



# GAMBLING ACT 2005

## Statement of Principles

For the period 31<sup>st</sup> January 20~~19~~22 to 30<sup>th</sup> January 20~~22~~25

### Environmental Health and Community Safety

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## **Part A – General Principles**

### **1 Introduction**

- 1.1 Section 349 of the Gambling Act 2005 requires licensing authorities to publish a licensing policy (the ‘statement of the principles’) which they propose to apply when exercising their functions under the Act. 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 then be re-published.
- 1.2 This Statement of Principles has been prepared in accordance with the provisions of the Gambling Act 2005 and the Guidance issued under s.25 of the Act by the Gambling Commission. It sets out the principles this Licensing Authority will adopt in relation to applications for licences/permits and on enforcement of the law, regulations and licence conditions.
- 1.3 The Statement takes effect on 31 January 2019.22
- 1.4 All references in this document to ‘The Act’ are to The Gambling Act 2005.
- 1.5 The Licensing Authority wishes to make clear that the Gambling Commission’s Guidance to Local Authorities (6<sup>th</sup> Edition – April 2021) was the most recent information available at the time of writing and can be subject of change within the period that this statement of principles is in force.
- 1.6 Legislation may change over time and the advice given is based on the information available at the time the guidance was produced – it is not exhaustive and is subject to revision in light of further information. Only the courts can interpret statutory legislation with any authority and this advice is not intended to be definitive guidance nor a substitute for the relevant law and independent legal advice should be sought where appropriate

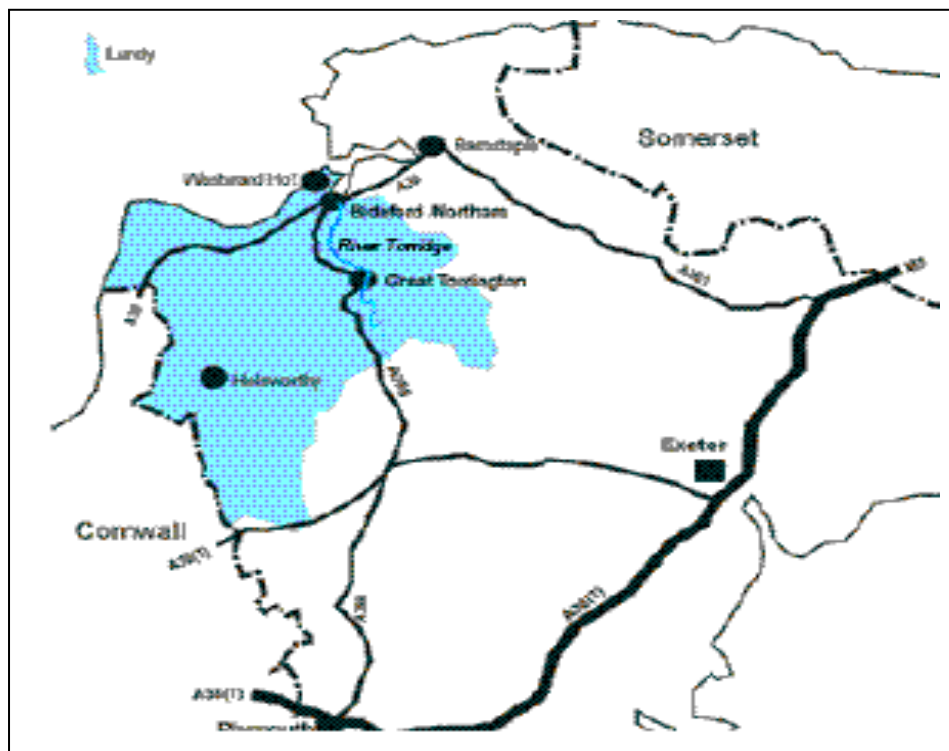
### **2 The Licensing Objectives**

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

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling

These objectives will inform and underpin the way in which this Licensing Authority discharges its licensing functions under the Act.

