Licensing and Gambling Acts Committee

Tuesday 17 November 2015

9:30am, Council Chamber
South Norfolk House, Long Stratton, Norfolk, NR15 2XE

If you have any special requirements in order to attend this meeting,
please let us know in advance

Large print version can be made available

Contact Sue Elliott on 01508 533943 or democracy@s-norfolk.gov.uk

South Norfolk Council
Working with you, working for you
Members of the Licensing and Gambling Acts Committee

Councillors:

Cllr D Goldson (Chairman)
Cllr W Kemp (Vice Chairman)
Cllr J Amis
Cllr V Bell
Cllr M Dewsbury
Cllr C Gould
Cllr P Hardy
Cllr J Hornby
Cllr C Kemp
Cllr K Mason Billig
Cllr T Palmer
Cllr A Pond
Cllr J Savage
Cllr J Wilby
Cllr K Worsley

This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.
Agenda

1. To report apologies for absence;

2. To receive Declarations of Interest from Members;  
   (Please see guidance form and flow chart attached - page 4)

3. Statement of Licensing Policy;  
   (report attached – page 5)

4. Statement of Gambling Policy;  
   (report attached – page 35)
DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of other interests, the member may speak and vote on the matter.
- If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed.
- If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.
Members of the Licensing and Gambling Acts Committee

Councillors:

Cllr D Goldson (Chairman)
Cllr W Kemp (Vice Chairman)
Cllr J Amis
Cllr V Bell
Cllr M Dewsbury
Cllr C Gould
Cllr P Hardy
Cllr J Hornby
Cllr C Kemp
Cllr K Mason Billig
Cllr T Palmer
Cllr A Pond
Cllr J Savage
Cllr J Wilby
Cllr K Worsley

This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.
1. To report apologies for absence;

2. To receive Declarations of Interest from Members; (Please see guidance form and flow chart attached - page 4)

3. Statement of Licensing Policy; (report attached – page 5)

4. Statement of Gambling Policy; (report attached – page 35)
DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of other interests, the member may speak and vote on the matter.
- If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed.
- If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.
Statement of Licensing Policy

Report of the Licensing & Enforcement Officer
Cabinet Member: Lee Hornby

CONTACT
Amanda Cox – 01508 533621
acox@s-norfolk.gov.uk

South Norfolk Council
Working with you, working for you
1. Introduction

1.1. The Licensing Act 2003 (the Act) came into effect in 2005 and imposes a duty on South Norfolk Council as the licensing authority for licensable activities taking place within the district.

2. Background

2.1. The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

2.2. For the purposes of the Act, the following are licensable activities:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.
2.3. The Act provides for four different types of authorisation or permissions:
- Premises licence – to use premises for licensable activities
- Club premises certificate – to allow a qualifying club to engage in qualifying club activities
- Temporary event notice – to carry out licensable activities at a temporary event
- Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence

2.4. The Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the Act. A copy of the proposed policy is attached at Appendix A.

2.5. Before determining the policy, the licensing authority must consult the persons listed in section 5(3) of the Act. These are:
- The chief officer of police for the area;
- The fire and rescue authority for the area;
- Each local authority's Director of Public Health in England;
- Persons/bodies representative of local premises licence holders;
- Persons/bodies representative of local club premises certificate holders;
- Persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in its area.
2.6. The views of all these persons or bodies should be given appropriate weight when the policy is determined.

3. Current Position / Findings

3.1. The revised Statement of Policy must take effect on the 7 January 2016.

3.2. It was decided to widen the consultation from that provided by the Act to include those we felt may be affected or otherwise have an interest in the policy. A list of those consulted is attached at Appendix B. The consultation took place between the 1 September 2015 and 12 October 2015. The draft policy was also available on South Norfolk Council’s website and reception area and at each library within the district for the full consultation period.

3.3. To ensure a consistent approach across the county to the interpretation of the Licensing Act and subsequent issued guidance, a Norfolk working group was set up to prepare the revised Statement of Policy.

3.4. Three representations were received and considered during the consultation period as follows:

<table>
<thead>
<tr>
<th>Party</th>
<th>Summary of Representations</th>
<th>Proposed Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norfolk Association of Village Halls</td>
<td>Proposal for premises user to notify premises licence holder/premises owner/management when applying for a temporary event notice.</td>
<td>Not applicable. This would be a legislative change to the Licensing Act 2003. Presently there is a requirement to notify Norfolk Constabulary and the community protection team.</td>
</tr>
</tbody>
</table>
3.5. Therefore no amendments are required as a result of the representations received. A copy of the representations is attached at Appendix C.

3.6. During the consultation process, the Home Office issued Paragraph 2A of Schedule 2 to the Act (as inserted by the Deregulation Act 2015). This provides powers to licensing authorities to exempt premises, in certain circumstances from the requirement to have a licence to provide late night refreshment. Any decision to implement these exemptions would be subject to further amendment to the policy and its own full consultation process. The draft policy has been updated to this effect at Section 8 of the policy.

4. Proposals

4.1. To adopt the Statement of Licensing Policy to enable a consistent approach to the licensing authorities duties under the Licensing Act 2003.

5. Risks and Implications arising

5.1. The Act requires a published statement of licensing policy to enable the authority to carry out licensing functions under the Act. A decision not to publish this policy may result in activities being carried out which could impact on the licensing objectives, as detailed in paragraph 2.1 above.
6. Recommendation

6.1. To recommend that Council adopts the Statement of Policy, as set out in Appendix A and authorises the Director of Growth and Localism to carry out all regulatory processes to enable the policy to come into effect on the 7 January 2016.
Statement of Licensing Policy

7 January 2016
# Contents

| 1. Introduction                      | 2 |
| 2. Purpose and scope of the licensing policy | 2 |
| 3. Main principles of the policy     | 3 |
| 4. Duplication                      | 5 |
| 5. Cumulative impact                | 5 |
| 6. Early morning restriction orders | 6 |
| 7. Late night levy                  | 6 |
| 8. Late night refreshment           | 6 |
| 9. The prevention of crime & disorder | 6 |
| 10. Public safety                   | 7 |
| 11. The prevention of public nuisance | 8 |
| 12. The protection of children from harm | 8 |
| 13. Planning                        | 9 |
| 14. Temporary event notices         | 9 |
| 15. Licensing hours                 | 10 |
| 16. Conditions                      | 10 |
| 17. Licence reviews                 | 10 |
| 18. Enforcement                     | 11 |
| 19. Licence fees                    | 11 |
| 20. Administration, exercise & delegation of functions | 12 |
| 21. Advice                          | 12 |

Appendix A – table of delegations of licensing functions | 13
Appendix B – the portman group code of practice | 14
Appendix C – responsible authorities contact details | 15
Appendix D – map of the district | 16
Definitions

Note: In this policy, the following definitions are included to provide an explanation of certain terms included in the Licensing Act 2003 and therefore in the policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, please refer to the Licensing Act 2003.

‘the Act’ refers to the Licensing Act 2003
‘the Council’ refers to South Norfolk Council
‘the guidance’ refers to the revised guidance issued by the Home Office under s.182 of the Act.
‘licensed premises’ includes club premises and events unless the context otherwise requires.
‘the Licensing Authority’ refers to South Norfolk Council
‘operating schedule’ details how the applicant proposes to operate the premises when carrying out the relevant licensable activities

1. Introduction

South Norfolk Council is the licensing authority under the Act and is responsible for determining applications for premises licenses, club premises certificates, personal licenses and issuing temporary event notices in respect of the sale and/or supply of alcohol, the provision of regulated entertainment, the provision of relevant entertainment and late night refreshment throughout its area. The licensing authority also carries out an enforcement role for such licences/permits in the South Norfolk district.

South Norfolk Council is situated in the County of Norfolk, which contains seven District Councils in total. A map of the area is attached as Appendix D.

South Norfolk is a rural district covering approximately 90,765 hectares and with a population of over 129,000 (2014 ONS). The area is an attractive rural area of market towns and villages with approximately 57,880 dwellings and 6,000 businesses within the District. The main urban areas are the towns of Wymondham, Diss, Harleston, Loddon, Costessey and Hingham as well as the parish of Cringleford on the Norwich fringe and large villages including Hethersett, Long Stratton, Poringland and Mulbarton.

South Norfolk Council believes in excellent customer services that compliment people’s lives. This means responding to the area’s needs now and also planning for the future.

Our priorities are an example of this:

• enhancing our quality of life and the environment we live in;
• promoting a thriving local economy;
• supporting communities to realise their potential;
• driving services through being business like, efficient and customer aware.

2. Purpose and Scope of the Licensing Policy

This policy sets out the manner in which applications for licences required by the Act will be considered by the licensing authority.

This policy will not seek to introduce ‘zones’ where specific activities are concentrated.

The Act requires that the licensing authority carries out its various licensing functions so as to promote the following four licensing objectives:

• the prevention of crime and disorder
• public safety
• the prevention of public nuisance
• the protection of children from harm.

