

NORTH TYNESIDE COUNCIL'S STATEMENT OF LICENSING POLICY (GAMBLING)

INDEX

Preface

Part A – General

1. Introduction
2. The Licensing Policy (Gambling)
3. Local Risk Assessment
4. Responsible Authorities and Interested Parties
5. Enforcement
6. Complaints against Licensed Premises
7. Exchange of Information
8. Administration, Exercise and Delegation of Functions
9. Licensing Committee and Hearings
10. Integrating Strategies and Avoiding Duplication
11. Partnership Working
12. Fees
13. Equal Treatment
14. Small Lotteries

Part B – Premises Licences

1. Types of Licences
2. General Principles – Premises Licences
3. Definitions
4. Location
5. Licensing Objectives
6. Conditions
7. Adult Gaming Centres
8. (Licensed) Family Entertainment Centres
9. Casinos

10. Credit
11. Bingo Premises
12. Betting Premises
13. Tracks
14. Travelling Fairs
15. Provisional Statement
16. Reviews
17. Appeals

Part C – Permits/ Temporary and Occasional Use Notices

1. General Principles - Permits
2. Unlicensed Family Entertainment Centre Gaming Machine Permits
3. (Alcohol) Licensed Premises Gaming Machine Permits
4. Prize Gaming Permits
5. Club Gaming and Club Machines Permits
6. Temporary Use Notices
7. Occasional Use Notices

Part D – Miscellaneous

1. Contact Details
2. Licensing Authority Delegations

Part E – Statement of Principles

1. Statement of Principles

APPENDIX 1 Local Risk Assessment Template

Where appropriate the word ‘Council’ has been replaced with the word ‘Authority’ and any out of date Partnerships or Legislation has been updated throughout the Policy

Preface

The Gambling Act 2005 (the Act) gives Licensing Authorities a range of powers to licence gambling premises in their communities and requires licensing authorities to perform a number of different functions, including issuing premises licences, temporary use notices and a range of permits and other permissions. This Statement of Licensing Policy is intended to assist those wishing to apply for a permission under the Act and to provide transparency.

This Statement of Licensing Policy has been prepared in accordance with Section 349 of the Act and with reference to the Guidance issued by the Gambling Commission. The Policy provides guidance to applicants, Interested Parties and Responsible Authorities on the approach the Authority will take on gambling licensing matters. Its purpose is to guide officers and members in reaching decisions, and it sets out the matters that will normally be taken into account in determining applications.

DRAFT

Part A **General**

Section 1 Introduction

- 1.1 North Tyneside Council (the Authority) is the Licensing Authority under the Gambling Act 2005 for the Borough of North Tyneside. As such the Authority is responsible for undertaking licensing and regulatory functions in relation to gambling premises in the Borough. The main function of the Authority will be to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
 - Be responsible for dealing with applications for renewal, variation, transfer, revocation, reinstatement and review of *Premises Licences*
 - Issue *Provisional Statements*
 - Regulate *members' clubs* and *miners' welfare institutes* that 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) of the use of two or fewer gaming machines
 - *Grant Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required and to regulate gaming and gaming machines in such premises
 - Register *small society lotteries* below prescribed thresholds
 - Grant *Prize Gaming Permits*
 - Receive and Endorse *Temporary Use Notices*, consider objections where necessary and endorse the Notice or give a Counter-Notice as appropriate
 - Consider *Occasional Use Notices*
 - Provide information to the Gambling Commission regarding details of licences issued (see section below on Exchange of Information)
 - Maintain registers of the permits and licences that are issued under these functions
- 1.2 North Tyneside Council, as a Licensing Authority, is **not** responsible for the regulation and enforcement of certain aspects of the Gambling Act 2005 within the Borough because certain activities are regulated at a national level. In particular the Authority is not responsible for the regulation of:-
- The licensing of remote gambling
 - The licensing of the National Lottery
 - The advertising of gambling products

These activities are regulated by the Gambling Commission
(www.gamblingcommission.gov.uk)

- Spread betting

This activity is regulated by the Financial Conduct Authority (www.fca.org.uk)

Any individual, business or organisation within the Borough that has concerns about the activities set out in this paragraph should contact either the Gambling Commission or the Financial Conduct Authority as appropriate.

- 1.3 North Tyneside is one of five metropolitan districts that comprise the County of Tyne and Wear. It covers an area of 8,367 hectares and has a growing population of around 203,000. North Tyneside has met the challenge of regional decline and deprivation by rebuilding and stabilising communities. New high-tech industries have been attracted to the area and shipbuilding and the marine industry have made a partial revival. There are around 97,000 households in the Borough.

Updated figures for population and households and 1.3 – 1.8 moved to this Section following an updated Statutory Instrument

- 1.4 The evening economy of the Borough is principally centred around Tynemouth and Whitley Bay. Activity is also centred in areas such as, North Shields and Wallsend. These activities support the cultural diversity of the Borough and contribute to its economy. However, they may have a negative impact in some areas where crime and disorder can affect residents.

- 1.5 North Tyneside Council consulted widely in producing this Statement of Licensing Policy (Gambling) including with the following:-

- Northumbria Police
- The Northumbria Police and Crime Commissioner
- Owners of premises where gambling activities occur on the premises
- Representatives of persons carrying on gambling businesses
- Tyne and Wear Fire and Rescue Service
- Environmental Health
- Social Services (Adult Services and Children's Services)
- Local Planning Authority
- Her Majesty's Revenue and Customs
- All holders of current gaming permits
- CIU Clubs
- CIU Regional Office
- Local Solicitors
- Primary Care Trust
- Chambers of Trade
- Citizen's Advice Bureau
- Disability Organisations
- All residents in North Tyneside through North Tyneside Council's internet site; the Public Notice Boards at Council offices and local libraries; and through the local press
- Residents Panel
- All North Tyneside Councillors
- Young Mayor
- Local MPs
- Local MEPS

- Colleges / Education Welfare
- Probation Service
- Residents Associations
- Trade Unions
- Gamblers Anonymous
- Gamcare
- Trade Associations connected with the Licensing and Gambling Industry

1.6 Consultation took place between [date] and [date] thus allowing 12 weeks for responding to the consultation.

1.7 The full list of comments made and the consideration by the Authority of those comments is available by request to: Licensing, The Killingworth Site, Harvey Combe, Killingworth, Newcastle upon Tyne, NE12 6UB, or via the Authority's website at: www.northtyneside.gov.uk

1.8 Publication of the policy is advertised on the Authority's website, local newspapers as well as by way of Notices at Customer First Centres.

The Policy was approved by the Council on ?? November 2018 and was published via the Authority's website on ?? December 2018.

Should you have any comments as regards this Policy statement please forward these via e-mail or letter to the following contact:

Name: Joanne Lee

E-mail: Joanne.lee@northtyneside.gov.uk

It should be noted that this Policy statement will not override the right, where conferred by the Gambling Act, of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

1.9 Declaration

In producing the Licensing Policy Statement, this Licensing Authority has had regard to the licensing objectives set out in the Gambling Act 2005, the Guidance issued by the Gambling Commission in particular Part 5, and any responses received from those consulted during the consultation period.

Section 2 The Licensing Policy (Gambling)

2.1 The Act requires that the Licensing Authority carry out its licensing functions in relation to gambling premises having regard to the three licensing objectives as set out in Section 1 of the Act. These objectives are central to the regulatory regime created by the Act and are:-

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

The Act requires that the Licensing Authority publish a Statement of Licensing Policy in relation to gambling that sets out the principles they propose to apply in exercising their functions under the Act.

2.2 In dealing with the grant, renewal, variation, transfer, revocation, reinstatement and review of premises licences, and in considering whether to permit premises to be used for gambling under a Temporary Use Notice where objections have been made, the Licensing Authority is required to aim to permit the use of premises for gambling in so far as the Authority thinks it is

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, subject to the matters set out in the above two bullet points; and
- in accordance with the Authority's Statement of Licensing Policy (Gambling), subject to the matters set out in the above three bullet points.