### 3 The Licensing Authority Area



- 3.1 Torrington District Council is located within the north west of Devon and is predominantly rural. The main towns are Bideford, Holsworthy and Great Torrington, with almost half of the population living in or close to Bideford/Northam and the remainder of the area fairly sparsely populated. The district is officially classified as 'Rural 80', with at least 80 per cent of the population living in rural settlements and larger market towns. The district comprises 984 sq km (380 sq miles). The large majority of land in Torrington is classified as green space, covering 95% (938 sq km) of the district's total area.
- 3.2 The Office for National Statistics (ONS) provided a population estimate for Torrington in mid-2016-18 of ~~66,977~~ 68,143. (The 2011 census had a total population of 63,839, showing a ~~5%~~ 6.7% increase in the Torrington population over the past ~~57~~ years). In 2016 the largest age group in the UK is the 25-44 age group with 26.31% of the national population - this age group accounts for just 19.2% of the Torrington population. ~~Over the past 14 years the number of people in Torrington in receipt of state pension has increased from 14,040 to 18,440, an increase of 31.3%.~~
- 3.3 ~~Torrington has the second lowest average weekly earnings of any district in the UK. The average (gross) weekly earnings in Torrington are £357.50. This is £75.80 (17%) below the average for Devon, and £181.20 (34%) below the National average. The unemployment rate in Torrington (October 2017) is 3.6%, compared to a South West rate of 3.7% and a national rate of 4.6%.~~
- 3.4 Gambling premises within Torrington (~~February 2018~~ October 2021) consist of 3 licensed betting shops in Bideford, 4 licensed amusement arcades in Westward Ho!, a bingo premises and unlicensed family entertainment centre in Bucks Cross.

## 4 Consultation

4.1 The Act requires Licensing Authorities to consult the following parties on their Statement of Principles:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

4.2 This authority has consulted the following organisations:

- All responsible authorities
- Association of British Bookmakers
- British Amusement Catering Trade Association
- North Devon and Torridge Community Safety Partnership
- Gamblers Anonymous
- Gamcare
- Local Chambers of Commerce
- Local residents or their representatives
- Mencap
- Representatives of existing licence-holders
- Voluntary organisations working with children & young people

4.2 Proper weight has been given to the views of all those who have been consulted prior to the date of implementation of the Statement of Principles.

Our consultation took place between ~~1 June 2018~~ and ~~31 August 2018~~ TBC and we have followed the Cabinet Office guidance on public consultations

4.4 This Statement of Principles was approved at a meeting of the full Council on ~~10 December 2018~~ TDC and published on the website on ~~17 December 2018~~.

If you wish to comment on this Statement of Principles please write to the Licensing Team, Torridge District Council, Riverbank House, Bideford, Devon EX39 2QG or email [licensing@torridge.gov.uk](mailto:licensing@torridge.gov.uk)

## 5 Declaration

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

## 6 The Overriding Principle

6.1 In exercising its functions under the Act, this Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it is

- in accordance with the Act and associated legislation;
- in accordance with any relevant Code of Practice under section 24 of the Act;

- in accordance with the relevant guidance issued by the Gambling Commission under section 25 of the Act;
- reasonably consistent with the licensing objectives
- in accordance with this Statement of Principles.

6.2 Each application will be decided on its merits.

6.3 In deciding whether or not to grant a licence, this authority will not have regard to the expected demand for the facilities that are the subject of the application.

## **7 Responsible Authorities**

7.1 Responsible authorities are those public bodies specified in the Act, which must be notified of applications for premises licences. Such bodies are entitled to make representations to the Licensing Authority in relation to the applications and to apply for a review of an existing licence. The Responsible Authorities for Torridge District are detailed on the Council's website.

7.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

7.3 In accordance with the suggestion in the Gambling Commission's Guidance for Licensing Authorities, this Authority has designated the Local Safeguarding Children Board of Devon County Council for this purpose.