The activities which require a licence under the provisions of the Act and which this policy statement covers include:

• the sale by retail of alcohol;
• the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
• provision of late night refreshment between 11pm and 5am;
• provision of ‘regulated entertainment’ – (where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience or where the activity takes place in private, be subject of a charge made with a view to profit) - consisting of:
  • a performance of a play;
  • an exhibition of a film;
  • an indoor sporting event;
• boxing or wrestling entertainment;
• a performance of live music;
• any playing of recorded music;
• a performance of dance;
• entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.


The Act requires that the licensing authority publish a ‘Statement of Licensing Policy’ that sets out the policies, which will generally be applied to promote the licensing objectives when making decisions on applications made under the Act.

This policy has been prepared in accordance with the provisions of the Act and having regard to the Home Office Guidance issued under Section 182 of the Act.

In accordance with the legislation the licensing authority will prepare and publish a policy every five years. During the five-year period the policy will be kept under review and this licensing authority may make such revisions as are considered appropriate at any time.

When determining applications for licences the licensing authority will have regard to this policy, to the guidance and to primary and secondary legislation.

Before publishing this policy statement and on any policy review the licensing authority will consult with the following –
• the chief officer of police for the area;
• the fire and rescue authority for the area;
• each local authority’s director of public health;
• persons/bodies representative of local premises licence holders;
• persons/bodies representative of local club premises certificate holders;

• persons/bodies representative of local personal licence holders; and
• persons/bodies representative of businesses and residents in its area.

A licensing authority is not precluded from consulting with other persons or bodies in addition to those it is required to consult with.

The views of the parties consulted have been given proper weighting.

3. Main principles of the policy

This Policy will not: -
• undermine the rights of any person to apply under the Act for a variety of permissions and have each application considered on its individual merits;
• override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act

Licensing is about the control of licensed premises and licensable activities therein (including outside events), qualifying clubs and temporary events within the terms of the Act, and conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees.

The licensing authority will consider each application on its own merits and will not impose predetermined licensing opening hours.

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. Conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Supporting guidance issued by the Home Office provides template conditions which may be attached to a licence. Details can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/181056/Pools_of_conditions_-_supporting_guidance.pdf. When considering conditions as a result of relevant representations the licensing authority
will focus primarily on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned but will also have regard to the impact of persons attending licensed premises on the local community and environment. The licensing authority recognises that only conditions strictly appropriate to promote the licensing objectives should be attached to licences.

The licensing authority wishes to encourage the provision of a wide range of entertainment activities within the South Norfolk district and to promote live music, dance and theatre, etc. for the wider cultural benefit of the community. To avoid unnecessary and disproportionate measures that could deter live music, dancing and theatre by imposing indirect costs of a substantial nature, when considering conditions following relevant representations, for such events, the licensing authority recognises only appropriate, proportionate and reasonable conditions should be imposed.

The licensing authority will consider representations made to ensure that they are relevant and not repetitious, vexatious or frivolous.

Any petitions made in respect of an application must meet the following minimum requirements:

- It must be clear to which premises/application the petition relates;
- The petition must relate to one or more of the licensing objectives;
- Each page must include information as to the purpose of the petition (so it is clear signatories were aware what they were signing);
- Full names and addresses must be supplied, in a legible manner;
- It should be made clear to all signatories that a copy of the petition, containing their details will be passed to the applicant and contained within the committee papers, which, in the event of a hearing become public documents;
- The first named respondent is taken to be the instigator of the petition, and will be used as the point of contact in terms of any queries about the petition;
- The first named respondent will be expected to represent the signatories at a hearing and to communicate any information to other signatories as appropriate – the licensing authority will not contact each signatory as if they were making individual representations;

The council reserves the right to make such checks as to the validity of the petition signatories as it feels appropriate.

In the absence of any relevant representations or where representations have been made and subsequently withdrawn in respect of an application, the licensing authority is obliged to grant the licence and replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable conditions.

The licensing authority acknowledges that the licensing function cannot be used for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

This policy statement will not seek to regulate matters which are provided for in any other legislation e.g. planning, health and safety,
employment rights, fire safety, environmental protection, except in so far as such matters should be regulated to achieve the four licensing objectives.

In this respect the licensing authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

• planning control;
• positive measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of the local authority;
• the provision of CCTV surveillance in town centres, provision of public conveniences open late at night, street cleaning, litter patrols and taxi ranks;
• designation of parts of the district as places where alcohol may not be consumed publicly;
• regular liaison with Norfolk Constabulary on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices and prosecution of those selling alcohol to people who are intoxicated;
• Norfolk Constabulary powers of confiscation of alcohol from adults and children in designated areas and the closing down of licensed premises or temporary events on the grounds of disorder or likelihood of disorder or excessive noise from the premises;
• the power of Norfolk Constabulary, other responsible authorities or a local resident or business to seek a review of the licence or certificate;
• Raising a contribution to policing the late night economy through the Late Night Levy;
• Early Morning Alcohol Restriction Orders;
• Investigation of statutory nuisance complaints under the Environmental Protection Act 1990

4. Duplication

There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.

The licensing authority will arrange for protocols with Norfolk Constabulary to enable reporting to the authority responsible for transport matters on the need for the swift and safe dispersal of people from the town centres within the district to avoid concentrations of people, which can produce disorder and disturbance.

The licensing authority recognises the need to avoid so far as possible, duplication with other regulatory regimes. Whilst having regard to the planning regime, the licensing authority recognises that there should be a clear separation of the planning and licensing regimes.

The licensing authority will endeavour to minimise the burden of legislation on small businesses.

However, some regulations do not cover the unique circumstances of some entertainment and where relevant representations are received the licensing authority will consider attaching conditions to premises licences and club premises certificates, where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

This policy recognises that The Equality Act 2010, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

5. Cumulative Impact

“Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter for the licensing authority to consider in developing its licensing policy statement.

The licensing authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets with the potential to increase crime, anti-social behaviour, noise pollution and other disturbance to residents. In
such cases the amenity of local residents can be placed under severe pressure but this may not be attributable to any individual premises.

The licensing authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting in unacceptable levels of crime and disorder or public nuisance. The licensing authority, having regard to the evidence currently available, and being aware of other measures that are available to address such issues, considers that there is no particular part of the district causing a cumulative impact on any of the licensing objectives. However, the cumulative impact of licensed premises in a particular area may, at any time, on representation from residents, business or responsible authorities, trigger the consideration of whether any additional licences or substantial variations to existing licences, increasing such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. In such cases, the licensing authority will follow the procedure set out in the Home Office guidance to determine whether a special policy covering cumulative impact should be incorporated in this statement of licensing policy.

6. Early Morning Restriction Orders

The ability to implement an Early Morning Restriction Order or ‘EMRO’ is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2001 (“the 2011 Act”), which enables licensing authorities to restrict the sale of alcohol in the whole or a part of their area between midnight and 6am on all or some days. Licensing authorities are able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. It should be noted that the restriction would only relate to alcohol and would have no effect on regulated entertainment.

The licensing authority has no plan to implement any EMROs at the time of writing this policy. Any decision to implement an EMRO would be made by the Licensing, Appeals & Complaints Committee.

7. Late Night Levy

The power to implement a late night levy is also within the 2011 Act. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority’s area, as a means of raising a contribution towards the costs of policing the late-night economy. Any levy would have to apply to the entire Local Authority area.

The licensing authority has no plan to implement a Late Night Levy at the time of writing this policy. Any decision to implement a Late Night Levy would require consultation with the Police and Crime Commissioner and Chief Officer of Police, as well as a much broader consultation. Such a decision would be made by the Full Council.

8. Late Night Refreshment

The power to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment has been provided at Paragraph 2A of Schedule 2 of the 2003 Act (as inserted by the Deregulation Act 2015). This enables licensing authorities to choose to apply an exemption specifically where the supply of late night refreshment takes place if it is:

a) on or from premises which are wholly situated in a designated area;
b) on or from premises which are of a designated description; or
c) during a designated period (beginning no earlier than 11pm, and ending no later than 5am)

Any decision to implement late night refreshment exemptions would be subject to a separate full consultation process.

9. The Prevention of Crime and Disorder

In addition to the requirements for the licensing authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 and the Violent Crime Reduction Act 2006 to do all it reasonably can to prevent crime and disorder in the South Norfolk district.
Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder.

The licensing authority will expect operating schedules to satisfactorily address these issues, from the design of the premises through to the daily operation of the business.

Applicants are recommended to seek advice from the Council’s Licensing Officers and Norfolk Constabulary as well as taking account, as appropriate, of local planning and transport policies, equalities schemes, tourism, cultural and crime prevention strategies when preparing their plans and operating schedules.

If an applicant does not address the prevention of crime and disorder objective it is likely that representations will be made. Where relevant representations are made the licensing authority will consider attaching conditions to licences to deter and prevent crime and disorder both inside and immediately outside the premises.

