

# AGENDA

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**Meeting:** Licensing Committee

**Place:** Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

**Date:** Monday 16 September 2024

**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Lisa Pullin of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@wiltshire.gov.uk)

Press enquiries to Communications on direct lines 01225 713114/7131 15.

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## **Membership**

Cllr Peter Hutton (Chairman)

Cllr Allison Bucknell (Vice-Chairman)

Cllr Steve Bucknell

Cllr Trevor Carbin

Cllr Daniel Cave

Cllr Sam Charleston

Cllr Kevin Daley

Cllr Andrew Davis

Cllr Ruth Hopkinson

Cllr Jerry Kunkler

Cllr Tim Trimble

Cllr Robert Yuill

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## **Substitutes:**

Cllr David Bowler

Cllr Jacqui Lay

Cllr Dr Brian Mathew MP

Cllr Charles McGrath

Cllr Stewart Palmen

Cllr Nic Puntis

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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# AGENDA

1 **Apologies and Substitutions**

To receive any apologies and to note details of any substitutions.

2 **Minutes** (*Pages 7 - 16*)

To confirm and sign the minutes of the meeting held on 17 June 2024 (copy attached).

3 **Chairman's Announcements**

To note any announcements from the Chairman.

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Monday 9 September 2024** in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Wednesday 11 September 2024**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Licensing Appeals Update**

To receive an update on any appeals lodged against Licensing Sub Committee decisions.

7 **Minutes of the Licensing Sub Committees** *(Pages 17 - 26)*

To receive and sign the minutes of the following Licensing Sub Committee:

**Southern Area Licensing Sub Committee**

28.05.2024 Application for a Variation of a Premises Licence - The Avon Brewery, Castle Street, Salisbury

8 **Safer Streets Fund Initiative Update**

Stephen Melville (Safer Streets Co-Ordinator) from the Office of the Police and Crime Commissioner will be attending the meeting to give an update on the Safer Streets Fund initiative.

9 **Police Licensing Officers Overview/Update**

The Committee will receive an overview/update of the work of the Police Licensing Officers (Richard Tottle and Alistair Day).

10 **Update from Passenger Transport Team**

Jason Beattie (SEND and Passenger Assistant Manager)/Sebastian Williams (Review & Best Practice Officer) will give an update on behalf of the Passenger Transport Team at the meeting.

11 **Update from the Taxi Licensing Team** *(Pages 27 - 32)*

Tom Ince (Principal Compliance Officer) has prepared the attached update on behalf of the Taxi Licensing Team as of August 2024. Danial Farr/Laurie Anderson (Compliance Officers) will give an overview of the update to the Committee at the meeting.

12 **Update from the Public Protection Licensing Team** *(Pages 33 - 36)*

Claire Francis (Public Protection Manager – Community Protection) has prepared the attached update on behalf of the Public Protection Licensing Team and will give an overview at the meeting.

13 **Gambling Statement of Principles 2025-2027** *(Pages 37 - 104)*

The report of Claire Francis (Public Protection Manager – Community Protection) asks the Committee to note the results of the consultation undertaken and proposed amendments to the Council's draft Gambling Statement of Principles and commends it for approval by Full Council on 15 October 2024.

14 **Dates of Future Committee Meetings**

Members are asked to note the future meetings of the Licensing Committee, all to commence at 10.30am:

2 December 2024

17 March 2025.

15 **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

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## Licensing Committee

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### **MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 17 JUNE 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

#### **Present:**

Cllr Peter Hutton (Chairman), Cllr Allison Bucknell (Vice-Chairman),  
Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Andrew Davis, Cllr Ruth Hopkinson and  
Cllr Tim Trimble

#### **Also Present:**

Roy Bahadoor (Principal Licensing Officer), Claire Francis (Public Protection  
Manager – Community Protection), Jonathan McLaughlin (Legal representative), Lisa  
Pullin (Democratic Services Officer) and Jason Salter (Head of Service – Passenger  
Transport)

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#### **15 Apologies, Substitutions and Membership Changes**

Apologies were received from Councillors Steve Bucknell, Sam Charleston,  
Kevin Daley, Jerry Kunkler and Robert Yuill and from Tom Ince (Principal  
Compliance Officer).

There were no substitutions and no membership changes following the annual  
meeting of Council on 21 May 2024.

#### **16 Minutes**

The minutes of the meeting held on 4 March 2024 were presented to the  
Committee.