This requirement does not, however, apply to the Licensing Authority's power to resolve not to grant a casino licence, see clause 9.1 of Part B below (and it does not apply to other functions of the Licensing Authority, and in particular the grant of permits for gambling (see clause 1.1 Part C below)). In some cases the Act provides for specific matters that the Authority should (or may) consider in dealing with applications for permits and these are set out in the relevant sections of this policy.

2.3 This Policy applies to applications, renewals, transfers, variations and reviews of the Premises Licences and permits issued by the Licensing Authority.

2.4 This Policy takes effect on 31st January 2019 and will remain in force for a period of not more than three years but the Licensing Authority may review and alter the Policy during this period. Any revision of the Policy will only take place after consultation. This Statement will then be re-published.

2.5 In order to achieve the licensing objectives the Licensing Authority will actively promote partnership working with other local authorities, the police, fire service,

local businesses, local people and those involved with child protection in addition to the Gambling Commission.

- 2.6 The Policy reflects the aims of Our North Tyneside Plan and in particular Our People, Our places, Our Economy and Our Partners

Updated to reflect the new plans of the Authority

- 2.7 Subject to the requirements imposed on the Licensing Authority in connection with Premises Licences which have been set out in paragraph 2.2 above this Policy will be integrated with local planning, transport, tourism and equality and cultural strategies, and any other plans introduced for the management of the Borough and night-time economy. The Licensing Authority will work in partnership with the agencies referred to in paragraph 11.1 below and through joint working and cross reporting the Authority will ensure as far as possible that this Policy integrates with the policies of its partner agencies.
- 2.8 Regard has been paid in the preparation of this Policy to the Authority's responsibilities under the Human Rights Act 1998 and Equality Act 2010.
- 2.9 The Licensing Authority in exercising its licensing functions recognises the need to protect children and other vulnerable persons from being harmed or exploited by gambling which includes the need to protect children from sexual exploitation.
- 2.10 Protecting children from harm is one of the most important things Local Authorities do, but Local Authorities cannot stamp out child sexual exploitation without the help of the wider community. Raising awareness of this type of abuse is essential to preventing it and stopping it early when it does happen.
- 2.11 Where someone suspects a child or young person is in immediate danger then they should contact the police and tell them of their concerns by telephoning 999. If a child or young person is not in immediate danger call 101.

Signs to look out for include:

- ☐ Adults who appear secretive or are trying to hide the fact that they are with a young person
- ☐ Adults befriending young people, including buying them food and drinks
- ☐ Young people being picked up and taken to hotels, particularly at odd times of the day and night
- ☐ Adults who frequently come into premises with different young people
- ☐ Young people who, although with peers, look uncomfortable or under duress

2.9 – 2.11 added to reflect the Authority's position on Child Sexual Exploitation Awareness

Section 3 Local Risk Assessment

- 3.1 In line with the Gambling Commission's Licence Conditions and Codes of Practice (Social Responsibility code 10.1.1) the Licensing Authority requires the holder of a Premises Licence or Applicant for such a Licence to consider local risks to the licensing objectives posed by the provision of gambling facilities at their premises.
- 3.2 The Licence Holder or Applicant will be required to have policies, procedures and control measures in place to mitigate the risks posed by the gambling facilities offered at the premises.
- 3.3 The matters to be taken into consideration by the Licence Holder or Applicant when undertaking a Local Risk Assessment include:-
- The location of any educational establishment, for persons under 18 years of age, that is within 200 metres of their premises;
 - The location of any establishment at which vulnerable adults or children are known to be regularly in attendance that is within 200 metres of their premises. Such establishments would include (but are not limited to) vulnerable adult centres, residential children's homes, hostels providing accommodation for persons leaving care or establishments of similar characteristics at which vulnerable persons or children are known to be regularly in attendance;
 - The location of any establishment at which persons who are addicted to gambling are known to be regularly in attendance. Such establishments would include (but are not limited to) treatment centres or places where such persons regularly meet;
 - The layout of the local area and physical environment in which the premises are situated including any crime and disorder hotspots.
- 3.4 The Licensing Authority would encourage the Licence Holder or Applicant in preparing a Local Risk Assessment to have regards to:
- The crime mapping website
 - Neighbourhood statistics website
- 3.5 If the Local Risk Assessment identifies particular areas of concern in relation to the premises, the Licensing Authority would expect the Licence Holder or Applicant to contact the most appropriate Responsible Authority (as identified in section 157 of the Gambling Act 2005) for guidance before submitting an application for a Licence or a variation of a Licence. For example, if the Risk Assessment identifies that the premises are situated in an area that is noted for problems with disorder or organised criminal activity the Licence Holder or Applicant should contact Northumbria Police or the Local Safeguarding Children Board if an establishment at which children are known to be regularly in attendance is within 200 metres of the premises.
- 3.6 Applicants or Licence Holders who do not have their own form of Local Risk Assessment may like to use the Local Risk Assessment template attached to this Policy at **Appendix 1**.

3.6 – 3.7 added in relation to risk assessment information and template as per the Gambling Commission guidance

3.7 In addition to being required to undertake a Local Risk Assessment and to submit the same to the Licensing Authority when applying for a new Premises Licence, a Local Risk Assessment will also be required to be submitted to the Licensing Authority when:-

- Applying for a variation of a Premises Licence
- There have been significant changes in local circumstances. A 'significant change' may include (but is not limited to):-
 - An educational establishment at which persons under 18 years of age attend being established within 200 metres of the premises
 - An establishment at which persons addicted to gambling, vulnerable adults or children are known to be regularly in attendance is established within 200 metres of the premises
 - There is a particular risk identified to premises offering gambling facilities in the location of the premises
 - The Licensing Authority receives information that in the view of the Authority amounts to a significant change in local circumstances. Such information will be shared with the Licence Holder by the Authority as soon as reasonably practicable.
- There have been significant changes at the premises that may affect the mitigation of local risks.

3.8 A Licence Holder will be required to undertake a review of its Local Risk Assessment at least every 3 years. A copy of the revised Local Risk Assessment will be made available to the Licensing Authority on completion of the review.

3.9 When the Licensing Authority officers undertake an inspection of premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is therefore a requirement that the Local risk Assessment, or a copy thereof, is kept at the Premises at all times.

3.10 If there are risks identified as a result of undertaking a Local Risk Assessment, the Licensing Authority would encourage the Applicant or Licence Holder to have regard to the sample of Premises Licence conditions appearing on the Gambling Commission's website. The sample conditions could be of assistance in mitigating any specific local risks to the licensing objectives identified in the Local Risk Assessment.

Section 4 Responsible Authorities and Interested Parties

4.1 Responsible Authorities

The 2005 Act defines certain 'Responsible Authorities' in relation to premises. These are given certain rights of involvement and consultation in relation to applications for Premise Licences (and other procedures in relation to Premises Licences e.g. review). The following are Responsible Authorities for the purposes of the 2005 Act:-

- A Licensing Authority in whose area the premises are wholly or partially situated. If premises are wholly or partly within North Tyneside's area then it will be a "Responsible Authority". If the premises are also partly situated in another licensing authority's area, that Authority will also be a "Responsible Authority"
- The Gambling Commission
- The Chief Officer of Police for any police area in which the premises are wholly or partly situated
- The Fire and Rescue Authority for an area in which the premises are wholly or partly situated
- The Local Planning Authority for an area in which the premises are wholly or partly situated
- Environmental Health Authority (i.e. an authority which has functions in relation to pollution of the environment or harm to human health) for an area in which the premises are wholly or partly situated
- A body designated in writing by the Licensing Authority for an area in which the premises are wholly or partly situated as competent to advise the authority about the protection of children
- Her Majesty's Revenue and Customs
- Any other body prescribed by the Secretary of State

The Responsible Authorities will be provided with a Notice of any application for a licence received by the Licensing Authority and may make representations on such applications. In certain defined circumstances a premise licence may be granted for a vessel and if the premises are a vessel then Responsible Authorities would also include:

- a) The Navigation Authorities within the meaning of Section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually berthed or moored or any waters where it is proposed to be navigated at a time when it is used for licensable activities.
- b) The Environment Agency
- c) The Canal and River Trust
- d) The Secretary of State (in particular the Secretary of State for Transport who act through the Maritime and Coastguard Agency).