Sale and use of new psychoactive substances (NPS) at alcohol licensed premises

New psychoactive substances (NPS) mimic the effects of illegal drugs (like cocaine, cannabis and ecstasy) while being designed to evade controls. The sale of new psychoactive substances (NPS) – so called “legal highs” – is not regulated under the 2003 Act. The licensing authority will consider whether conditions are appropriate to prevent the sale of such products alongside the sale of alcohol at licensed premises, including at off-licences, or, for example, for on-trade premises to impose a door policy. Some NPS products may contain controlled drugs, and therefore be illegal, in which case the licensing authority will involve the Police and consider applying for a review of the premises licence on crime and disorder grounds. But some NPS are not illegal. There is evidence that such NPS products can cause harms, particularly if taken in combination with alcohol. Further information about NPS is on the Government’s “FRANK” website: http://www.talktofrank.com/.

The licensing authority will consider whether there is evidence that it would be appropriate to impose a condition of this kind specifically in order to promote one or more of the statutory licensing objectives, including public safety and protecting children from harm. Conditions must of course be tailored to the individual type, location and characteristics of the premises and events concerned and should be proportionate, justifiable and be capable of being met.

10. Public Safety

The Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, village halls, cafes/restaurants and fast food outlets/takeaways.

Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted, maintained and operated so as to acknowledge and safeguard occupants against these risks.

The licensing authority will expect operating schedules to satisfactorily address these issues, as appropriate, and applicants are advised to seek advice from the Council’s Health and Safety Officers and the County Fire Officer before preparing their plans and schedules.

If an applicant does not address the public safety objective it is likely that representations will be made. Where relevant representations are made the licensing authority will consider attaching conditions to licences to promote public safety.

Public safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective or nuisance objective. There will be occasions when a public safety condition could incidentally benefit a person’s health more generally, but it should not be the purpose of the condition.

Where security operatives/door supervisors are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA). Competent and professional door supervisors are key to
public safety at licensed premises. If a licensee directly employs security operatives they will need to hold a non-frontline licence issued by the SIA. The relevant mandatory conditions will be imposed in all such cases.

11. The Prevention of Public Nuisance

Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping within the vicinity of the premises.

The problems caused relate, amongst other things, to litter, noise nuisance, light pollution and noxious smells. The licensing authority will expect operating schedules to satisfactorily address these issues, as appropriate. Applicants are advised to seek advice from the Council’s Community Protection Team before preparing their plans and schedules.

If an applicant does not address the prevention of public nuisance objective it is likely that representations will be made. Where relevant representations are made the licensing authority will consider attaching conditions to licences to promote the prevention of public nuisance.

12. The Protection of Children from Harm

The licensing authority considers the Norfolk Safeguarding Children’s Board to be the primary competent authority for matters relating to the protection of children from harm.

The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

Many children go to see and/or take part in an entertainment arranged especially for them, for example children’s film shows and dance or drama school productions. Additional arrangements may be required to safeguard them while at the premises.

The licensing authority has a statutory obligation to ensure robust mechanisms are in place for safeguarding arrangements under Section 11 of the Children Act 2004. Therefore the licensing authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:

- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;
- where there have been convictions for serving alcohol to minors or with a recorded history for underage drinking;
- where there is a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided.

The licensing authority may consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:

- limitations on the hours when children may be present;
- limitations on parts of the premises to which the children might be given access;
- limitations on ages below 18;
- limitations or exclusion when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.

The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with Norfolk Constabulary and the Trading Standards section of Norfolk County Council to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

Applicants may wish to consider including a statement within their operating schedule detailing how they will prevent underage
drinking at their premises. This may be incorporated within the applicant's age verification policy.

The Act provides a legal responsibility to make sure that children, young people and vulnerable adults are protected from harm at licensed premises. The guidance requires that children must be protected from "physical, psychological and moral harm", premises allowing persons under the age of 18 are expected to have systems in place to safeguard children and young people. For further details of the safeguarding of children in licensed premises please see the Child Sexual Exploitation Leaflet on the following webpage: https://www.safeguardingsheffieldchildren.org.uk/welcome/sheffield-safeguarding-children-board/children-licensed-premises/child-sexual-exploitation-and-hospitality-trade.html

**Access to Cinemas**

In the case of premises which are used for film exhibitions, mandatory conditions will apply restricting access to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the licensing authority itself or any specified film classification body.

It may also be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions.

**Adult Entertainment**

Where regulated entertainment provided on premises is commonly of an adult or sexual nature the licensing authority may, where relevant representations are received, give appropriate and additional consideration as to whether to grant a premises licence when the premises are in the vicinity of:

- residential housing
- schools
- play areas
- children’s nurseries or preschool facilities
- places of religious worship or education
- historic buildings
- tourist attractions
- predominantly family shopping areas
- community facilities or public buildings e.g. youth clubs, libraries & sports centres.

In so far as it relates to the licensing objectives, and taking into account location, the licensing authority may determine the nature of any external signage for premises providing adult entertainment. The licensing authority will also expect that the entertainment occurring on the premises should only be visible to those who have chosen to enter, regardless of the location.

The licensing authority is especially concerned that premises providing adult entertainment promote the protection of children from harm objective and will expect operating schedules to address this by adopting strict entrance policies, security measures and staff training and management policies to ensure that this and the other licensing objectives are promoted.

**13. Planning**

Planning and licensing regimes are separated to avoid duplication and inefficiency.

Licensing applications will not enable a "rerun" of the planning application and licensing decisions will not override decisions taken by the Planning Committee or permissions granted on appeal. There is no legal basis for the licensing authority to refuse a licence application on the basis of a planning permission or the lack of the same.

There are circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

**14. Temporary Event Notices**

Certain temporary events are not required to be licensed but must be notified to the licensing authority as a temporary event notice. However, depending on the nature and location of such events, these can have serious crime and disorder and public nuisance implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable Norfolk Constabulary, community protection and the licensing authority to work with them to identify any risks.

A standard temporary event notice must be received a minimum of ten clear working days
prior to the event. A late temporary event notice must be submitted with a minimum of five clear working days and a maximum of nine clear working days prior to the event.

Should the notice be submitted in writing by post or hand delivery to the licensing authority, copies of the temporary event notice must also be served on Norfolk Constabulary and community protection. Where a notice is submitted electronically the applicant is not required to submit the notice on the responsible authorities as the licensing authority will submit this on their behalf. Where possible applicants are encouraged to submit their notices electronically.

15. Licensing Hours

The licensing authority recognises that flexible licensing hours for the sale of alcohol could avoid large numbers of people leaving premises at the same time which in turn could reduce the friction at late night fast food outlets, taxi ranks, minicab offices and other sources of transport that can lead to disorder and disturbance. Fixed trading hours within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the concentration of disturbance and noise. This would treat residents in one area less favourably than those in another, as well as causing the peaks of disorder and disturbance the Act is trying to avoid.

The licensing authority will deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise controls where premises are situated in mainly residential areas, where relevant representations have been received.

The licensing authority will generally consider licensing shops, stores, and supermarkets to sell alcohol for consumption off the premises at any times they are open for (trade). However, this may be reconsidered where objections to those hours are raised by responsible authorities or interested parties on the basis of the licensing objectives.

16. Conditions

Conditions (other than statutory mandatory conditions) may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant’s operating schedule since these are voluntary propositions).

Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned. The licensing authority will not impose blanket standard conditions.

However, where considered appropriate for the promotion of the licensing objectives, the licensing authority will consider attaching conditions to licences taking into account the principles as set out in section 1.16 of the guidance.

17. Licence Reviews

At any stage following the grant of a premises licence or club premises certificate, a responsible authority, to also include the licensing authority or interested party, may request that the licence be reviewed because of matters arising at the premises in connection with any of the four licensing objectives. In addition, Norfolk Constabulary may make an application for a summary review on the basis that premises are associated with serious crime and/or disorder.
Responsible authorities will aim to give licensees early warning of any concerns identified at the premises. The licensing authority can only initiate the review process when acting in its capacity as a responsible authority. The Authority’s role will be to administer the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted.

It is expected that responsible authorities shall intervene where the basis of the intervention falls within the remit of that authority. For example, Norfolk Constabulary should take appropriate steps where the basis of the review is crime and disorder or the sexual exploitation of children or vulnerable adults.

A number of reviews may arise in connection with crime that is not directly linked to licensable activities. For example, reviews may arise because of drug problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms or the sexual exploitation of children or vulnerable adults. It is not a matter for the licensing authority to judge the level of criminality, it is a matter for the courts.

In cases where the crime prevention objective is being undermined it is expected that revocation of the licence, even in the first instance, will be seriously considered.

18. Enforcement

Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act. The licensing authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.

The licensing authority works closely with Norfolk Constabulary and other enforcing authorities to ensure compliance with the Act. This provides for the targeting of agreed problems and high-risk premises but with a lighter touch being applied to those premises which are shown to be well managed and maintained.

All enforcement actions taken by the licensing authority will comply with the South Norfolk Council’s Corporate Enforcement Policy, the Better Regulation Delivery Office Regulator’s Code and Primary Authority Partnership Scheme. To this end the key principles of consistency, transparency and proportionality will be maintained.

A closure power is provided for in the Anti-social Behaviour, Crime and Policing Act 2014. This closure power can be used to protect victims and communities by quickly closing premises that are associated with nuisance or disorder. Further guidance on this power can be found on the gov.uk website, under the Anti-social Behaviour, Crime and Policing Act: anti-social behaviour guidance.