## **8 Interested Parties**

8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. For the purposes of the Act, a person is an interested party in relation to an application for a premises licence if, in the opinion of the Licensing Authority, he/she

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)

8.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be determined on an individual basis having regard to Commission guidance. The Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities.
- Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested

parties. Other than these, however, this licensing authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will generally be sufficient.

- 8.3 If individuals wish to approach a councillor to ask them to represent their views then care should be taken that the councillor does not sit on the Licensing Committee dealing with the licence application as this might result in a potential conflict of interest. If there are any doubts then please contact the Licensing Team, Torridge District Council, Riverbank House, Bideford, Devon EX39 2QG or email [licensing@torridge.gov.uk](mailto:licensing@torridge.gov.uk)

## **9 Exchange of Information**

- 9.1 This Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. This Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 9.2 Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **10 Enforcement**

- 10.1 The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.
- 10.2 The Gambling Commission is the enforcement body for operating and personal licences, they also deal with concerns about manufacture, supply and repair of gaming machines.
- 10.3 This authority adopts a graduated approach to enforcement and when seeking to resolve or address issues the general expectation of the authority is that operators promptly work alongside the licensing authority in taking remedial action. However where a serious issue is identified it is likely that the authority will immediately initiate some form of enforcement action.
- 10.4 This Licensing Authority's principles are that enforcement will be carried out:
- in line with the Gambling Commission's Guidance for local authorities,
  - in accordance with the Regulators' Code, and
  - in accordance with the Authority's Corporate Enforcement Policy.
- 10.5 Enforcement will be:
- proportionate - regulators should only intervene when necessary and 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.

10.6 In accordance with the Gambling Commission's Guidance for licensing authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

10.7 This Licensing Authority has adopted a risk-based inspection programme based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy
- Any primary authority partnerships which are in place

10.8 In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact who should be a senior individual and whom the authority will contact first should any compliance issues arise.

## **11 Licensing Authority Functions**

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

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

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

- authorisations for the temporary use of premises and occasional use notices
- permits for unlicensed family entertainment centres (UFEC)
- permits for prize gaming
- permits for gaming machines on alcohol-licensed premises
- permits for club gaming
- permits for club gaming machines.
- registrations for Small Society Lotteries

11.3 It should be noted that this Licensing Authority will not be 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 a licensing officer acting under delegated authority may carry out the powers of the Authority under the Act.
- 12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious decisions will be made by licensing officers.
- 12.3 The Licensing Authority will ensure that all Licensing Officers and Members of the Licensing Committee have received adequate training for their role under the Act.
- 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 send a copy of their application to the Responsible Authorities as listed ~~in Appendix A-~~ [on the Council's website](#).
- 12.6 In order to discharge its licensing functions, this Licensing Authority has delegated its statutory powers to its sub-Committees in accordance with s.154 of the Act and has established its own procedures for licensing hearings under s.9 of the Licensing Act 2003.

### 13 Administration, Exercise and Delegation

This Licensing Authority will delegate its licensing functions under the Act in accordance with the table below. (X indicates the lowest level to which decisions can be delegated)

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Licensing Officers
Three year licensing Statement of Principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X (to be approved by the Community and Resources Committee)
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	

Table 1. Recommended Delegation of Licensing Functions (Gambling Act 2005, s.154; Licensing Act 2003, s.10)