Canal and River Trust added to the list of Responsible Authorities in relation to vessels

4.2 Designation of a Body Competent to Advise the Licensing Authority about the Protection of Children from Harm

The principles that have been applied in designating the body that is competent to advise the Licensing Authority about the protection of children from harm under Section 157(h) are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group to be multi – disciplinary in it's composition.

The Licensing Authority has therefore determined that the body competent to advise them on the protection of children is the Local Safeguarding Children Board. This body is made up of professionals representing the Health Authority, the Police, Education Services and Social Services. The expertise that the Local Safeguarding Children Board has as a result of agencies working together from different fields of expertise is deemed by the Licensing Authority to be the most appropriate body to give competent advice regarding the protection of children from harm in relation to gambling issues.

4.3 Determination of Whether a Person is an "Interested Party" in relation to a Premises or an Application for or in respect of a Premises Licence.

The principles that have been applied in determining whether a person is likely to be an "Interested Party" under section 158 of the Act in relation to a premises and therefore entitled to make a relevant representation in relation to a Premises Licence application or to apply for a review of an existing licence include the matters set out in paragraphs 4.2 to 4.5 having regard to whether a person:

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

In determining if a person is an Interested Party the Licensing Authority will reach such a decision on a case by case basis judging each case on its own particular facts.

4.4 Persons who represent Interested Parties for this purpose will include residents' or tenants' associations, trade associations or trade unions. These persons or bodies will ordinarily only be permitted to make representations on behalf of Interested Parties if they can demonstrate that they represent members who meet the criteria in paragraph 4.3 (a) or (b) above and have written confirmation to that effect, save for democratically elected persons who do not need to produce such written confirmation.

4.5 In determining whether an Interested Party lives "sufficiently close" to the premises the Licensing Authority will consider the following factors on a case by case basis:-

- the size of the premises
- the nature of the activities taking place at the premises
- the distance of the premises from the location of the person making a representation

- the potential impact of the premises (for instance numbers of customers, routes likely to be taken by those visiting the establishment)
- the circumstances of the person who lives close to the premises. This does not mean their personal characteristics but rather their interests which may be relevant to the distance from the premises.

Relevant factors will also depend on the particular application. For example, it could be reasonable for the Licensing Authority to consider that living “sufficiently close to premises to be likely to be affected” could have a different meaning for a) a private resident, b) a residential school for children with truancy problems and c) a residential hostel for vulnerable adults.

4.6 Persons with Business Interests that could be affected

To satisfy the test of being “a person with business interests that might be affected by the premises” the Licensing Authority would normally expect that person to show that the relevant business is likely to be affected. It would not usually be sufficient for a person to lodge a representation in relation to an application made by a rival business simply because they are in competition within the same gambling sector. Factors that the Licensing Authority may consider to be relevant in determining the test include:-

- the size of the premises;
- the ‘catchment’ area of the premises (i.e. how far people travel to visit the premises) and;
- whether the person making the representation has business interests in that catchment area that might be affected.

The term “business interests” will be given a broad meaning and will include partnerships, charities, faith groups, medical practices and similar bodies.

4.7 People Representing Interested Parties

Interested Parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an Interested Party will be required as long as the Councillor/MP represents the constituency/ward likely to be affected.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillor in question is not a member of the Licensing Committee/Sub-Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.

Representations could also be made by a School Head or Governor acting in the interests of pupils or parents or a Community Group that might represent vulnerable people living in the vicinity of the premises.

4.8 Representations

All representations made in relation to an application must be “relevant”. For a representation to be relevant it must relate to issues raised under the Gambling Commission’s Codes of Practice or Guidance, relate to the three licensing objectives or raise issues regarding the Authority’s own Licensing Policy Statement.

- 4.9 The Licensing Authority will be aware at all times that moral objections to gambling are not a valid reason to reject applications for premises licences as they would not relate to any of the licensing objectives or to the matters which the Authority are required to consider set out at clause 2.2 above.
- 4.10 The Licensing Authority as a Responsible Authority will not act as a Responsible Authority on behalf of other parties (for example local residents, local councillors or community groups) although there may be occasions when the Licensing Authority may do so. This is because such parties can make representations or applications in their own right and it is reasonable for the Licensing Authority to expect them to make such applications or representations should they wish to do so. If such parties however fail to take action and the Licensing Authority is aware of relevant grounds to make a representation it may choose to do so in its capacity as a Responsible Authority.
- 4.11 In cases where the Licensing Authority is also acting as a Responsible Authority the Licensing Authority will allocate different licensing officers within the Licensing Authority to ensure a proper separation of responsibilities. The officer advising the Licensing Committee/Sub-Committee will be a different individual to the officer who is acting for the Authority in its capacity as a Responsible Authority. The officer acting for the Authority in its capacity as a Responsible Authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination on behalf of the Licensing Authority. Any communication that there has to be between such officers will remain professional and will be consistent with communication with other Responsible Authorities.

Wording of 4.2 – 4.7 all updated following guidance from Gambling Commission

Section 5 Enforcement

- 5.1 Prior to the grant of a Premises Licence the Police and any authorised person as defined by the Act may at any reasonable time enter the premises to which the application relates to assess the effect of the grant of the licence on the Licensing Objectives.
- 5.2 Once premises are licensed it is essential that they are maintained and operated so as to ensure the continued promotion of the licensing objectives, compliance with the Act and any conditions attached to the licence. The Licensing Authority will make arrangements to risk assess licensed premises and take appropriate enforcement action.
- 5.3 The Licensing Authority will be guided by the Gambling Commission's Guidance to Licensing Authorities in the exercise of its functions under the Gambling Act. The Licensing Authority when exercising a specified regulatory function, including an inspection function under Part 15 of the Gambling Act, or the instigation of criminal proceedings under section 346 of the Act, will also have regard to the statutory principles of good regulation when exercising such functions in accordance with the Legislative and Regulatory Reform Act 2006. The Licensing Authority will also have regard to the requirements of the Regulators' Code published by the Department for Business, Energy and Industrial Strategy. The regulatory activities of the Licensing Authority will be carried out in a way that is transparent, accountable, proportionate, consistent and targeted at cases in which action is required.

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

- 5.4 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operating and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 5.5 This Licensing Authority will also keep itself informed of developments in relation to the work of Regulatory Delivery in its consideration of the regulatory functions of local authorities.
- 5.6 The Licensing Authority's enforcement protocols will be available upon request to the Licensing department. Our risk methodology will also be available upon request. The Licensing Authority will also have regard to good practice in regulation contained in The Regulator's Code introduced by the Department for Business, Energy and Industrial Strategy.
- 5.7 The Licensing Authority will also, as recommended by the Gambling Commission's Guidance to Licensing Authorities, adopt a risk-based inspection programme. The Licensing Authority will liaise with Northumbria Police, Tyne and Wear Fire and Rescue Service and Planning and Regulatory Services to co-ordinate and maximise the effect of inspection and enforcement under the Act. This protocol will provide for the targeting of resources towards problem and high risk premises.

- 5.8 The Licensing Authority will risk rate all premises and inspection will be carried out on the following basis:-

<u>Type of Premises</u>	<u>Frequency of Inspections *</u>
Bingo premises	Once a year
Betting premises	Once a year
Adult gaming centres	Once a year
Family entertainment centres	Once a year

*This column only gives an indication of the likely frequency of inspections. The frequency may vary depending on factors such as the Licensing Authority's confidence in the management of the premises, the number of complaints received and any other relevant factor.