Please see www.south-norfolk.gov.uk/democracy/media/enforcement.pdf for a copy of our enforcement policy or contact the licensing authority.

19. Licence Fees

The licensing authority will suspend a premises licence or club premises certificate if the annual fee is not paid by the due date. However, if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. There is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21 day period, the licence or certificate will be suspended.

Should a licence or certificate be suspended, the licensing authority will notify the holder in writing specifying the date on which the suspension will take effect; this date will be at least five clear working days after the day the authority gives the notice.

A suspension will cease to have effect on the day on which the licensing authority receives payment of the annual fee from the licence or certificate holder.

All responsible authorities will be informed of the suspension and removal of suspension.

All enforcement actions taken by the licensing authority will comply with the South Norfolk
20. Administration, Exercise and Delegation of Functions

The licensing authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.

Furthermore, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, are delegated to authorised officers within the licensing authority.

The table in Appendix A sets out the agreed main delegation of decisions and functions to Licensing Committee, Sub-Committees and officers. This form of delegations is without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee referring an application to Full Committee, if considered appropriate in the circumstances of any particular case.

21. Advice

Information and advice on all aspects of licensing can be obtained by:
• visiting the website at www.south-norfolk.gov.uk,
• telephoning the licensing team on (01508) 533621
• email to licensingteam@s-norfolk.gov.uk.
• appointment in person at South Norfolk House, Swan Lane, Long Stratton, Norwich, NR15 2XE during normal opening hours.

The Licensing Act 2003 and Guidance issued by under section 182 of the Act can be viewed on the Gov.uk website.
<table>
<thead>
<tr>
<th>Matter To Be Dealt With</th>
<th>Full Committee</th>
<th>Sub-Committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for personal licence</td>
<td>If a Police objection made</td>
<td>If no objection made</td>
<td></td>
</tr>
<tr>
<td>Application for personal licence, with unspent convictions</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for premises licence/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
<td></td>
</tr>
<tr>
<td>Application for provisional statement</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
<td></td>
</tr>
<tr>
<td>Application to vary premises licence/club premises certificate</td>
<td>If a relevant representation made</td>
<td>If no relevant representation made</td>
<td></td>
</tr>
<tr>
<td>Application for a minor Variation (including decision whether to consult other responsible authorities)</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application to vary designated premises supervisor</td>
<td>If a Police objection</td>
<td>All other cases</td>
<td></td>
</tr>
<tr>
<td>Request to be removed as designated premises supervisor</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for mandatory alcohol condition to be disapplied in respect of community premises</td>
<td>If a Police representation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for transfer of premises licence</td>
<td>If a Police representation</td>
<td>All other cases</td>
<td></td>
</tr>
<tr>
<td>Application for Interim Authority Notice</td>
<td>If a Police representation</td>
<td>All other cases</td>
<td></td>
</tr>
<tr>
<td>Application to review premises licence/club premises certificate</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision to object when local authority is a consultee and not the lead authority</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Determination of a police representation to a temporary event notice</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consideration of Licensing Policy before Full Council</td>
<td>All cases</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel’s decisions are published.

If a product’s packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner, which may appeal to or attract minors. The licensing authority commends the Code.
Appendix C - Responsible Authorities Contact Details

The Licensing Team
South Norfolk Council
Swan Lane, Long Stratton
Norwich, NR15 2XE
Tel: 01508 533621 Fax: 01508 533695
Email: licensingteam@s-norfolk.gov.uk

The Chief Officer of Police
Norfolk Constabulary
Bethel Street Police Station
Bethel Street
Norwich, NR2 1NN
Tel: 01603 276020 Fax: 01603 276025
Email: licensingteam@norfolk.pnn.police.uk

Norfolk Fire and Rescue Service
Norwich Road
Thetford
Norfolk
IP21 2HT

Health and Safety
South Norfolk Council
Environmental Health & Safety Dept.
Swan Lane
Long Stratton
Norwich, NR15 2XE

Environmental Protection
South Norfolk Council
Community Protection Team
Swan Lane
Long Stratton
Norwich, NR15 2XE

Planning Authority
South Norfolk Council
Planning Dept.
Swan Lane
Long Stratton
Norwich, NR15 2XE

Child Protection
Norfolk Safeguarding Children Board
Room 60, Lower Ground Floor
County Hall
Martineau Lane
Norwich, NR1 2DH

Trading Standards
Norfolk Trading Standards
Norfolk County Council
County Hall
Martineau Lane
Norwich, NR1 2UD

Public Health
Public Health Director
Norfolk County Council
County Hall
Martineau Lane
Norwich, NR1 2DH
Appendix D - Map of the District
Appendix B - List of those consulted

The Chief Officer of Police
Norfolk Fire & Rescue
Public Health
Child Protection
Trading Standards
Health & Safety
Environmental Protection
Planning

Premises Licence Holders & Club Certificate Holders

Arts Council England
Association of Convenience Stores
Association of Licensing Multiple Retailers
British Beer & Pub Association
British Board of Film Classification
British Hospitality Association
British Institute of Inn Keeping
British Retail Consortium
Broads Authority
Business Forums – Diss, Harleston, Loddon & Wymondham

Campaign for Real Ale
Circus Arts Forum Ltd
Citizens Advice Bureau – Diss, Harleston, Norwich, Wymondham
Creative Arts East
Equity
Federation of Licensed Victuallers Associations
Institute of Licensing
MP Richard Bacon
Musicians Union
Norfolk Association of Local Councils
Norfolk Association of Village Halls
Norfolk Chamber of Commerce
The Portman Group
UK Cinema Association Ltd
Wine & Spirit Trade Association
Working Mens Club & Institute Union Ltd

District Members
Parish Clerks
NPLaw
Appendix C - Representations

- Norfolk Association of Village Halls
- Wymondham Town Council
- Costessey Town Council
Amanda Cox

From: Lawrence Wilkinson [mailto:sjmwilkinson.navh@gmail.com]
Sent: 01 September 2015 14:21
To: Licensing Team
Subject: Review of Licensing Policy 2003 Act

There is nothing in your policy to require the propose premises user to inform the premises licence holder, or the premises owner/management at the same time as the police and community safety when applying for temporary event notice. It could be possible to book a hall for an event and not mention that there is going to be a pay bar when the booking is made. The management may have already agreed to, or had 12 TE Ns.

Mr. L. Wilkinson Secretary, Norfolk Association of Village Halls, 21 Archdale Street, King’s Lynn PE30 1QY
Good Morning Amanda

Thank you for the email below.

This has now been discussed by the Councils Planning Lighting & Highways Committee and they have no comments to make.

Many thanks

Trevor Gurney
Town Clerk
Wymondham Town Council

On 01/09/2015 08:53, Amanda Cox wrote:

Good Morning

The Licensing Act 2003 and Gambling Act 2005 requires each licensing authority throughout England and Wales to review their Statement of Policies every three and five years respectively. South Norfolk’s current policies are due to expire and therefore we are required to carry out reviews of the policies which includes consultation. In addition the Gambling Act 2005 has introduced Local Area Profiles which is included in the Statement of Gambling Policy at appendix C.

The Acts provide who must be consulted during the review process, however we have decided to widen the consultation and include Parish Councils.

The consultation period begins on the 1 September 2015 closing on the 12 October 2015. Copies of the revised policies can be found on our website at:

http://www.south-norfolk.gov.uk/environment/1801.asp

http://www.south-norfolk.gov.uk/democracy/778.asp

At the end of the consultation period, any comments received will be considered and if necessary the policies will be amended. The policies will be taken to Full Council on the 14 December 2015.

Should you have any queries please do not hesitate to contact me.

Kind regards
Wymondham Town Council
14 Middleton Street
Wymondham
Norfolk
NR18 0AD
Tele 01953 603302

Please consider the environment before printing this email.

The information contained in this e-mail is intended only for the person or organisation to which it is addressed. If you have received it by mistake, please disregard and notify the sender immediately. Unauthorised disclosure or use of such information may be a breach of legislation or confidentiality and may be legally privileged. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or any action taken is prohibited and may be unlawful. E-mails sent from and received by Members and employees of Wymondham Town Council may be monitored. Unless this e-mail relates to Wymondham Town Council business it will be regarded by the Council as personal and will not be authorised by or sent on behalf of the Council. The sender will have sole responsibility for any legal actions or disputes that may arise. This e-mail has been checked for the presence of computer viruses although we cannot guarantee it to be virus free. We do not accept any responsibility for the consequences of inadvertently passing on any virus. E-mail communications cannot be guaranteed to be secure or error free, anyone who communicates with us by e-mail is taken to accept the risks in doing so.
Dear Amanda

Costessey TC has considered both the Gambling & Licensing documents.

Our comments are as follows:

**Licensing Policy:** No objections or alterations needed, but Councillors asked for clarification of the use of SIA trained security staff – eg if our caretakers ask a hirer to turn the music down or if we want a guest list to show the licensee at a party do the caretakers need to be SIA checked / trained?

Please could we also have a list of SNC officers who deal with enforcement issues and a phone no. for noise complaints etc?