#### **Resolved:**

**That the minutes of the meeting held on 4 March 2024 be approved and  
signed as a correct record.**

#### **17 Chairman's Announcements**

The Chairman highlighted that John Carter (Head of Service – Public  
Protection) had retired from Wiltshire Council at the end of May 2024 and that  
on behalf of the Committee he wished him well and thanked him for his input  
into licensing over many years.

#### **18 Declarations of Interest**

There were no declarations of interest.

19 **Public Participation**

No questions or statements had been submitted to the Committee from the public in advance of the meeting.

20 **Licensing Appeals Update**

There were no known Licensing Sub Committee appeals pending.

21 **Minutes of the Licensing Sub Committees**

The following minutes of the Licensing Sub Committees were approved:

**Eastern Area Licensing Sub Committee**

19.3.24 Application for a Premises Licence – Bishops Cannings Cricket Club, Coate, Devizes

**Western Area Licensing Sub Committee**

01.02.24 Application for a Premises Licence, Westbury Pizza Limited, 8 Westbury Mall, Edward Street, Westbury

**Resolved:**

**That the minutes of the meetings detailed above be approved and signed as a correct record.**

22 **Update from Passenger Transport Team**

Jason Salter (Head of Service – Passenger Transport) gave an update on behalf of the passenger transport team and highlighted the following:

- Growth on SEND home to school transport requirements remained. Provision was being made at new educational establishments and expanding at existing settings. This would see around 500 more SEND placements in place by September 2026, with most students placed being entitled to transport. In September 2024, there are an additional 233 places. 100 of those places would be at the new Silverwood Rowde site where Wiltshire Council is the provider. It was not anticipated that any additional vehicles would be required for these children as this was already set in place for September 2023, but the transition was postponed last year, due to the building not being ready. The other spaces are spread across several other schools;
- It was felt that efforts had been exhausted in trying to grow the taxi market in Wiltshire, but there were now some larger companies that had come on board in recent times, who are able to increase capacity with the right notice period – these companies included London Hire and 24/7 Essex;



- The team were now focusing their efforts on efficiency, and that wasn't to say that they were not efficient before, but they were now using their Q Routes software more robustly after a period of staff training. An example of its use was that in the new SAIL School in Salisbury, there would be an additional 35 students travelling from this September 2024. The team had been able to recast the transport for all who are travelling by using Q Routes and to date had only needed to introduce one additional vehicle to serve that school;
- The team were also targeting single occupancy taxis in order to release vehicles into the market. Within the contracted taxis, 144 of these just had one passenger on board. 79 of those taxis were due to geography, and to merge the passengers onto another taxi would make the journey time excessive, when compared to government guidance, or, where the student is the only passenger attending a particular school. The team would also consider enhanced payments to parents to drive their children to school, but this was not generally preferred by parents;
- The team were developing a business case to determine whether increasing the number of Council owned/leased vehicles was viable to fulfil the demand in transport, or whether the minibus market had now recovered sufficiently from when the Council had to lease their own; and
- In summary, the team were as confident as they could be that they would be able to provide for everyone who is entitled to home to school transport in September 2024.

The Chairman asked the following questions of Jason Salter:

Q How far forward does the team look ahead for the future transport needs for children?

A The team are looking at capacity up to September 2026 at the current time. The SEND team provide information on anticipated need, and we may need to extend more contracts to providers out of the County to keep up with the demand.

Q Is it a risk that the Council having to use the 24/7 Essex service – is there anyone closer that offers that type of service or has capacity?

A It is a risk having to use contractors who are not local, but we are able to award contracts if they flexible and good value for us.

Q Have you considered looking at issuing licences for just school transport contracts and what are other neighbouring authorities doing in relation to this?

A I am a member of the Association of Transport Co-Ordinators and nationally there is a push for more school only licences although there are risks associated with that as we could lose private hire drivers to that. More work was needed to look into that option fully as out of our 800 licenced taxi drivers, 650 are working on Wiltshire Council contracts and due consideration would need to be given to this option.

The following questions were asked by the Committee:

Q If there are larger firms operating in our area could they end up poaching our Wiltshire drivers and is there a danger that we could lose drivers to them who offer them more money and we lose some of our capacity?

A There is the chance that this could happen, and they would need to be aware of it but when Wiltshire ramped up their internal fleet, they took on drivers from existing operators.

Q Who controls the vehicles used by 24/7 Essex, is it done in Essex or here?