Inspections will be carried out through co-ordination between the Licensing Authority and other authorised persons as defined by the Act.

At the date of publication of this Statement of Policy there are no existing casinos in North Tyneside. If this should change the Authority will review this part of the policy to determine what inspection regime should apply in the case of casinos.

Section 6 Complaints against Licensed Premises

- 6.1 The Licensing Authority will investigate complaints about licensed premises where appropriate. In the case of a valid complaint the Licensing Authority where appropriate will endeavour to seek a resolution through mediation.
- 6.2 Where considered appropriate, the Licensing Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

DRAFT

Section 7 Exchange of Information

- 7.1 In respect of exchange of information between the Licensing Authority and the Gambling Commission under Sections 29 and 30 of the Gambling Act and the exchange of information under Section 350 of the Act with the other persons listed in Part 1 of Schedule 6 of the Act, the Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 and the Data Protection Act 1998 (or any replacement legislation concerning data protection). The Licensing Authority will have regard to any guidance issued by the Gambling Commission and / or Secretary of State on this matter. Should any protocols be established as regards the exchange of information with other bodies then they will be made available.
- 7.2 Details of those persons making representations in relation to applications will ordinarily be made available to applicants to allow mediation to take place if appropriate, and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premise licence will be informed that their details will be disclosed save in exceptional circumstances.
- 7.3 If a person feels unable to make a representation on their own behalf then that person should consider approaching another relevant body such as the Police, if for example that person has concerns about the gambling at the premises being a source of crime or disorder.

Section 8 Administration, Exercise and Delegation of Functions

- 8.1 Under the Act all decisions relating to Premises Licences, Temporary Use Notices, Occasional Use Notices and the granting of permits for gaming machines and prize gaming are to be exercised by the Licensing Committee of the Authority unless such decisions are delegated to Officers of the Licensing Authority.
- 8.2 Appreciating the need to provide a speedy, efficient and cost effective service to all and in line with the Act it is proposed that the Licensing Committee will delegate certain decisions and functions and will establish a number of sub-committees to deal with them.
- 8.3 Further, with many of the decisions and functions under the Act being administrative in nature it is proposed that the granting of non-contentious applications, including for example those licences and permits where no representations have been made, are delegated to the Licensing Authority's Licensing Officers. It is proposed that all matters dealt with by officers will be reported for information and comment to the following meeting of the Licensing Committee.
- 8.4 The table shown at Part D sets out the scheme of delegation of decision making and functions of the Licensing Committee, Sub-Committee and officers.
- 8.5 This form of delegation will be without prejudice to officers referring an application to a Sub-Committee, or to a Sub-Committee referring an application to the full Committee, if considered appropriate in the circumstances of a particular case.

Section 9 Licensing Committee and Hearings

- 9.1 The Authority's Licensing Committee is composed of a membership between 10 and 15 Councillors. The Committee will be responsible for discharge by the Licensing Authority of the licensing functions under the Act.

Hearings

- 9.2 A Sub-Committee consisting of three members of the Licensing Committee will be convened to hear every application where:
- a) an Interested Party or Responsible Authority has made representations about an application; or
 - b) the Licensing Authority proposes to attach a condition to the licence under Section 169(1)(a); or
 - c) the Licensing Authority proposes to exclude under Section 169(1)(b) a condition that would otherwise be attached to a licence under Section 168 of the Act.
 - d) a review has been applied for by a Responsible Authority or Interested Party under Section 197 of the Gambling Act 2005 or a review has been initiated by the Licensing Authority under Section 200 Gambling Act 2005
- 9.3 See Part D for full list of matters to be dealt with by the Licensing Committee and Licensing Sub-Committees.

Section 10 Integrating Strategies and Avoiding Duplication

- 10.1 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.
- 10.2 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 control.
- 10.3 The 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.
- 10.4 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 building consents. Fire or health and safety 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.
- 10.5 As referred to in Section 2.8 the Licensing Authority has a duty under the Human Rights Act 1998 and under Article 8 of the European Convention of Human Rights not to breach the rights of individuals to respect for their private and family life. Similarly under Article 1 of the First Protocol of the Convention individuals should not be deprived of peaceful enjoyment of possessions, should have the right to a fair hearing under Article 6 and a right to freedom of expression under Article 10.
- 10.6 The Licensing Authority acknowledges the right of businesses in the Borough to operate, but this consideration must be balanced against the rights of others such as residents.

Section 11 Partnership Working

- 11.1 The Authority will work in partnership with the following agencies and individuals to promote the licensing objectives:-
- Northumbria Police
 - Tyne and Wear Fire and Rescue Service
 - Planning Authority
 - Environmental Health Authority
 - Crime & Disorder Reduction Partnership
 - Local businesses
 - Agencies involved in child protection
 - Local residents
 - Organisations concerned with safeguarding the interests of vulnerable adults.
- 11.2 The Licensing Authority will consider any relevant protocols made with Northumbria Police. The Police have the right to make representations in relation to licence applications and reviews of licences and make reference to relevant strategies and protocols adopted by them under that Act.
- 11.3 The Licensing Authority will have regard to the Safer North Tyneside Community Safety Partnership where appropriate.

DRAFT

Section 12 Fees

- 12.1 The maximum level of fees to be charged by the Licensing Authority for exercising its licensing functions has been set nationally by the Secretary of State for Culture, Media and Sport. An annual fee will apply to all licences.
- 12.2 Details of the current level of fees can be found on the Authority's website at <http://my.northtyneside.gov.uk/category/933/gambling-premises-licence>.

Details of website added

DRAFT

Section 13 Equal Treatment

- 13.1 The Licensing Authority is working to eliminate discrimination, promote equality of opportunity and good community relations through its employment practices and through its service delivery.
- 13.2 To achieve the above standard the Licensing Authority is aware of its duties under the Equality Act 2010 and the Human Rights Act 1998.
- 13.3 To achieve these duties the Licensing Authority will consult on and monitor the impact of this Policy to ensure that those making applications are treated in accordance with their needs.
- 13.4 When considering applications and taking enforcement the Licensing Authority is also subject to the Regulators Code.

DRAFT

Section 14 Lotteries

- 14.1 A lottery will be illegal under the Act unless it is either a licensed lottery or an exempt lottery. The Act does not apply to the National Lottery which is governed separately by the National Lottery Act 1993.
- 14.2 A licensed lottery will either be a large society lottery or a lottery run for the benefit of a Local Authority. In each case the Gambling Commission will regulate such lotteries and an Operating Licence will be required. The Licensing Authority does not as such have functions with respect to licensed lotteries. However among the “exempt lotteries” provided by the Act are “Small Society Lotteries”. Societies running such lotteries are required to be registered with a Local Authority for the area in which the principal premises of the society are situated. North Tyneside Council will accordingly be the relevant Local Authority for the registration of Small Society Lotteries where appropriate
- 14.3 In determining lottery registration applications and other matters involving lotteries the Authority will have regard to the Gambling Act 2005, the licensing objectives, Guidance issued by the Gambling Commission, any Code of Practice issued by the Gambling Commission and this Statement of Licensing Policy (Gambling).
- 14.4 To qualify for registration a Society must be "non-commercial". To be considered non-commercial the Society must be established and conducted for:-
- charitable purposes; or
 - the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
 - any other non-commercial purpose other than that of private gain.
- 14.5 If the total value of tickets that a Society puts on sale in any one lottery exceeds £20,000, or tickets in separate lotteries in one calendar year are to exceed £250,000 in aggregate, the lottery is a large lottery and the Society will require an Operating Licence from the Gambling Commission.
- 14.6 The promoting Society of a small lottery must be registered with the Authority throughout the period of the lottery being promoted. The details of the Society will be kept in the Register and in accordance with the recommendation of the Gambling Commission the Authority will make the Register available for inspection by the public on request. Once a Society is registered the Society will be notified by the Authority accordingly and the Licensing Authority will inform the Gambling Commission of the Registration.
- 14.7 An application by a Society to register a small lottery must be refused by the Authority if:-
- During the period of five years ending with the date of the application an Operating Licence held by the applicant for registration has been revoked under section 119(1); or
 - An application for an Operating Licence made by the applicant for registration has also been refused within the same five year period.
- 14.8 The Authority may refuse an application for registration if it considers that:-
- 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 with or in the application for registration is false or misleading.