**Gambling Act 2005 Statement Policy:** No objections to the statement, but the Norwich South MP, Clive Lewis representing New Costessey Ward, is missing from the list of those consulted on the final page (p35). Surely if Richard Bacon has been consulted then Clive Lewis should be too?

Many thanks

**Hilary Elias**

Clerk to Costessey Town Council, The Costessey Centre, Longwater Lane, Costessey, Norwich. NR8 5AH. Tel: 01603 742958

The contents of this e-mail are confidential. If you are not the intended recipient, please notify the sender and delete the e-mail.

---

From: Amanda Cox [mailto:ACox@S-NORFOLK.GOV.UK]
Sent: 01 September 2015 08:53
To: Parish Clerks <ParishClerks@s-norfolk.gov.uk>
Subject: Statement of Licensing Policy, Statement of Gambling Policy & Local Area Profile

Good Morning

The Licensing Act 2003 and Gambling Act 2005 requires each licensing authority throughout England and Wales to review their Statement of Policies every three and five years respectively. South Norfolk’s current policies are due to expire and therefore we are required to carry out reviews of the policies which includes consultation. In addition the Gambling Act 2005 has introduced Local Area Profiles which is included in the Statement of Gambling Policy at appendix C.
The Acts provide who must be consulted during the review process, however we have decided to widen the consultation and include Parish Councils.

The consultation period begins on the 1 September 2015 closing on the 12 October 2015. Copies of the revised policies can be found on our website at:

http://www.south-norfolk.gov.uk/environment/1801.asp

http://www.south-norfolk.gov.uk/democracy/778.asp

At the end of the consultation period, any comments received will be considered and if necessary the policies will be amended. The policies will be taken to Full Council on the 14 December 2015.

Should you have any queries please do not hesitate to contact me.

Kind regards

Amanda Cox
Licensing and Enforcement Officer
t 01508 533621 e acox@s-norfolk.gov.uk  www.south-norfolk.gov.uk
Statement of Gambling Policy

Report of the Licensing & Enforcement Officer
Cabinet Member: Lee Hornby

CONTACT
Amanda Cox – 01508 533621
acox@s-norfolk.gov.uk
1. Introduction

1.1. The Gambling Act 2005 (the Act) came into effect in 2007 and imposes a duty on South Norfolk Council as the licensing authority for licensable activities taking place within the district.

2. Background

2.1. The legislation provides a clear focus on the promotion of three statutory objectives which must be addressed when licensing functions are undertaken:
   - preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
   - ensuring that gambling is conducted in a fair and open way;
   - protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.2. Licensing authorities have responsibility for licensing gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in club premises. The Act also provides a system of temporary and occasional use notices. This enables licensing authorities to authorise premises where there is no gambling premises licence in place, to be used for certain types of gambling for limited periods.
2.3. The Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every three years. The policy must be published before it carries out any licensing functions under the Act. A copy of the proposed policy is attached at Appendix A.

2.4. To ensure a consistent approach across the county to the interpretation of the Gambling Act and subsequent issued guidance a Norfolk wide working group was set up to prepare the revised Statement of Policy. The draft policy was then reviewed by NPLaw prior to consultation.

2.5. Before determining the policy, the licensing authority must consult the persons listed in section 349(3) of the Act. These are:

- the chief officer of police for the area;
- 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 Act.

2.6. It was decided to widen the consultation from that provided by the Act to include those we felt may be affected or otherwise have an interest in the policy. A list of those consulted is attached at Appendix B. The consultation took place between the 1 September 2015 and 12 October 2015. The draft policy was also available on South Norfolk Council’s website and reception area and at each library within the district for the full consultation period.
2.7. The views of all these persons or bodies should be considered when the policy is determined.

3. Current Position / Findings

3.1. Four representations were received and considered during the consultation period as follows:

<table>
<thead>
<tr>
<th>Party</th>
<th>Summary of Representations</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wymondham Town Council</td>
<td>No comment</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Costessey Town Council</td>
<td>No objections</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Coral Racing Ltd</td>
<td>Supportive of the document</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Gosschalks on behalf of the</td>
<td>1. Typographical error</td>
<td>1. Amended</td>
</tr>
<tr>
<td>Association of British Bookmakers</td>
<td>2. The policy should be clear that additional conditions will only be imposed by the licensing authorities where there is evidence of a need to do so.</td>
<td>2. We feel the policy is clear with regard to any conditions being appropriate and proportionate. However in light of the representation the policy has been amended under the section relating to conditions to commence “Further to the mandatory and default conditions, additional conditions may be attached based on a case by case basis.”</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th></th>
<th>Expansion of decision making paragraph regarding the likelihood of planning or building regulation approval not being considered by a licensing committee when determining a Gambling Act 2005 application.</th>
<th>The policy provides a section regarding duplication with other regulatory regimes. No further amendments to the policy necessary.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Location paragraph appears to implement a cumulative impact type policy.</td>
<td>To address this point the policy has been amended to read “This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the guidance, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. It should be noted that any application being made will be decided on its merits.”</td>
</tr>
<tr>
<td>4.</td>
<td>Provision of a clear statement that issues of nuisance are not relevant criteria.</td>
<td>We disagree that issues of nuisance are not relevant criteria. To add clarity the policy has been amended to read “This licensing authority is aware of the distinction between disorder and</td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
nuisance and will generally consider disorder as an activity that is more serious and disruptive than mere nuisance. We will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.”

| 6. Local Area Profile – The advertising of gambling premises is not an issue for consideration by the licensing authority. | 6. Having taken into account Section 6.50 of the Gambling Act Guidance to Licensing Authorities 5th Edition we believe no further amendment is necessary. It is for licensees to ensure they have sufficient controls in place to mitigate risks by taking appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises. |

3.2. A copy of the representations are attached at Appendix C.

3.3. Amendments to the draft policy following the received representations have been reviewed by NPLaw.
3.4. During the consultation process, the Gambling Commission issued updated guidance (Guidance to Licensing Authorities 5th Edition). Drivers for the proposed amendments to the guidance are to:

- reflect recent changes to the social responsibility provisions within the Commission’s Licence conditions and codes of practice
- promote local partnership working between licensing authorities and local gambling operators to facilitate a coordinated approach to local issues
- provide greater clarity about the wide range of powers afforded to licensing authorities to manage local gambling regulation through measures such as their statements of licensing policy.

3.5. Once the Statement of Policy has been adopted, it must be published for 28 days before it takes effect at South Norfolk Council offices, on our website and in each local library. In addition a notice must be placed in the local press on one occasion during the four week period.

3.6. The revised Statement of Policy must take effect on the 31 January 2016.

4. Proposals

4.1. To adopt the Statement of Gambling Policy including the Local Area Profile to enable a consistent approach to the licensing authorities duties under the Act.
5. Risks and Implications arising

5.1. The Act requires a published statement of gambling policy to enable the authority to carry out licensing functions under the Act. A decision not to publish this policy may result in activities being carried out in South Norfolk which could impact on the licensing objectives, as detailed in paragraph 2.1 above.

6. Recommendation

6.1. To recommend that Council adopts the Statement of Policy, as set out in Appendix A, and authorises the Director of Growth and Localism to carry out all regulatory processes to enable the policy to come into effect on the 31 January 2016.
Contents

Part A
1. The objectives 2
2. Introduction 2
3. Declaration 3
4. Responsible authorities 3
5. Interested parties 4
6. Exchange of information 4
7. Enforcement 4
8. Licensing authority functions 5

Part B - Premises
1. General principles 6
2. Adult gaming centres 12
3. (Licensed) family entertainment centres 12
4. Casinos 12
5. Bingo premises 13
6. Betting premises 13
7. Tracks 14
8. Travelling fairs 15
9. Provisional statements 15
10. Reviews 16

Part C: Permits/temporary and occasional use notices and small society lotteries
1. Unlicensed family entertainment centres/gaming machine permits 17
2. (Alcohol) licensed premises gaming machine permits 18
3. Prize gaming permits 19
4. Club gaming and club machine permits 19
5. Temporary use notices 20
6. Occasional use notices 21
7. Small Society Lotteries 21

Part D: Committee, officer delgation and contacts
1. Committee decisions and scheme of delegation 21
2. Contacts 22

Appendix A  Map of the district 23
Appendix B  Table of delegations of licensing functions 24
Appendix C  Local area profile 25
Appendix D  List of those consulted 26
Definitions

Note: In this policy, the following definitions are included to provide an explanation of certain terms included in the Gambling Act 2005 and therefore in the policy. In some cases they are an abbreviation of what is stated in the Gambling Act 2005 or an interpretation of those terms. For a full definition of the terms used, please refer to the Gambling Act 2005.

‘the Act’ refers to the Gambling Act 2005
‘the Council’ refers to South Norfolk Council
‘the guidance’ refers to the Gambling Commission’s Guidance to Licensing Authorities 5th Edition
‘the licensing authority’ refers to South Norfolk Council

1. The Objectives

In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. 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
• Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This licensing authority is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it shall 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
• reasonably consistent with the licensing objectives and
• in accordance with the authority’s statement of licensing policy
• in accordance with the authority’s local area profile – provided at Appendix C

2. Introduction

South Norfolk Council is situated in the County of Norfolk, which contains seven District Councils in total. A map of the area is attached as Appendix A.