## 14 Local Risk Assessments

- 14.1 The Gambling Commission's Social Responsibility Code (Licence Conditions and Codes of Practice (LCCP) 10.1.1) requires operators to consider local risks. With effect from 6 April 2016, the Gambling Commission's Social Responsibility Code's required ! licensees are required 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.
- 14.2 Licensees are required to undertake local risk assessment when applying for a new premises licence. Their risk assessment will also need to be updated:
- When applying for a variation of a premises licence.
  - To take account of significant changes in local circumstances, including those identified in this policy.
  - When there are significant changes at a licensee's premise that may affect the level of risk or the mitigation of those risks. This includes any changes to the interior layout of the premises. Significant changes will require a variation to the premises licence.
- 14.3 The Social Responsibility Code provision is supplemented by an Ordinary Code that will require licensees to share their risk assessments with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises or otherwise on request of the Council.
- 14.4 Whilst there are no plans to request that licensed premises share their risk assessments on a periodic basis, where concerns do exist, perhaps prompted by new or existing risks, the Licensing Authority is likely to request that a licensee share a copy of its risk assessment. The risk assessment will set out the measures the licensee has put in place to address specific concerns, thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required.
- 14.5 In some circumstances it may be appropriate for the Licensing Authority to offer a licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.
- 14.6 The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
  - 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

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- Areas that are prone to issues of youths participating in anti social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling
- Areas where there is a presence of children and young persons on a seasonal basis (e.g. school holidays) such as holiday resorts, visitor attractions, etc.

Matters relating to vulnerable adults, including;

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

Other issues that may be considered could include:

- Proximity of premises which may be frequented by large numbers of people including sports stadiums, leisure centres, places of worship.

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

- 14.7 The Risk Assessment must be kept on the premises to which it relates and available for inspection by an authorised officer of the licensing authority or Gambling Commission.
- 14.8 There is no mandatory requirement for a Licensing Authority to undertake a specific Local Area Profile and this authority has decided not to do so at the time of producing reviewing this policy statement.

## Part B – Premises Licences

### **1 General Principles: Consideration of Applications**

- 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 set out in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others where it believes it is necessary and appropriate.
- 1.2 This Licensing Authority recognises 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 line with the Authority's Statement of Licensing Principles.
- 1.3 The Authority appreciates that, as stated in the Gambling Commission's Guidance to Licensing Authorities, "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' – see section on Casinos below) and also that unmet demand is not a consideration for a Licensing Authority.
- 1.4 Definition of 'premises'. In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance that: *"In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises"*.

- 1.5 This Licensing Authority takes particular note of the Gambling Commission's Guidance to licensing authorities which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access

to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Adequate separation may be obtained by means of screening, walls, clear signage, PIR alarms etc.
- Customers should be able to participate in the activity named on the premises licence

The Guidance also gives a list of factors which this licensing authority should be aware of, which may include such matters as:

- whether the premises has a separate registration for business rates
- whether adjacent premises are owned by the same person
- whether the premises can be accessed from the street or a public passageway
- whether the premises can be accessed from any other gambling premises

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

The Gambling Commission’s relevant access provisions for each premises type are reproduced below from the Guidance:

#### Casinos

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

#### Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises or one with a permit (UFEC).

#### Betting Shops

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

#### Tracks

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

#### Bingo Premises

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

#### Family Entertainment Centre

- No customer must be able to access the premises directly from:
  - a casino

- an adult gaming centre
- betting premises, other than a track

Part 7 of the Guidance contains further guidance on this issue, which this licensing authority will also take into account in its decision-making.

#### 1.6 Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that this licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

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 (see section 10).

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.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

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

#### 1.8 Planning.

This licensing authority will not normally have regard to planning matters when determining licence applications. Such matters will generally be deemed to be irrelevant to the licensing process. This Licensing Authority will have regard to the following excerpt from the Guidance:

*“When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a*

*gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”*

1.9 Duplication with other Regulatory Regimes

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

1.10 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. The Commission’s Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether it is appropriate to locate gambling premises in such an area and whether conditions may be desirable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider relevant factors in order to make that distinction.

1.11 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. There is however more of a role with regarding to tracks which is explained in more detail in section 7 below.

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

This Licensing Authority has noted the Gambling Commission’s Guidance to licensing authorities 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 will therefore consider, as suggested in the Gambling Commission’s Guidance, whether specific measures are required at particular types of premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This Licensing Authority will have regard to the Gambling Commission’s Codes of Practice in relation to this licensing objective.