14.9 If the Authority is minded to refuse an application for registration of a Small Society Lottery the applicant will be given an opportunity to make either written or oral representations that will be considered by a Licensing Sub-Committee before any refusal is determined.

14.10 The Authority may revoke the registration if the Authority considers that it would have had to do so or would be entitled to refuse an application for Registration if it were being made at that time. If the Authority is minded to revoke the registration the Society will have an opportunity to make oral or written representations for consideration by a licensing Sub-Committee before any revocation takes place.

14.11 An applicant for registration of a Small Society Lottery which is refused, or where revocation has taken place has a right of appeal to the Magistrates' Court within 21 days of the decision.

14.12 Within three months of any Small Society Lottery draw the promoting Society will forward to the Authority a return signed by two members of the Society that gives the prescribed information set out in the Act. If after receipt of the return it is apparent that the ticket sales are above the permitted limits for a Small Society Lottery, the Authority will notify the Gambling Commission. A copy of that notification will be provided to the Society.

14.13 In addition to small lotteries, there are other types of exempt lottery namely an incidental non-commercial lottery, a private lottery, a residents' lottery and a customer lottery. To determine if a lottery is an exempt lottery, the promoter of any such lottery is recommended to contact the Senior Licensing Officer of North Tyneside Council if they are in any doubt as to whether or not their lottery is an exempt lottery. (Contact details appear at section D of this Statement.) It is an offence to promote or facilitate a non-exempt lottery.

14.14 If for any reason the Authority suspects that there has been an offence committed under the Act in relation to lotteries the Authority may commence an investigation and along with the Gambling Commission and the Police, have the authority to prosecute any suspected offender.

Part B

Premises Licences

1. Types of Licences

The Gambling Act 2005 creates three types of licence as follows:-

- **Operating Licence**

Such a licence is issued to an individual, company or association of persons by the Gambling Commission and authorises them to operate or provide facilities for gambling. The Authority does not issue such licences.

- **Personal Licence**

Such a licence is issued to individuals by the Gambling Commission to enable them to perform the specified functions of a specified management office or to perform a specified operational function to facilitate gambling. The Authority does not issue such licences.

- **Premise Licence**

Such a licence is issued by Licensing Authorities to authorise the use of premises for various forms of gambling. There are five different kinds of premise licence authorising premises to be used as casino premises, bingo premises, adult gaming centre premises, family entertainment centre premises and betting premises.

2. General Principles – Premises Licences

2.1 Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions which will also be detailed in Regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach other conditions, where it is considered to be appropriate.

2.2 This Licensing Authority is aware that in making decisions in relation to Premises Licences it should aim to permit the use of premises for gambling in so far as the Authority thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission; and
- in accordance with any relevant guidance issued by the Gambling Commission; and
- reasonably consistent with the licensing objectives subject to the matters set out in the above two bullet points; and
- in accordance with the Authority's Statement of Licensing Policy (Gambling) subject to the matters set out in the above three bullet points.

3. Definitions

3.1 In the Act, “premises” is defined as including “any place”. Section 152 of the Act prevents more than one Premises Licence applying to any place. But, there is no reason in principle why a single building could not 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, tracks or shopping malls to obtain discrete Premises Licences, where appropriate safeguards are in place. However, the Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

3.2 The Guidance to Licensing Authorities from the Gambling Commission states “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 authority.”

The Commission also states in its Guidance “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. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit.” The Guidance also states “The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence – with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises.” The Licensing Authority will have particular regard to these paragraphs of the Guidance when considering an application relating to any premises that may be described as being sub-divided.

3.3 This Licensing Authority takes particular note of the Gambling Commission’s 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 that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. The plan of the premises should clearly denote entrances and exits”

3.4 With the exception of Bingo Clubs, tracks on race-days and Licensed Family Entertainment Centres, children are not permitted to enter licensed gambling premises. Businesses seeking to develop multi-purpose sites which include parts of the building in which non-gambling activities will take place will have to carefully consider how they will configure their buildings. In this regard, the Licensing Authority notes the Gambling Commission’s Guidance to Licensing Authorities

which states that in relation to applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes the Authority should be aware of the following:-

- The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling. Therefore premises should be configured so that children are prohibited from participating in gambling, such that they 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 named on the premises licence.

3.5 The Guidance also gives a list of factors which the licensing authority should be aware of, when determining whether two or more proposed premises are truly separate and includes:

- Is a separate registration for business rates in place for the premises?
- 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.

3.6 The mandatory relevant access provisions for each premises type are reproduced below:

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 unless that shop is itself a licensed betting premises.

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 premises 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.

4. Location

- 4.1 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 can. In accordance with the Gambling Commission's Guidance to Licensing Authorities, the Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Due regard will be given the Local Risk Assessment that will be required where appropriate as referred to in Section 4 of Part A of this Policy.

5. Licensing Objectives

- 5.1 Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

5.2 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 Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The requirement for conditions might be determined by the operator's own risk assessment and the local area profile for the area in which the premises are located.

This Licensing Authority is aware that disorder is intended to mean activity that is more serious than mere nuisance. In deciding whether disturbance is serious

enough to constitute disorder consideration will be given to issues such as whether police assistance was required and how threatening the behaviour was to those who could see it so as to make that distinction.

5.3 Ensuring that gambling is conducted in a fair and open way -

This Licensing Authority has noted that the Gambling Commission's Guidance has stated in Part 5 that "Generally the Commission would not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. However if the licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence."

The Licensing Authority also notes, however, that the Gambling Commission states in Part 5 "In relation to the licensing of tracks the licensing authorities' role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable".

5.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling -

Children

The Licensing Authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as there being restrictions on advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc. Applicants, Licence Holders and the Authority must also consider the need to protect children from sexual exploitation.

The Licensing Authority may consider the use of proof of age schemes or restricting access at certain times.

This Licensing Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as bingo premises.

Vulnerable Persons

The Guidance issued by the Commission in relation to vulnerable persons states:-

"The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons' but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond

their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.”“Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. This could be a local risk that is reflected in the licensing authority’s objective to aim to permit the use of premises for gambling.”

Applicants and Licence Holders may like to have regard to the Safeguarding document entitled North Tyneside and Northumberland Multi-Agency Adult Safeguarding Policy” which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk to this group. The document can be found at <http://my.northtyneside.gov.uk/category/1033/safeguarding-adults>.

Applicants and Licence Holders should consider using the following measures for protecting and supporting vulnerable persons, for example:

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets.
- Training for staff members that build on an employee’s ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable.
- Trained personnel for the purpose of identifying and providing support to vulnerable persons
- Self-exclusion schemes
- Applicants and Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Posters with GamCare Helpline and website in prominent locations
- Windows, entrances and advertisements to be positioned or designed not to entice passers-by.

Additional information added to 5.4 including reference to Safeguarding Policies and links to relevant websites

6. Licence Conditions

6.1 Conditions may be attached to Premises Licences in a number of ways:

- They may attach automatically, having been set out on the face of the Act;
- They may attach through Regulations made by the Secretary of State; or
- Attached to the licence by the Licensing Authority

6.2 Any conditions attached to licences by the Licensing Authority 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 (including the locality and any identified local risks) and the type of licence applied for;

- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects

6.3 Decisions upon the application of any individual condition imposed by the Licensing Authority will be made on a case by case basis, although there will be a number of control measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. The Licensing Authority will also expect the applicant for a licence to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

6.4 It is noted that there are conditions that 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 Gambling Act 2005 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.