South Norfolk is a rural district covering approximately 90,765 hectares and with a population of over 129,000 (2014 ONS). The area is an attractive rural area of market towns and villages with approximately 57,880 dwellings and 6,000 businesses within the District. The main urban areas are the towns of Wymondham, Diss, Harleston, Loddon, Costessey and Hingham as well as the parish of Cringleford on the Norwich fringe and large villages including Hethersett, Long Stratton, Poringland and Mulbarton.
South Norfolk Council believes in excellent customer services that compliment people’s lives. This means responding to the area’s needs now and also planning for the future. Our priorities are an example of this:

- enhancing our quality of life and the environment we live in;
- promoting a thriving local economy;
- supporting communities to realise their potential;
- driving services through being business like, efficient and customer aware.

Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published. South Norfolk Council consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided as Appendix D.

The Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
- One or more persons who appear to the 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 Act.

Our consultation took place between 1 September 2015 and 12 October 2015 and we followed the Cabinet Office Guidance on Consultation (published 5 November 2013), which is available at:


Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name: Amanda Cox
Address: South Norfolk Council, Swan Lane, Long Stratton, Norwich, NR15 2XE
E-mail: licensingteam@s-norfolk.gov.uk

The draft policy was presented for approval at a meeting of the Full Council on the 14 December 2015.

The approved policy was published by 31 December 2015, and will be available at the South Norfolk Council offices, on our website and in libraries within the district, and comes into effect on 31 January 2016.

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence where provision has been made for them to do so, as each will be considered on its own merits and according to the relevant statutory requirements including the Act.

3. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Act, the guidance and any responses from those consulted on the statement.

4. Responsible Authorities

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. In accordance with the suggestion in the guidance, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Act are available via the website at www.south-norfolk.gov.uk

5. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in section 158 of the Act as follows:

“For the purposes of this Part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

b) has business interests that might be affected by the authorised activities, or

c) represents persons who satisfy paragraph (a) or (b)”

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party in relation to a premises licence, or an application for or in respect of a premises licence. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the guidance at 8.9 to 8.17.

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 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 is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing team.

6. Exchange of Information

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

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The 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.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

Licensing authorities are required by regulation
under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority’s principles are that:
It will be guided by the guidance and will endeavour to be:
• Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
• Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
• Consistent: rules and standards must be 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.

As per the guidance this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

• The licensing objectives
• Relevant codes of practice
• The guidance, in particular at Part 36
• The principles set out in this statement of licensing policy

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for this licensing authority in terms of the Act is to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority’s enforcement/compliance protocols/written agreements are available upon request to the licensing team.

In respect of the institution of criminal proceedings the Council will consider the contents of the Code for Crown Prosecutors.

8. Licensing Authority Functions

Licensing Authorities are required under the Act to:
• be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
• issue Provisional Statements
• regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
• issue Club Machine Permits to Commercial Clubs
• grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
• receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
• issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed
premises, under the Licensing Act 2003, where there are more than two machines
• register Small Society Lotteries below prescribed thresholds
• issue Prize Gaming Permits
• receive and endorse Temporary Use Notices
• receive Occasional Use Notices
• provide information to the Gambling Commission regarding details of licences issued (see section above on ‘information exchange’)
• maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

Part B
Premises Licences: Consideration Of Applications

1. General Principles

Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others. Please see page 11 for further details regarding conditions.

Decision making

This Licensing authority is aware that in making decisions about premises licences it shall aim to permit the use of premises for gambling in so far as it thinks it is:
(a) in accordance with any relevant code of practice issued by the Gambling Commission;
(b) in accordance with any relevant guidance issued by the Gambling Commission;
(c) reasonably consistent with the licensing objectives, subject to (a) and (b) above; and
(d) in accordance with the authority’s statement of licensing policy, subject to (a), (b) and (c) above.

It is appreciated that as per the guidance “moral or ethical objections to gambling are not a valid reason to reject applications for premises licences” (except as regards any ‘no casino resolution’ - see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.

This licensing authority also notes Gambling Commission guidance on Appropriate Licensing Environment (previously known as primary gambling activity).

It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A non-remote betting operating licence authorises its holder to ‘provide facilities for betting’ (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for ‘the provision of facilities for betting…’ (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

This authority notes the Commission’s view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets,
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, the licensing authority shall pay particular attention if there are issues about sub-divisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the 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.”

This licensing authority takes particular note of the guidance 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.
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors, which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

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

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

**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

**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 or 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
  - a betting premises, other than a track

The guidance contains further information on this issue, which this authority will also take into account in its decision-making.

**Premises “ready for gambling”**

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

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

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this 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 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.
Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the guidance, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. It should be noted that any application being made will be decided on its merits.

Planning

The guidance states: In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use the premises for gambling should only be issued in relation to the premises that the licensing authority can be satisfied are going 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.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes 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 buildings consents. Nor should fire or health and safety risks be taken into account. 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 2005 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.

Duplication with other regulatory regimes

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

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Local Risk Assessments

The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission
and the industry to work in partnership to address local issues and concerns. These changes take effect from 6 April 2016.

Licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and in any case, undertake a local risk assessment when applying for a new premises licence.

Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

It is expected that licensees will refer to the Licensing Authority's Local Area Profile when complying their risk assessments, a copy can be found at Appendix C.

**Licensing objectives**

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

**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 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 levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will generally consider disorder as activity that is more serious and disruptive than mere nuisance. We will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it does not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. It is likely to be a matter addressed via operating or personal licences. However, suspicions that gambling is not being conducted in a fair and open way should be brought to the attention of the Commission. (There is however more of a role with regard to tracks – see ‘tracks’ section below).

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling 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.

**Conditions**

Further to the mandatory and default conditions, additional conditions may be attached based on a case by case basis.

Any conditions attached to licences will be proportionate and will be:
- 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 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.

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 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 is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. 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.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

**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 condition on the 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)

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, for example, ensure that under 18 year olds do not have access to the premises.

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

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

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

3. (Licensed) Family Entertainment 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, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

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

• Proof of age schemes
• CCTV
• Supervision of entrances / machine areas
• Physical separation of areas
• Location of entry
• Notices / signage
• Specific opening hours
• Self-exclusion schemes
• Provision of information leaflets / help-line numbers for organisations such as GamCare.
• Measures / training for staff on how to deal with suspected truant school children on the premises

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

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

4. Casinos

This licensing authority has not passed a ‘no casino’ resolution under Section 166 of the Act, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will
update this policy statement with details of that resolution.

5. Bingo premises

This licensing authority notes that the guidance states:

Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

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.

6. Betting premises

The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises. The Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. Please see Part 7 of the guidance for further information on the issuing of premises licences.

Self Service Betting Terminals (SSBTs)

S.235(2)(c) provides that a machine is not a gaming machine if by reason only of the fact it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine.

However, where a machine is made available to take bets on virtual races (that is, results and / or images generated by computer to resemble races or other events) that machine is a gaming machine and counts towards the maximum
permitted number of gaming machines, and must meet the relevant category limitations for the premises.

The authority notes that it is the Commission’s view that the use of SSBTs is a form of remote communication and that a remote licence will be required if SSBTs are used to facilitate the making or accepting of bets by others.

S.181 contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino).

7. Tracks

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

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

This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / help-line numbers for organisations such as GamCare

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

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.

Betting machines - This Licensing Authority will, as per 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.

Applications and plans

The Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

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.

This 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. This licensing authority will need to satisfy themselves that the plan provides sufficient information to enable them to assess an application.

8. Travelling Fairs

Travelling fairs may provide an unlimited number of Category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates. Current stakes and prizes can be found at Appendix B of the guidance. Higher stake category B and C fruit machines, like those typically played in arcades and pubs, are not permitted. Fairground operators must source their machines from a Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

\[ \cdot \text{expects to be constructed;} \\
\cdot \text{expects to be altered; or} \\
\cdot \text{expects to acquire a right to occupy.} \]

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.

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.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms
of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
• they concern matters which could not have been addressed at the provisional statement stage, or
• they reflect a change in the applicant’s circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
• which could not have been raised by objectors at the provisional statement stage;
• which in the authority’s opinion reflect a change in the operator’s circumstances; or
• where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
• in accordance with any relevant code of practice issued by the Gambling Commission;
• in accordance with any relevant guidance issued by the Gambling Commission;
• reasonably consistent with the licensing objectives; and
• in accordance with the authority’s statement of licensing policy.

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

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate. Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

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

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

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

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

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

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

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 (FEC), and if the Chief Officer of Police has been consulted on the application.... licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- 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.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Part C

Permits / Temporary & Occasional Use Notice/Small Society Lotteries

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

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. The Gambling Commission’s Guidance to licensing authorities also states: “In their three year licensing policy statement, licensing authorities 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 child protection issues.”