The Gambling Commission does not offer a definition of the term ‘vulnerable persons’ but states that *“it will, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”* This Licensing Authority will consider this licensing objective on a case by case basis.

The Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.



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

- all staff are trained,
- that all customers are supervised when on gambling premises
- procedures for identifying customers who are at risk of gambling related harm are in place.

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

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

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.

#### 1.13 Licence Conditions

Conditions may be attached to licences issued under the Gambling Act in a number of ways. They may be attached automatically by the Act, or by regulation, or attached to operating and personal licences by the Gambling Commission. Additionally this Licensing Authority has the discretion to attach conditions to premises licences. This latter discretion extends also in certain circumstances to excluding default conditions from premises licences, and may replace them with either more, or less, restrictive conditions.

Any conditions attached to licences will be:

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of door 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 way in which the licensing objectives can be met effectively.

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

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

- all such machines are located in an area of the premises which is separated from the

remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults (i.e. persons over 18 years) 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.

This Licensing Authority recognises that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Licensing Authority may not attach the following conditions to premises licences:

- 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.

#### 1.14 Door Supervisors.

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

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

## **2 Adult Gaming Centres**

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- CCTV
- Door supervisors
- Location of entry
- Notices / signage
- Physical separation of areas

- 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.

### **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 the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to any 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
- 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, in accordance with the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to Operating Licences which relate to the way in which the area containing the category C machines should be delineated. This Licensing Authority will also have regard to any mandatory or default conditions on these premises licences, when they have been published.

### **4 Casinos**

Torridge District Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Statement of Principles accordingly. 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

This licensing authority notes that the Guidance states:

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

This licensing authority also notes the Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible for all of the gaming machines to which each of the licence brings an entitlement to be grouped together within one of the licensed 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.

## 6 Betting premises

### Betting machines

This licensing authority will, in accordance the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

The Authority will also have particular regard to the location of any gaming machines within a premises and will wish to be satisfied that such machines can be directly observed and supervised by members of staff in order to prevent underage gaming.

The Authority will require a full premises licence variation application when premises are intending to apply screens and/or booths around gaming machines.

## 7 Tracks

- 7.1 Section 353 of the Act defines a track as ‘a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place’. This means that land which has a number of uses, such as agricultural land, may meet the definition of a track and could be used, for example, for point-to-point meetings.
- 7.2 This Licensing Authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission’s Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

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

This list is not mandatory or exhaustive and is merely indicative of example measures.

#### 7.5 Gaming machines

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

#### 7.6 Betting machines

This licensing authority will, in accordance part 6 of the Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

#### 7.7 Applications and plans.

The Act (s151) 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.

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

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

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. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

## **8 Vessels**

8.1 Premises licences will only be issued for vessels normally berthed within the Council area.

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

## **9 Travelling Fairs**

9.1 It is a statutory requirement that – where gaming is provided at travelling fairs - the gaming facilities are no more than an ancillary amusement to the fair itself. Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, this licensing authority will be responsible for deciding whether the statutory requirement is satisfied.

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 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.

10.2 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.

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.

## 11 Reviews

11.1 Requests for a review of a premises licence can be made by Interested Parties or Responsible Authorities. However, it will be for this Licensing Authority to decide whether the review is to be carried out. The decision will be based of whether the request for the review is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's Statement of 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 will, 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, Registrations and Notices

### 1 Unlicensed Family Entertainment Centre

- 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 a permit for an unlicensed Family Entertainment Centre. The permit will authorise only the lowest value (Category D) gaming machines suitable for use by children or young persons. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Act states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act. The Commission's Guidance to licensing authorities also states: "a licensing authority may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits. Licensing authorities will want to give weight to matters relating to child protection issues."
- 1.3 Guidance also states, *"An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre and if the Chief Officer of Police has been consulted on the application"*. This Licensing Authority will require the applicant to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
  - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 1.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 1.5 This licensing authority has adopted a Statement of Principles in accordance with Paragraph 7 of Schedule 10 of the Act for the purposes of clarifying the measures that the Authority will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre. This will allow the Authority to better determine the suitability of the applicant and the premises for a permit.
- 1.6 Within this process the 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.
- 1.7 The measures suggested in this document should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.
- 1.8 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games ~~and penny-pushers~~. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a 'licensed family

entertainment centre' which does require a premises licence because it contains both category C and D gaming machines.