Premises Licences will have mandatory conditions attached as well as default conditions as specified in Regulations issued by the Secretary of State.

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

6.5 The Licensing 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
- 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.

- 6.7 The Licensing Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 6.8 Given the fact that the mandatory conditions have been set by the Secretary of State with the intention that no further regulation in relation to that matter is required it will be extremely unlikely that the Licensing Authority will need to impose conditions that would create a more restrictive regime in relation to matters already dealt with by the mandatory conditions. The Licensing Authority will however consider imposing such conditions where there are regulatory concerns of an exceptional nature.
- 6.9 In relation to the default conditions the Licensing Authority may exclude a condition and substitute it with a more or less restrictive condition following a licensing hearing. Each application will be determined on its own merits in terms of any need to exclude and/or substitute any of the default conditions. The Licensing Authority will however have to have clear regulatory reasons for excluding default conditions which are replaced with more restrictive ones.
- 6.10 The Licensing Authority can, as noted above, impose specific conditions on any Premises Licence in determining whether or not to do so will have regard to the relevant code of practice issued by the Gambling Commission; the Guidance issued by the Gambling Commission; the need to be reasonably consistent with the licensing objectives and this Policy.
- 6.11 Where relevant objections are made to an application for a Premise Licence the Licensing Authority will consider whether the objections can be dealt with adequately through the use of conditions.
- 6.12 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 to this effect.

7. Adult Gaming Centres

- 7.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover such issues as:
- Proof of age schemes
 - CCTV
 - Door supervisors
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry

- Notices / signage
- Specific opening hours.

This list is not exhaustive.

- 7.2 As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

8. **Licensed Family Entertainment Centres**

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

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

- 8.2 With regard the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.
- 8.3 This Licensing Authority will, in accordance with the Gambling Commission's Guidance to Licensing Authorities, have regard to the conditions that apply to Operating Licences dealing with preventing access to Category C machines by under 18's. This Licensing Authority will also make itself aware of any mandatory or default conditions on these Premises Licences.

9. **Casinos**

- 9.1 [The Licensing Authority passed a no casino resolution on [date of Council meeting to be inserted], such resolution taking effect on 31 January 2019. This resolution will remain in force for a period of 3 years commencing on 31 January 2019, unless the Licensing Authority passes a further resolution revoking the no casino resolution.

Or

- 9.1 The Licensing Authority is aware that it has the ability to pass a no casino resolution but at this time has chosen not to pass such a resolution. If such a resolution is passed it will appear in this Policy]

Two options listed in the draft policy until decision taken by full Council

10. **Credit**

- 10.1 This Licensing Authority has noted that the Gambling Commission has stated in its Guidance at Part 9 that, "s.177 does not prevent the licensee from contracting a third party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so."

11. **Bingo Premises**

- 11.1 This Licensing Authority notes the Gambling Commission's Guidance at Part 18 which states that "Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises."

12. **Betting Premises**

- 12.1 It is noted that the Gambling Commission's Guidance at Part 19 states that: "Section 181 contains an express power for licensing authorities to restrict the number of SSBTs [Self Service Betting Terminals], 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). When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the licensing authority, amongst other things, should take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people."

13. **Tracks**

- 13.1 A track is defined under the Act as a horse racecourse, greyhound track or other premises or any part of which a race or other sporting event takes place or is intended to take place.
- 13.2 The Act does not give a list of premises that are officially recognised as 'tracks' but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of racks include:
- a horse racecourse (referred to in this Guidance as 'racecourses')
 - a greyhound track
 - a point-to-point horserace meeting

- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- a premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event.

This list is not exhaustive.

13.3 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this Authority would expect Premises Licence applicants 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

13.4 Appropriate licence conditions may be:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- The location of gaming machines.

This list is not exhaustive.

13.5 With regard to the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

14. **Travelling Fairs**

14.1 It will fall to the Licensing Authority to decide if category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs. It is a statutory requirement that the facilities for gambling must amount to no more than an ancillary amusement at the fair.

14.2 The Licensing Authority will also consider whether the fair falls within the statutory definition of a travelling fair under the Act.

14.3 It has been noted by the Licensing Authority that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its

neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

15. Provisional Statements

- 15.1 Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land or judge whether a development is worth taking forward in light of the need to obtain a premises licence.
- 15.2 The Act allows a person to apply for a provisional statement if construction of premises is expected or alterations to premises are expected.
- 15.3 If a potential operator does not have a right to occupy premises but expects to acquire a right to occupy then an application for a provisional statement should be considered.
- 15.4 The Licensing Authority notes from the Gambling Commission's Guidance at Part 7 that "operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and licensing authorities are required to determine any such applications on their merits. Such cases should be considered as a two stage process; first, local authorities must decide whether, as a matter of substance after applying the principles in Section 153 of the Act whether the premises ought to be permitted to be used for gambling; secondly, in deciding whether or not to grant the application a licensing authority will need to consider if 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. However, if changes are made to the pre-grant plans, any party who has made a representation in relation to the application will be able to comment on the changes made."
- 15.5 In terms of representations about a Premises Licence application, following the grant of a Provisional Statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless they concern matters which could not have been addressed at the time of the application for 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 or conditions not included in the Provisional Statement) only by reference to matters:
- a) which could not have been raised by objectors at the application for the provisional licence stage; or
 - b) which in the Authority's opinion reflect a change in the applicant's circumstances; or
 - c) 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 licensing authorities can discuss any concerns they have with the applicant before making a decision.
- 15.6 This Licensing Authority has noted the Gambling Commission's Guidance at Part 11 that "A Licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law."

15.2 – 15.4 amended to reflect updated Guidance from the Gambling Commission

16. **Reviews**

- 16.1 Application for a review of a Premise Licence can be made by Interested Parties or Responsible Authorities. In addition the Licensing Authority itself may in certain circumstances decide to conduct a review. Where application for a review is made by an Interested Party or Responsible Authority it is for the Licensing Authority to decide whether the review is to be undertaken. This will be determined on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration being given as to whether the request is frivolous, vexatious or repetitious, or will certainly not cause the Authority to wish to take action of a kind open to it on completing a review, or are substantially the same as grounds specified in an earlier application for a review or in relation to the application for the relevant Premise Licence. In determining any request for a review application the Licensing Authority will determine the matter as far as the Authority thinks it:
- 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 subject to the matters set out in the above two bullet points and
 - in accordance with the authority's statement of licensing policy subject to the matters set out in the above three bullet points
- 16.2 If the Licensing Authority intend to undertake a review of the Premises Licence notice of such review will be given in accordance with the Regulations.
- 16.3 Any Interested Party or Responsible Authority (other than the Licensing Authority) will need to state their reasons for seeking a review and produce supporting information or documents.
- 16.4 Once a valid application for a review has been received by the licensing authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 16.5 The Licensing Authority must carry out a review hearing as soon as possible after the 28 day period for making representations has passed.
- 16.6 It will be for the Licensing Authority to determine what action to take, if any, following a review hearing in accordance with Section 202 of the Act. The Authority may:
- Add, remove or amend a condition imposed by the Licensing Authority
 - Exclude a default condition or remove or amend an exclusion
 - Suspend the premises licence for up to three months
 - Revoke the premises licence
- 16.7 In determining what action if any, should be taken following a review, the licensing authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

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

16.9 Once the review has been completed, the licensing authority must, as soon as possible, notify the decision to:

- The licence holder
- The applicant for review (if any)
- The Commission
- Any person who made representations
- The Chief Officer of Police or Chief Constable; and
- Her Majesty's Revenue and Customs

17. **Appeals**

17.1 Where a Premises Licence application is refused the Applicant may appeal against the decision of the Licensing Authority. Where a Premises Licence is granted an Applicant and any Interested Party or Responsible Authority who made relevant representations can appeal. Appeal is to the Magistrates Court within 21 days of receipt of the decision notice.