The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

The licensing authority will also expect the applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.
The Licensing Authority will require the following to be submitted in addition to the application form and fee:

(1) Proof of the applicant’s identity and age;

(2) Proof of the applicant’s right to occupy the premises for which the permit is sought;

(3) (Where the applicant is an individual) a ‘basic’ disclosure and barring service disclosure dated no earlier than one calendar month on the day the application is received by the licensing authority. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.

(4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity.

(5) A plan scale 1:100 of the premises showing:
   a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
   b. The location of any fixed or temporary structures.
   c. The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
   d. The location of any public toilets within the boundary of the premises.
   e. The location of CCTV cameras.
   f. The location of any ATM or other cash/change machines.
   g. The proposed location of the Category ‘D’ machines.
   h. Details of non-category ‘D’ machines (e.g. skill with prizes machines).

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

**Automatic entitlement: 2 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 person who holds the premises licence (issued under the Licensing Act 2003), merely need to notify the licensing authority and pay the prescribed fee.

The licensing authority can remove the automatic entitlement 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 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 Act has been committed on the premises.

**Permit: 3 or more machines**

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters as they 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 only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / help-line numbers for organisations such as GamCare.
It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

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”.

This licensing authority has prepared a Statement of Principles which is that the applicant should 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;
- that the gaming offered is within the law
- clear policies that outline the steps to be taken to protect children from harm.

The licensing authority shall also require (where the applicant is an individual) a ‘basic’ disclosure and barring service disclosure dated no earlier than one calendar month on the day the application is received by the licensing authority. Holders of operating licences issued by the Gambling Commission are exempt this requirement.

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

It should be noted that there are conditions in the Act by which the permit holder must comply, but that the licensing authority cannot attach conditions. 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.

4. Club Gaming and Club Machine Permits

Members clubs and miners’ welfare institutes (but not commercial clubs) may apply for a club gaming 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 forthcoming regulations.

Members clubs and miners’ welfare institutes – and also commercial clubs – may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB: Commercial clubs may not site category B3A gaming machines offering lottery games in their club.

This licensing authority notes that the guidance states (S25.446):

19
The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.44 –25.49 of the Gambling Commission’s Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted ‘wholly or mainly’ for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

(a) (i) for a club gaming permit: the applicant is not a members’ club or miners’ welfare institute
(ii) for a club machine permit: the applicant is not a members’ club, miners’ welfare institute or commercial club
(b) the premises are used by children or young persons
(c) an offence or a breach of a condition of the permit has been committed by the applicant while providing gaming facilities
(d) a permit held by an applicant has been cancelled during the last ten years
(e) an objection has been made by the Commission or local chief officer of police.

There is also a ‘fast-track’ procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12, paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the 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 grounds upon which an authority can refuse a permit are reduced.” and “The grounds on which an application under the process may be refused are that:

(a) the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
(b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
(c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The 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.

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

20
In considering whether a place falls within the definition of “a set of premises”, the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

6. Occasional Use Notices

Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

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 though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

7. Small Society Lotteries

The licensing authority will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the licensing authority in the area where their principal office is located.

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

Where the licensing authority intends to refuse registration of a society, it will give the society an opportunity to make representations and will inform the society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the licensing authority will make available on its website its procedures on how it handles representations.

The licensing authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the society has been given the opportunity to make representations. The licensing authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

Part D
Committee, Officer Delegation and Contacts

1. Committee decisions and scheme of delegation

The licensing authority is involved in a wide range of licensing decisions and functions and has established the Licensing and Gambling Act Committee to administer them.

Licensing Sub-Committees made up of three Councillors from the main Licensing and Gambling Act Committee will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

Where a Councillor who is a member of the Licensing and Gambling Act Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.
The Council’s Licensing Officers will deal with all other licensing applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing and Gambling Act Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

The table shown at Appendix B sets out the agreed delegation of decisions and functions to Licensing and Gambling Act Committee, Sub-Committee and Officers.

This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

### 2. Contacts

Further information about the Act, this Statement of Licensing Policy or the application process can be obtained from:-

The Licensing Team  
South Norfolk Council  
Swan Lane  
Long Stratton  
Norwich  
NR15 2XE  

Telephone: 01508 533621  
email: licensingteam@s-norfolk.gov.uk  
Website: www.south-norfolk.gov.uk

Information is also available from:-

Gambling Commission  
4th floor  
Victoria Square House  
Birmingham  
B2 4BP  

Tel: 0121 233 1096  
Website: www.gamblingcommission.gov.uk
Appendix A - Map of the District
<table>
<thead>
<tr>
<th>Matter To Be Dealt With</th>
<th>Full Council</th>
<th>Sub-Committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final approval of the Licensing Authority Statement of Policy</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy not to permit casinos</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fee Setting - when appropriate</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for premises licences</td>
<td></td>
<td></td>
<td>Where representations have been received and not withdrawn</td>
</tr>
<tr>
<td>Application for a variation to a licence</td>
<td></td>
<td></td>
<td>Where representations have been received and not withdrawn</td>
</tr>
<tr>
<td>Application for a transfer of a licence</td>
<td></td>
<td></td>
<td>Where no representations received/representations have been withdrawn</td>
</tr>
<tr>
<td>Application for a provisional statement</td>
<td></td>
<td></td>
<td>Where no representations received/representations have been withdrawn</td>
</tr>
<tr>
<td>Review of a premises licence</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application for club gaming / club machine permits</td>
<td></td>
<td>Where representations have been received and not withdrawn</td>
<td></td>
</tr>
<tr>
<td>Cancellation of club gaming/club machine permits</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applications for other permits</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cancellation of licensed premises gaming machine permits</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consideration of temporary use notice</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Decision to give a counter notice to a temporary use notice</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
South Norfolk is a rural district covering approximately 90,765 hectares and with a population of over 129,000 (2014 ONS). The area is an attractive rural area of market towns and villages with approximately 57,880 dwellings and 6,000 businesses within the District. The main urban areas are the towns of Wymondham, Diss, Harleston, Loddon, Costessey and Hingham as well as the parish of Cringleford on the Norwich fringe and large villages including Hethersett, Long Stratton, Poringland and Mulbarton. A map is attached as Appendix A.

Gambling activities within South Norfolk, as at August 2015, consist of 9 betting shops, 1 adult gaming centre and a total of 78 premises with a premises licence authorising the sale of alcohol where gaming machines have been provided by way of notification or permit. There are 13 clubs that hold club machine/gaming permits and there are 195 small society lotteries.

Currently it is not felt that there are any significant concerns relating to gambling premises within the South Norfolk district.

The Council appreciates the potential risks from gambling activities in relation to young and vulnerable persons therefore operators and applicants should take the following factors into consideration when submitting applications and compiling premises based risk assessments.

- Temporary accommodation for homeless persons are located in Long Stratton, Costessey and Chedgrave.
- Providers of care for those suffering with mental health issues are located in Diss, Wicklewood and Wymondham.
- Clearly there are a number of schools within the district, the Council would expect licence holders and applicants to take their location into consideration and ensure measures are in place to address advertising of gambling premises that may affect young persons.
Appendix D – List of those consulted

The Chief Officer of Police
Norfolk Fire & Rescue
Child Protection
Trading Standards
Health & Safety
HM Revenue & Customs
Gambling Commission
Environmental Protection
Planning

British Beer & Pub Association
Business Forums – Diss, Harleston, Loddon & Wymondham
Citizens Advice Bureau – Diss, Harleston, Wymondham & Norwich
MP Richard Bacon
Norfolk Association of Local Councils
Norfolk Association of Village Halls
Norfolk Chamber of Commerce
Association of British Bookmakers
BACTA
Gamblers Anonymous
Racecourse Association Ltd
Responsible Gambling Trust
Gamcare
The Bingo Association
Tunmore Leisure Ltd
Essex Leisure
Independent Leisure
Mac Automatics Ltd
DP Leisure
Licensees – Premises benefiting from licences/permits and small society lottery promoters
Members/Parish Councils
NPLaw
Appendix B - List of those consulted

The Chief Officer of Police
Norfolk Fire & Rescue
Child Protection
Trading Standards
Health & Safety
HM Revenue & Customs
Gambling Commission
Environmental Protection
Planning

British Beer & Pub Association
Business Forums – Diss, Harleston, Loddon & Wymondham
Citizens Advice Bureau – Diss, Harleston, Wymondham & Norwich
MP Richard Bacon
Norfolk Association of Local Councils
Norfolk Association of Village Halls
Norfolk Chamber of Commerce
Association of British Bookmakers

BACTA
Gamblers Anonymous
Racecourse Association Ltd
Responsible Gambling Trust
Gamcare
The Bingo Association
Tunmore Leisure Ltd
Essex Leisure
Independent Leisure
Mac Automatics Ltd
DP Leisure
Licensees – Premises benefiting from licences/permits and small society lottery promoters
Members/Parish Councils
NPLaw
Appendix C - Representations

- Wymondham Town Council
- Costessey Town Council
- Coral Racing Ltd
- Gosschals on behalf of the Association of British Bookmakers
Amanda Cox

From: Hilary Elias <Hilary.Elias@costesseypc.org>
Sent: 06 October 2015 18:11
To: Amanda Cox
Cc: Nigel Bailey
Subject: RE: Statement of Licensing Policy, Statement of Gambling Policy & Local Area Profile

Dear Amanda

Costessey TC has considered both the Gambling & Licensing documents.