- 1.9 Unlicensed family entertainment centres (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.
- 1.10 The Authority will only grant a uFEC gaming machine permit where it is satisfied that the premises will be operated as a bonafide unlicensed family entertainment centre.
- 1.11 The Authority may refuse an application if it is not satisfied that the issues raised in this "Statement of Principles" have been addressed through the application.
- 1.12 The Authority will require the following supporting documents to be served with all uFEC gaming machine permit applications:
  - proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
  - proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
  - the result of a criminal records basic disclosure [criminal conviction certificate] (the disclosure must have been issued within the previous month). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) – Basic Disclosures can be obtained from the Disclosure and Barring Service (DBS). For further details visit their website: <https://www.gov.uk/request-copy-criminal-record>
    - Where an applicant provides evidence that they have an Operating Licence and as a result have undergone rigorous checks by the Gambling Commission, then a criminal record disclosure check will not be required.
    - Where an applicant is a company or organisation and does not hold an Operating Licence, then the proposed Manager responsible for the day to day running of the premises will be required to produce a criminal record disclosure check dated within one calendar month of the date of the application being submitted to the Licensing Authority.
    - When a permit holder appoints a new manager responsible for the day to day running of the premises, that person will be required to produce a criminal record disclosure check dated within one calendar month of the appointment date.
  - In the case of applications for an uFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission
  - A plan of the premises for which the permit is sought showing the following items:
    - (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
    - (ii) where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes)
    - (iii) the positioning and types of any other amusement machines on the premises
    - (iv) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
    - (v) the location of any ATM/cash machines or change machines
    - (vi) the location of any fixed or temporary structures such as columns or pillars
    - (vii) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
    - (viii) the location of any public toilets in the building

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

### 1.13 Protection of Children

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

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

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

### 1.14 Protection of Vulnerable Persons

The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the council's 'Statement of Licensing Policy under the Gambling Act 2005' to familiarise themselves with who the council considers vulnerable. The council will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

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

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

### 1.15 Miscellaneous Matters

The applicant should also be mindful of the following possible control measures 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.

- 1.16 The Licensing Authority encourages applicants for UFEC Permits 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. [The Code now includes preventing under 18's playing on reel type slot machines.](#)

## **2 Alcohol Licensed Premises - Gaming Machines**

### 2.1 Automatic Entitlement to Two Machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority and pay the prescribed fee. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

The premises must comply with the Code of Practice for gaming machines in clubs and premises with an alcohol licence issued by the Gambling Commission.

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 Gaming Machine Permit (Three or More Machines)

If a premises wishes to have more than two machines, then a Gaming Machine Permit is required. The Licensing Authority must consider an application for a permit based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, 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

but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. It is likely that any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.4 The holder of a permit must comply with the Gambling Commission's Code of Practice for gaming machines in clubs and premises with an alcohol licence. This Code covers the location and operation of the machine and access by children and young persons.
- 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, hairdressers or other premises which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food (the old Part IV restaurant licences under the former Licensing Act 1964) will no longer be entitled to have these machines on their premises.

### **3 Prize Gaming Permits**

- 3.1 Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The operator will determine the prizes before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed.

The Act states that a licensing authority may "*prepare a statement of principles that they propose to apply in exercising their functions under this Schedule*" which "*may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit*".

- 3.2 This licensing authority has adopted a Statement of Principles in accordance with paragraph 8 of Schedule 14 of the Act and they are for the purposes of clarifying the measures that the council will expect applicants to demonstrate when applying for a prize gaming permit. This will allow the Authority to better determine the suitability of the applicant and the premises for a permit.
- 3.3 Within this process the 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.
- 3.4 This Licensing Authority will expect the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

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

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

3.7 A prize gaming permit is a permit issued by the council to authorise the provision of facilities for gaming with prizes on specified premises.