17.2 Following a review application, the licensee, an interested person or a Responsible Authority who made representations in relation to the review, the person (if any) who applied for the review and Gambling Commission have a right of appeal to the Magistrates' Court within 21 days of receipt of the decision notice.

17.3 In relation to a transfer application and decision the licensee and the applicant for transfer have a right of appeal to the Magistrates' Court within 21 days of a decision notice.

17.4 In relation to an Application for a Temporary Use Notice either the applicant or person entitled to receive a copy of such notice has a right of appeal to the Magistrates' Court within 21 days of a decision notice.

Part C

Permits/temporary and Occasional Use Notice

1. General Principles – Permits

- 1.1 The Gambling Act 2005 introduces a range of permits which are granted by Licensing Authorities. Permits as opposed to Premises Licences are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
- 1.2 This Licensing Authority has adopted a Statement of Principles which is found at Part E of this Statement in relation to applications for certain Permits

2. Unlicensed Family Entertainment Centre Gaming Machine Permits (Schedule 10)

- 2.1 These permits relate to unlicensed Family Entertainment Centres (FECs) that can only offer category D gaming machines. Any number of such gaming machines can be offered under the permit (subject to fire regulations and health and safety regulations). If the Application for a permit is made by an individual that person must be over 18 years of age.

The Chief Officer of Police will be consulted in relation to such applications. Any permit issued will last for 10 years unless it lapses or is surrendered or forfeited.

- 2.2 Where premises do not hold a Premise Licence but wishes to provide gaming machines, application may be made to the Licensing Authority for a 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.
- 2.3 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a FEC; and the suitability of the premises in relation to their location and issues about disorder.
- 2.4 In making its decision on an application for this permit the Licensing Authority may have regard to the licensing objectives. It must have regard to any Gambling Commission Guidance.
- 2.5 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 2.6 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 2.7 With regard to renewals of these permits, a Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable

excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

3. Alcohol Licensed Premises Gaming Machine Permits – (Schedule 13)

- 3.1 The holder of a Premises Licence issued under the Licensing Act 2003 which entitles the holder to supply alcohol will automatically be entitled to up to 2 gaming machines on those premises of categories C or D. To take advantage of this entitlement the licence holder must give notice of their intention to make gaming machines available for use to the Licensing Authority and pay the prescribed fee. The Licensing Authority has no discretion to refuse this entitlement if notification is satisfactory.

A premises alcohol licence holder may apply to the Licensing Authority for a Licensed Premises Gaming Machine Permit. That application will state the category and number of gaming machines being sought under the permit. The Licensing Authority in determining the application will have regard to the licensing objectives. If the Licensing Authority are minded to refuse an application or grant it but with a different category or number of machines sought the applicant will be notified of the reasons and be given an opportunity to make representations either orally or in writing or both. The permit will cease to have effect if the premises alcohol licence ceases to have effect for those premises, the permit holder ceases to be the holder of the premises alcohol licence or is surrendered cancelled or forfeited.

- 3.2 The Licensing Authority can remove the automatic authorisation in respect of any particular premises by way of order if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act.
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

- 3.3 Before making such an Order however the licence holder will be given at least 21 days notice of the intention to make the Order. The Licensing Authority will consider any representations made by the licence holder and hold a hearing before the sub-committee if they request this.

- 3.4 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, the Guidance issued by the Gambling Commission issued under Section 25 of the Act 2005, and “such matters” as they think relevant. The 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 the Authority 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 helpful. As regards the protection of vulnerable persons

applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 3.5 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as a Family Entertainment 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.

- 3.6 It should also be noted that the holder of a permit must comply with The Code of Practice for gaming machines in clubs and premises with an alcohol licence published by the Gambling Commission concerning the location and operation of the machines.

4. Prize Gaming Permits – (Schedule 14)

- 4.1 An application for a Prize Gaming Permit cannot be made if there is Premises Licence or Club Gaming Permit in force in relation to the premises. Any individual who applies must be over 18 years. The application will specify the nature of the gaming for which the permit is sought. The Chief Officer of Police will be consulted in relation to such applications. If the Licensing Authority are minded to refuse an application then reasons for the refusal will be given to the applicant who will be given an opportunity to make oral or written representations or both before any decision is formally taken to refuse the application or not. Upon receipt of such representations a Licensing Sub-Committee will determine the matter.
- 4.2 A permit will last for 10 years unless it lapses, is surrendered or is forfeited.
- 4.3 It should be noted that there are conditions in the Gambling Act 2005 with 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.

5. Club Gaming and Club Machines Permits (Schedule 12)

- 5.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. Members Clubs, Miners' Welfare Institutes and Commercial Clubs may apply for a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance as set

out in forthcoming Regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B4, C or D).

- 5.2 The Licensing Authority is the relevant authority for the grant of permits for clubs whose premises are wholly or partly in its area. In exercising its functions the Licensing Authority will have regard to the Gambling Commission Guidance and, subject to the Guidance, the Licensing Objectives. A copy of the application must be given to the Gambling Commission and the Chief Officer of Police. Failure to do so will render any permit issued void. If the applicant is the holder of a Club Premises Certificate under Section 72 of the Licensing Act 2003 then the applicant need not inform the Gambling Commission or the Chief Officer of Police of the application and a permit shall be granted unless the matters listed in Paragraph 10(3) of Schedule 12 of the Act apply. Before refusing an application for a permit the Licensing Authority will arrange for a hearing of the application before a Licensing Sub-Committee. The permit will be issued for 10 years unless it lapses, is surrendered, cancelled or forfeited. If a club does not wish to have the full range of facilities permitted by a club gaming permit or is a commercial club not permitted to provide non machine gaming they may apply for a club machine permit. Such a permit would allow up to 3 machines of category B4, C or D.
- 5.3 Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate Regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.
- 5.4 This Licensing Authority is aware that the Licensing Authority may only refuse an application on the grounds that:
- a. the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - b. the applicant’s premises are used wholly or mainly by children and/or young persons;
 - c. an offence or a breach of a permit condition has been committed by the applicant while providing gaming facilities;
 - d. a permit held by the applicant has been cancelled in the previous ten years; or
 - e. an objection has been lodged by the Gambling Commission or the police
- 5.5 It should be noted that there is a ‘fast-track’ procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. As the Gambling Commission’s Guidance to Licensing Authorities states at paragraph 25.29: “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 at paragraph 25.30 “The grounds on which an application under the process may be refused are:
- a. that the club is established primarily for gaming, other than gaming prescribed under schedule 12;

- b. that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c. that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”

5.6 It should also be noted that the holder of a permit must comply with The Code of Practice for gaming machines in clubs and premises with an alcohol licence published by the Gambling Commission concerning the location and operation of the machines.

6. Temporary Use Notices

6.1 A Temporary Use Notice is not as such granted by the Licensing Authority. Rather the person seeking to rely on the Temporary Use Notice serves the Notice on the Licensing Authority (and on certain specified authorities) and the Licensing Authority will endorse the Notice (provided it complies with the requirements of the Act) or, where there are objections to the Notice, will hear the objections and then either serve a Counter-Notice that the Temporary Use Notice should not have effect, or should have effect subject to modifications, or dismiss the objections and endorse the Temporary Use Notice. A Temporary Use Notice may only be given by the holder of a relevant Operating Licence. Where a Temporary Use Notice has effect it allows the use of a “set of premises” for gambling where there is no Premises Licence but where the gambling operator wishes to use the premises only temporarily for providing gambling facilities.

6.2 The holder of an Operating Licence will give the Temporary Use Notice to the Licensing Authority and will specify in that Notice:

- the gambling activities to be carried on
- the premises where it will take place
- the dates and times that gambling will take place
- the period of time during which the Notice is to have effect
- specify any periods during the previous 12 months that a Temporary Use Notice had had effect for the same premises
- specify the date on which the Notice is given
- contain any other information that the Secretary of State prescribes.