Our comments are as follows:

Licensing Policy: No objections or alterations needed, but Councillors asked for clarification of the use of SIA trained security staff – eg if our caretakers ask a hirer to turn the music down or if we want a guest list to show the licensee at a party do the caretakers need to be SIA checked / trained?

Please could we also have a list of SNC officers who deal with enforcement issues and a phone no. for noise complaints etc?

Gambling Act 2005 Statement Policy: No objections to the statement, but the Norwich South MP, Clive Lewis representing New Costessey Ward, is missing from the list of those consulted on the final page (p35). Surely if Richard Bacon has been consulted then Clive Lewis should be too?

Many thanks

Hilary Elias
Clerk to Costessey Town Council, The Costessey Centre, Longwater Lane, Costessey, Norwich. NR8 5AH. Tel: 01603 742958

The contents of this e-mail are confidential. If you are not the intended recipient, please notify the sender and delete the e-mail.

From: Amanda Cox [mailto:ACox@S-NORFOLK.GOV.UK]
Sent: 01 September 2015 08:53
To: Parish Clerks <ParishClerks@s-norfolk.gov.uk>
Subject: Statement of Licensing Policy, Statement of Gambling Policy & Local Area Profile

Good Morning

The Licensing Act 2003 and Gambling Act 2005 requires each licensing authority throughout England and Wales to review their Statement of Policies every three and five years respectively. South Norfolk’s current policies are due to expire and therefore we are required to carry out reviews of the policies which includes consultation. In addition the Gambling Act 2005 has introduced Local Area Profiles which is included in the Statement of Gambling Policy at appendix C.
The Acts provide who must be consulted during the review process, however we have decided to widen the consultation and include Parish Councils.

The consultation period begins on the 1 September 2015 closing on the 12 October 2015. Copies of the revised policies can be found on our website at: -

http://www.south-norfolk.gov.uk/environment/1801.asp

http://www.south-norfolk.gov.uk/democracy/778.asp

At the end of the consultation period, any comments received will be considered and if necessary the policies will be amended. The policies will be taken to Full Council on the 14 December 2015.

Should you have any queries please do not hesitate to contact me.

Kind regards

Amanda Cox
Licensing and Enforcement Officer
t 01508 533621 e acox@s-norfolk.gov.uk  www.south-norfolk.gov.uk
Good Morning Amanda

Thank you for the email below.

This has now been discussed by the Councils Planning Lighting & Highways Committee and they have no comments to make.

Many thanks

Trevor Gurney
Town Clerk
Wymondham Town Council

On 01/09/2015 08:53, Amanda Cox wrote:

Good Morning

The Licensing Act 2003 and Gambling Act 2005 requires each licensing authority throughout England and Wales to review their Statement of Policies every three and five years respectively. South Norfolk’s current policies are due to expire and therefore we are required to carry out reviews of the policies which includes consultation. In addition the Gambling Act 2005 has introduced Local Area Profiles which is included in the Statement of Gambling Policy at appendix C.

The Acts provide who must be consulted during the review process, however we have decided to widen the consultation and include Parish Councils.

The consultation period begins on the 1 September 2015 closing on the 12 October 2015. Copies of the revised policies can be found on our website at:

http://www.south-norfolk.gov.uk/environment/1801.asp

http://www.south-norfolk.gov.uk/democracy/778.asp

At the end of the consultation period, any comments received will be considered and if necessary the policies will be amended. The policies will be taken to Full Council on the 14 December 2015.

Should you have any queries please do not hesitate to contact me.

Kind regards
Wymondham Town Council
14 Middleton Street
Wymondham
Norfolk
NR18 0AD
Tele 01953 603302

Please consider the environment before printing this email.

The information contained in this e-mail is intended only for the person or organisation to which it is addressed. If you have received it by mistake, please disregard and notify the sender immediately. Unauthorised disclosure or use of such information may be a breach of legislation or confidentiality and may be legally privileged.
If you are not the intended recipient, please be aware that any disclosure, copying, distribution or any action taken is prohibited and may be unlawful.
E-Mails sent from and received by Members and employees of Wymondham Town Council may be monitored.
Unless this e-mail relates to Wymondham Town Council business it will be regarded by the Council as personal and will not be authorised by or sent on behalf of the Council. The sender will have sole responsibility for any legal actions or disputes that may arise.
This e-mail has been checked for the presence of computer viruses although we cannot guarantee it to be virus free. We do not accept any responsibility for the consequences of inadvertently passing on any virus. E-Mail communications cannot be guaranteed to be secure or error free. anyone who communicates with us by e-mail is taken to accept the risks in doing so.
The Licensing Team  
South Norfolk Council,  
South Norfolk House,  
Swan Lane,  
Long Stratton,  
Norfolk,  
NR15 2XE  

12th October 2015  

Dear Sir,  

Consultation on South Norfolk Council’s Statement of Principles – Gambling Act 2005  

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.  

Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to ‘aim to permit gambling’ where this is ‘reasonably consistent with the licensing objectives’, additionally noting that it should not take into account of any moral objections to gambling.  

Coral Racing Limited recognise the requirement to supply risk assessments with future applications and variations (requirement is from 6th April 2016) following the consultation completion and are pleased to see the requirements detailed within your statement.  

Your statement lists that licensed operators should take into account the location of schools when advertising their premises. This is something which we naturally will comply with however for the purpose of clarity, we would like to highlight that we do not judge that licensed betting shops within the proximity of a school or an educational establishment, causes harm to the licensing objectives. Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral’s general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.  

Coral’s experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.
If we can provide any further information, we would be pleased to do so.

Yours faithfully,

[Signature]

John Liddle
Director of Development – Coral Retail
Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

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

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

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators’ local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the “aim to permit” principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.
Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

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

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

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

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

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.
Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council’s Portfolio Holder for Planning, Economic Growth & Regulation, said: "The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."

Describing the project, Glasgow’s City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said: "This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

**Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

**Local area risk assessments**

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB’s view this
should be where evidence can be provided to demonstrate that the change could impact the premises’ ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

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

Concerns around increases in the regulatory burden on operators

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

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put
into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

**Employing additional licence conditions**

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

**Specific Policy Comments**

There is a typographical error within the draft statement of policy on page 7 where there is a reference to “text purchasing”. We believe that this should read “test purchasing”.

The final sentence in the general principles of Part B indicates that “licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.” The policy should be clear at this point and later in the policy where there is a specific section on conditions that additional conditions will only be imposed by the licensing authority where there is evidence of a need to do so. Conditions cannot be imposed where there are mere concerns, perceived needs or where it is simply thought to be appropriate. There must be evidence in the particular circumstances of the case considered by the licensing committee that an additional condition is necessary to ensure that the operation is reasonably consistent with the licensing objectives.

In the following section, under the heading “decision making” the statement of principles indicates that moral or ethical objections and unmet demand are not criteria for a licensing authority. This paragraph should be expanded to recognise that issues of nuisance and the likelihood of the grant of planning permission or building regulation approval cannot be considered by a licensing committee when determining a Gambling Act 2005 application.

On page 12, under the heading “location”, the final two sentences of this paragraph cause the ABB significant concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licensing regime under Licensing Act 2003. Such a policy is contrary to the overriding principles of “aim to permit” contained with s153 Gambling Act 2005. Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two sentences should be
removed and replaced with the reiteration of the principle earlier in the policy that each case will be determined on its own merits.

On page 14, the statement of policy explains the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. The draft statement of principles indicates that the licensing authority is aware of the distinction between disorder and nuisance. The statement of principles would be assisted by a clear statement that issues of nuisance are not relevant criteria for consideration under Gambling Act 2005 and that the Gambling Commission has defined disorder as activity that is more serious and disruptive than mere nuisance.

As stated above, conditions should only be imposed where there is evidence. The section of the policy that deals with conditions should make it clear that Gambling Act 2005 premises licences are already subject to robust mandatory and default conditions and the starting point for consideration of any application is that it will be granted without additional conditions. It is only in circumstances where there is evidence of a particular need relating to the licensing objectives that the authority should consider additional conditions.

Appendix C deals with the local area profile. The final bullet point refers to schools and indicates that the council would expect licence holders and applicants to take their location into consideration and ensure measures are in place to address advertising of gambling premises that effect young persons. Betting premises are usually situated in densely populated residential areas or areas of high footfall. Either way, betting premises are usually situated in areas where there are children. Operators have developed policies and procedures over the last 50 years of regulation to ensure that those who may not enter the premises (betting offices are adult only environments) do not do so and cannot bet.

The regulation of advertising of gambling premises is heavily regulated and is already covered by the licensing conditions and Codes of Practice. Ordinary Code Provision 5.1.6 requires socially responsible advertising, compliance with CAP and BCAP Codes of Practice and the gambling industry code for socially responsible advertising. The advertising of gambling premises is not therefore an issue for consideration by the licensing authority.

**Conclusion**

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.
Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,

GOSSCHALKS