3.8 Applicants should be aware of the conditions in the Gambling Act 2005 with which prize gaming permit holders must comply. The conditions in the Act are:

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

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

### 3.10 Supporting Documents

The council will require the following supporting documents to be served with all prize gaming permit applications:

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

- (viii) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- (ix) the location of any public toilets in the building

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

### 3.11 Protection of Children

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

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

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

### 3.12 Protection of Vulnerable Persons

The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the council's 'Statement of Licensing Policy under the Gambling Act 2005' to familiarise themselves with who the council considers vulnerable. The council will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

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

- consider appropriate positioning of ATM and change machines (including the display of Gamcare stickers on any such machines).

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

### 3.13 Miscellaneous Matters

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 Machine Permits**

~~4.1 Members Clubs (but not commercial clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).~~

4.1 Member's Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit.

A **Club Gaming Permit** will enable the premises to provide gaming machines (3 machines of categories B3A or B4, C or D), equal chance gaming and games of chance as set out in regulations i.e. pontoon and chemin de fer. This is in addition to the exempt gaming authorised under S.269 of the Act.

Alternatively a member's club (but not commercial clubs) can apply for a **Club Gaming Machine Permit** will enable the premises to provide only gaming machines (3 machines of categories B3A or B4, C or D).

**Commercial clubs** are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) which means that they should only apply for a **Club Gaming Machine Permit**. However they are not able to site category B3A gaming machines offering lottery games in their club.

4.2 The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit or a club gaming machine permit. In order to do this, it will require proof of additional information from the operator, for example:

- Is a list of committee members and evidence of their election by club members?
- Are minutes of previous meetings (where appropriate)?
- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?



- Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48 hour rule being applied for membership and being granted admission being adhered to?
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- 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 there a list of Committee members and evidence of their election by the club members?

4.3 When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:

- Who makes commercial decisions on behalf of the club?
- Are the aims of the club set out in the constitution?
- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (Clubs cannot be temporary).
- Are there suitable rules as to the election and admission to the club of new members?
- What is the usual duration of membership?
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?
- Is there a provision for annual general meetings?
- Is there a provision for the election of officers?

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

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

4.5 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). (NB. Commercial clubs cannot hold a Club Premises Certificate under the Licensing Act 2003 and so cannot use the fast-track procedure). The Gambling Commission's Guidance to licensing authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 4.5 There are statutory conditions on club gaming permits that no child under 18 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.

Further information on the categories of gaming machines is included at Appendix B.

## **5 Temporary Use Notices (TUN)**

- 5.1 A Temporary Use Notice (TUN) allows 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.
- A 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.
- 5.2 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices. At the time of writing this Statement the relevant regulations (SI 2007 No 3157: The Act (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.3 There are a number of statutory limits as regards Temporary Use Notices. Gambling under the authority of a TUN may only take place at a set of premises for a maximum of 21 days in any twelve month period. 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 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.
- 5.4 This Licensing Authority expects to object to Temporary Use 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 An Occasional Use Notice allows betting on a track for up to eight days a year without the need for a Premises Licence.
- 6.2 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.
- 6.3 Further information can be found on the Gambling Commission website.