6.3 The same set of premises may not be the subject of a Temporary Use Notice for more than 21 days in any 12 months period but may be subject to several Notices provided that the total does not exceed 21 days. The Licensing Authority must issue a Counter Notice if the above limit of 21 days is exceeded. However, the Licensing Authority will, where the Notice could have effect for part of the period in the Notice, after consultation with the Applicant to issue a Counter-Notice limiting the number of days under the Notice to bring it within the 21 days permitted.

6.4 The Applicant must give the Temporary Use Notice with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin. The Notice must be copied to:

- the Gambling Commission
- the Police

- HM Revenues and Customs; and, if applicable
- any other Licensing Authority in whose area the premises are situated.

6.5 If there are no objections (see below) the Licensing Authority must endorse the Notice whereupon it will become valid.

6.6 Within 14 days of being given the Temporary Use Notice the Licensing Authority and the Authorities to which the Notice has been copied can give a Notice of Objection, if they think that having regard to the licensing objectives the Notice should not have effect, or should have effect only with modification. Any Notice of Objection (not given by the Licensing Authority) is copied to the Licensing Authority. Upon receipt of any Notice of objection there will be a hearing before the Licensing Sub-Committee (unless all relevant parties agree in writing that a hearing is unnecessary). Following consideration of the objections the Licensing Authority may either give a Counter-Notice that the Temporary Use Notice should not have effect, or should have effect only with specified modifications or dismiss the objections. If the objections are dismissed they will endorse the Temporary Use Notice.

7. Occasional Use Notices

7.1 This type of Notice permits betting on a track on eight days or less in a calendar year without the need for a Premises Licence.

7.2 A “track” does not just include a horse racecourse or dog track, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place, (eg agricultural land upon which a point to point meeting takes place).

7.3 Any such Notice must be served by a person responsible for the administration of events on the track or by an occupier of the track. The Notice must be served on the Authority and the Chief Officer of Police containing the prescribed information. A Counter Notice can only be issued if the overall limit of eight days will be exceeded.

Part D

Contact and Applications

For further information on this Statement of Licensing Policy as well as information about the application process please contact:

Licensing
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

The Licensing Section can be contacted on the following telephone number:
(0191) 643 2175

E-mail address: liquor.licensing@northtyneside.gov.uk

Summary of Licensing Authority delegations permitted under the Gambling Act

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission and / or Responsible Authorities	X Where no representations received from the Commission and / or Responsible Authorities
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Review of premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made (and not withdrawn)	X Where no objections made/ objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits		X If there is an initial minded to decision to refuse a permit application by officers and oral or written representations are received from the applicant	X Where no objections made/ objections have been withdrawn

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Cancellation of licensed premises gaming machine permits		X If requested by applicant	X If no request received
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Order disapplying Section 279 or Section 282(1) of a specified premises holding an on premises alcohol licence		X	
Refusal to register a Small Lottery and representations are received from the Society		X	
Revocation of Small Lottery Registration and representations are received from the Society		X	
Any other Licensing functions under the Gambling Act 2005 except those not capable of such delegation			X

X indicates the lowest level to which decisions can be delegated

Part E

Statement of principles applied by North Tyneside Licensing Authority when applications are received for permits for Family Entertainment Centre, Gaming Machine Permits and Prize Gaming Permits

1. This Statement of Principles has been prepared in order to provide guidance to applicants, the Responsible Authorities, members of the public, Members and Officers. The Statement of Principles will assist applicants with the preparation of their applications for permits and state the documentation and information which they are required to produce in support of their application and assist Responsible Authorities in making any representations as well as setting out the matters which members and officers will take into consideration when determining such applications.
2. This Statement of Principles relates to applications made for the following types of permit:-
 - i) Applications for Family Entertainment Centre Gaming Machine Permits.
 - ii) Applications for Prize Gaming Permits.
3. This Statement of Principles does not apply to Club Gaming Permits, Club Machine Permits or Licensed Premises Gaming Machine Permit applications as the Gambling Act 2005 sets out different requirements in relation to applications for those types of permit.
4. The Licensing Officer has the delegated authority to consider all applications for permits and can either grant an application for a permit or make an initial decision to refuse to grant any such permit.
5. As soon as reasonably practicable after the initial decision to refuse an application for a permit is made, the Licensing Officer will write to the Applicant notifying him of the refusal and provide reasons for that decision.
6. In such circumstances the Licensing Officer will invite an applicant to make oral representations, written representations or both within 28 days of receipt of notification of the refusal. If such representations are received they will be referred to a Licensing Sub-Committee for consideration and the Applicant if they wish to do so can request a hearing before the Licensing Sub-Committee to make oral representations.
7. The Licensing Sub-Committee will forward a written notice of its decision and reasons for that decision to the Applicant within five working days of the Licensing Sub-Committee's determination of the application.

8. The type of permit being applied for will determine the documentation and information which needs to be submitted to the Licensing Authority in support of any application for a permit. The documentation and information which needs to be submitted is as follows:-

(a) Family Entertainment Centre Gaming Machine Permit

The Licensing Authority will have regard to:

- the application form duly completed in full
- a plan of the premises showing the number and location of any gaming machines, points of access for the public, location of fire extinguishers, location of smoke detectors
- insurance certificate (or certified copy certified by a Solicitor/Commissioner for Oaths or notary) confirming the availability of public liability insurance
- appropriate fee
- that the applicant has demonstrated the following: -
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible
 - has no relevant convictions
 - that staff are trained to have a full understanding of the maximum stakes and prizes.

The Licensing Authority will consider any representations made by the Police in relation to such matters and will attach such weight to those representations as felt appropriate. An applicant will also need to show that he has the right to occupy the premises or prove to the Licensing Authority's satisfaction that he proposes to occupy the premises in question. In the case of an individual applicant they will need to be over 18 years of age.

- The Licensing Authority in determining the application for a permit have a discretion as to whether or not to consider the licensing objectives. The Licensing Authority will determine whether or not to consider the licensing objectives on a case-by-case basis but it is anticipated that the licensing objectives will be considered with most applications for a permit. The Licensing Authority will consider the Guidance issued by the Gambling Commission.
- The Licensing Authority will give notification of applications to the Tyne & Wear Fire & Rescue Service

(b) Prize Gaming Permits

- application form provided by the Licensing Department of North Tyneside Council duly completed in full
- a plan of the premises showing the location of each gaming activity to take place on the premises, points of access for the public, location of fire extinguishers and location of smoke detectors
- insurance certificate (or certified copy certified by solicitor/commissioner for oaths or notary) confirming the availability of public liability insurance
- the applicant will be asked to set out the types of gambling that he or she is intending to offer and 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
- Appropriate fee
- The Licensing Authority will give notification of applications to the Tyne & Wear Fire & Rescue Service.

The Licensing Authority will consider any representations made by the Police in relation to such matters and will attach such weight to those representations as felt appropriate. An applicant will also need to show that he has the right to occupy the premises or prove to the Licensing Authority's satisfaction that he proposes to occupy the premises in question. In the case of an individual applicant they will need to be over 18 years of age.

- The Licensing Authority in determining the application for a permit have a discretion as to whether or not to consider the licensing objectives. The Licensing Authority will determine whether or not to consider the licensing objectives on a case-by-case basis but it is anticipated that the licensing objectives will be considered with most applications for a permit. The Licensing Authority will consider the Guidance issued by the Gambling Commission.

9. If an application does not contain all of the information as outlined in this Statement of Principles, the application will be returned requesting that the Application be re-submitted with the full information being provided.
10. When a Licensing Authority rejects an application for the issue or renewal of a permit the applicant may appeal to North Tyneside Magistrates Court within 21 days of receiving notification of the decision not to grant the application for a permit.

DRAFT