached:	N



Public Notice and Annual Forward Plan

- 1 This is an Annual Forward Plan of the key decisions and other decisions the Leader of Teignbridge anticipates the Executive taking during the next 12 months. Key decisions are decisions which the Council consider significant having had regard to Government guidance. This Plan may include other decisions which are not key decisions to be taken by the Executive, including for example, where the Executive is to make a recommendation to the Council.
- 2 Details of the proposed decisions are attached.
3. The decisions which the Executive propose to take in private and the reasons why are detailed in the list together with a brief description of the matter to be decided. If you do not think the decisions should be taken in private please advise the Democratic Services Manager, with your reasons, at the address below or email comsec@teignbridge.gov.uk
- 4 The documents which will be taken into account when making key decisions in the part of the meeting open to the public are available for inspection. Details are listed. Other documents may become available nearer the meeting. If you would like copies please contact the author of the report. Author's names and contact details are shown in the attached list. If you would like additional documents relating to a decision as they become available please contact the author and make this request.
5. Where possible, the District Council will attempt to keep to the dates shown in the Plan. It is quite likely, however, that some items will need to be rescheduled and new items added as new circumstances come to light.
6. This Plan will be updated on a monthly basis.
7. You are welcome to attend the meetings. They will take place in the Council Chamber at the address below. Agendas for Executive and other Council meetings are available on the Council's website.
- 8 You can ask questions regarding any item either in person or in writing. The deadline for the submission of questions is 12 Noon two working days prior to the meeting. You are advised to contact the Committee and Members' Services Section at the address below in advance of this time where assistance is available if required.
- 9 Should you wish to make the Councillors aware of any information in advance of a meeting you can make representations in writing. These can be made up

until the commencement of the meeting. You can also lobby Members of the Executive in advance of the meeting and for information on this or if you have any further queries, please contact the Committee Section, telephone 01626 215112 or email comsec@teignbridge.gov.uk

- 10 The agendas for the meetings can be made available before the meetings. The documents listed in the right hand column of the attached plan are available for public inspection at the Council Offices between the hours of 9.00 am to 4.00 pm on Monday to Friday. The estimated dates of availability are indicated and are also available on the Council's website www.teignbridge.gov.uk

Cllr JEREMY CHRISTOPHERS
Leader of the Council
Council Offices, Forde House, Newton Abbot TQ12 4XX

TEIGNBRIDGE DISTRICT COUNCIL – EXECUTIVE FORWARD PLAN

Forward Plan of anticipated key decisions by the Executive for the next 12 months commencing 1 October 2018

(R) indicates a recommendation to Council.

Matter for Consideration	Date of Decision	Private Decision	Documents to be considered in preparing report	Report Author(s) & Contact Name & Number	Agenda inc. Report Published
Amendments to the Gambling Act (R)	30/10/2018	No		Report of Andrea Furness - Licensing Manager. Contact: 01626 215545	22/10/2018
Public Spaces Protection Order for Dog Control in Teignbridge	30/10/2018	No		Report of David Eaton - Environmental Protection Manager – Contact 01626 215064	22/10/2018
Land at Sandy Lane, Dawlish	30/10/2018	Yes		Report of Chris Smith – Estates Surveyor – Contact 01626 215649	22/10/2018
Driver and Operation Staff Salaries – Market Forces	30/10/2018	No		Report of Lorraine Montgomery – Interim Head of Operations 01626 215852	22/10/2018
Newton Abbot Town Centre Redevelopment Proposals	21/11/18	Part		Report of Tony Watson - Interim Head of Commercial Operations 01626 215828	13/11/2018
Supplementary Planning Document NA3 – Wolborough	04/12/2018	No		Report of Simon Thornley – Business Manager, Spatial Planning Contact: 01626 215706	26/11/2018
Asset Management Strategy and associated policy documents	04/12/2018	No		Report of Donna Best Estates & Development Manager: 01626 265467	26/11/2018
Council tax support/reduction scheme	04/12/2018	No		Report of Tracey Hooper – Revenue, Benefits & Fraud Manager Contact: 01626215266	26/11/2018
Quarterly budget monitoring including capital and treasury management mid-year review	04/12/2018	No		Report of Martin Flitcroft - Chief Finance Officer. Contact 01626 215246	26/11/2018

Call-in of Portfolio Holder Decision 11-2018 - Funding Contribution for a Cirl Bunting Nature	04/12/2018	Yes		Report of Nick Davies – Business Manager – Strategic Place. Contact: 01626 2151745	26/11/2018
Notice of Motion - Heathfield Farm landfill	04/12/2018	No		Report of Nick Davies – Business Manager – Strategic Place. Contact: 01626 2151745	26/11/2018
Housing Needs Restructure	04/12/2018	Yes		Report of Tony Mansour - Housing Needs Lead Contact - 01626 215 351	26/11/2018
Initial Financial plan proposals 2019/20 to 2021/22 – to consider the initial financial plan proposals 2019/20 to 2021/22 and the council tax base 2019/20	08/01/2019	No		Report of Martin Flitcroft - Chief Finance Officer. Contact 01626 215246	21/12/2018
Final financial plan proposals 2019/20 to 2021/22 – to consider Teignbridge’s final budget proposals for the next three years	07/02/2019	No		Report of Martin Flitcroft - Chief Finance Officer. Contact 01626 215246	30/01/2019
Dawlish Warren Habitat Mitigation	07/02/2019	No		Report of Fergus Pate - Principal Delivery Officer – Contact 01626 215466	30/01/2019
Restructure Proposals	TBC	No		Report of Phil Shears – Managing Director Contact: 01626 215	TBC
Affordable Housing Supplementary Planning Document and Starter Homes	TBC	No		Report of Simon Thornley – Business Manager, Spatial Planning Contact: 01626 215706	TBC

Teignbridge Car Park Plan – draft for consultation	TBC	No		Report of Neil Blaney – Economy Manager. Contact: 01626 215233	TBC
Leisure Strategy	TBC	No		Report of Lorraine Montgomery – Interim Head of Operations James Teed Contact: 01626 215852	TBC

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