## **7 Small Society Lotteries (Incidental Non-Commercial Lotteries)**

- 7.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:
- licensed lotteries (requiring an operating licence from the Gambling Commission); and
  - exempt lotteries (including small society lotteries registered by the Licensing Authority)
- 7.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:
- small society lotteries;
  - incidental non-commercial lotteries;
  - private lotteries;
  - private society lotteries;
  - work lotteries;
  - residents' lotteries;
  - customer lotteries;
- 7.3 Torridge District Council will register and administer small society lotteries as defined under the Act. In order to be registered, the 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.
- 7.2 This Authority will adopt a risk-based approach to the regulation of small society lotteries.
- Factors which the Authority may take into consideration are:
- Late submission of returns
  - Submission of incomplete or incorrect returns
  - Contravention of limits for small society lotteries
- 7.3 The Authority may refuse an application for registration on the following grounds:
- That an Operating Licence held by the applicant has been revoked
  - That an application for an Operating Licence made by the applicant has been revoked within the past five years
  - That the society in question is not deemed to be non-commercial
  - That a person connected with the lottery has been convicted of a relevant offence as defined in Schedule 7 to the Act

- Information provided in connection with the application is false or misleading.

7.4 Further information on lotteries is available on the Authority's website at [www.torridge.gov.uk/licensing/lotteries](http://www.torridge.gov.uk/licensing/lotteries)

## 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 (e.g. poker in pubs and clubs), limits on stakes and prizes are prescribed in regulations.

8.2 Private Gaming (Schedule 15)

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

8.3 Private Betting (ss. 295)

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

8.4 Non-commercial gaming (ss. 297 – 301)

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 Temporary Use Notice
- The gaming must not be remote gaming.

8.5 Alcohol-licensed Premises

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

Bingo (ss.275 & 281)

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 Commission plus a premises licence from the local authority.

Gaming(ss. 279 & 280)

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

- Facilities must be for equal chance gaming only (e.g. 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.

8.6 Generally, the Authority will not become involved in these types of gambling unless the exemption provisions are contravened – for example, if any of the limits on stakes and/or prizes are exceeded. Any action will be taken in accordance with the Authority’s Licensing Enforcement Policy

## **APPENDIX A GLOSSARY**

**Betting** – defined by the Act as making or accepting a bet on (a) the outcome of a race, competition or other event or process, (b) the likelihood of anything occurring or not occurring, or (c) whether anything is or is not true.

**Casino** – defined by the Act as “an arrangement whereby people are given an opportunity to participate in one or more casino games”.

**DCMS** - Department of Culture, Media, and Sport

**Equal Chance Gaming** – gaming which does not involve playing or staking against a bank where the chances are equally favourable to all participants

**Gambling** – defined by the Act as “gaming, betting or participating in a lottery”

**Gambling Commission** – the national body which regulates all forms of gambling in the UK.

**Game of Chance** – a game that (i) involves both an element of chance and an element of skill (ii) involves an element of chance which can be eliminated by superlative skill and (iii) a game presented as involving an element of chance BUT is not a sport.

**Gaming** – means playing a game of chance for a prize (s.6(1))

**Gaming machine** – a machine which is designed or adapted for use by individuals to gamble. (Section 235 of the Act sets out a number of exemptions from this definition).

**Lottery** - defined by the Act as an arrangement whereby persons must pay to participate to win a prize and the prizes are allocated wholly by chance.

**Prize Gaming** – defined by the Act as gaming where the nature or size of the prize is not determined by the number of persons playing or by the money paid for the gaming

**Responsible Authority** –

- (i) The Licensing Authority
- (ii) The Gambling Commissioner
- (iii) The Chief Officer of Devon & Cornwall Constabulary
- (iv) The Devon Fire & Rescue Service
- (v) The local planning authority within the meaning given by the Town and Country Planning act 1990 (c.8) for any area in which the premises are wholly or partly situated

- (vi) The local authority by which statutory functions are exercisable in any area in which the premises are wholly or partly situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) A body which is designated in writing for the purpose of this paragraph, by the Licensing Authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm
- (vii) And any other person prescribed by regulations by the Secretary of State.

DCMS - Department for Culture Media and Sport: [www.culture.gov.uk](http://www.culture.gov.uk)

Gambling Commission: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Torridge District Council: [www.torridge.gov.uk/licensing](http://www.torridge.gov.uk/licensing)

## APPENDIX B

### CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

Torridge District Council is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly the Police and Safeguarding Boards.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with the Police and Safeguarding Boards 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).