A At the start it was through Essex but now they are licenced in Swindon and Wiltshire – there had been no quality issues (apart from a few late drivers at the start) but they have now found their feet and were providing a good service for Wiltshire within their 20 contracts.

Q Have the team had considered looking to see if there were any Community Transport Schemes who may be able to assist the school transport needs?

A There are currently 21 community transport operations within Wiltshire and the Council do currently contract some of those schemes for Wiltshire transport provision, but generally speaking after Officers have spoken to Chairs of these community transport schemes they don't usually want the responsibility of school transport as it is not within their terms and conditions to form part of their core business.

The Chairman highlighted that if Officers thought there was any merit in the Committee or a Subgroup to look at an aspect/option under consideration then they should let the Clerk know and then a Subgroup could be set up or an item added to the main Committee agenda.

**Resolved:**

**That the Committee note the update on behalf of the Passenger Transport Team.**

23 **Update from the Taxi Licensing Team**

Tom Ince (Principal Compliance Officer) had prepared an update as at May 2024 on behalf of the Taxi Licensing Team with the agenda. The Chairman asked the Committee to forward any questions for Tom Ince to the Clerk.

**Resolved:**

**That the Committee note the Taxi Licensing Team update.**

24 **Update from Public Protection Licensing Team**

Claire Francis (Public Protection Manager – Community Protection) referred to the Public Protection Licensing Team update that was circulated with the agenda and highlighted the following:

- The Licensing Officers had been carrying out unannounced visits to premises ahead of the Euros football tournament to offer advice and support and are based on the Officers own knowledge of premises likely to be showing the football matches. This information would be feedback to the Police who will then be aware of those premises showing matches;
- The Government had confirmed an order to provide venues in England and Wales with the option to extend licensing hours on the day of any semi-final involving a home nation team or the day of the final should a home nation team be participating. The extension would be for two hours from 11pm to 1am the following day for consumption of alcohol on the premises and provision of late night refreshment;
- During the Covid pandemic the Government passed regulations allowing them to sell alcohol for takeaway, delivery and to drink in licensed pavement areas without changing their licence – those regulations would expire on 31 March 2025 and the Government were carrying out consultation for the available options after that date;
- Both of the new managers in the Licensing and Food Safety teams had met with the Longleat management team to discuss the events they have planned for this year and to agree an inspection protocol – they have various large scale events planned and Officers are keen to engage at the earliest opportunity;
- Event Safety Advisory Group (ESAG) meetings had been organised for WOMAD, Existence Festival and the summer solstice and Stonehenge and Avebury – these were a really useful way for various enforcement agencies e.g. Police, Fire, Environmental Protection and Highways to understand more about organisers plans and to ask questions to ensure that the event will be safe and well organised;
- The team restructure was completed in March and Roy Bahadoor was appointed as Principal Licensing Officer. As he would be carrying out the day to day management of the Licensing Officers there had been a few changes to the areas the Officers would be covering, and these were showing in the weekly list of applications sent out to Councillors;
- John Carter had retired as the Head of Public Protection at the end of May and the first recruitment attempt was not successful back and it was planned to repeat this within the next 3 to 6 months with hopefully the position being filled by the end of the year;
- The Public Protection Service would be moving to a new ICT system called Arcus Global and would open opportunities to speed up how applicants apply for licences and will start to automate some the licence processes. It was going live today, and it was hoped that service disruption would be minimal; and

- The Local Government Association had produced a range of tips and advice sheets for members of their Council's Licensing Committees which Members may find useful.

The Chairman reported that he had spoken to the Chief Constable of Wiltshire in December 2023 about his concerns on the lack of Police licensing representation/input into the committee meetings and reported that he would write on behalf of the Licensing Committee to ask them to provide regular updates of their work and attend at least once a year. A Committee member agreed that it would be useful to have at least six-monthly updates on what premises the Police were concerned about and if review applications were to be considered.

Roy Bahadoor highlighted that Alistair Day and Richard Tottle were the current Police Licensing Officers and that their team was keen to continue their working relationship with them having already liaised with them around the Euros 2024.

A Committee member commented that he felt that the biggest problem with the large Longleat events was the traffic management and asked if they would liaise with Licensing or Highways to discuss that aspect? Claire Francis responded that some of the Longleat events are not licensable but confirmed that particularly for the Icons of the Sky event that traffic management would be considered as part of the ESAG meetings.

The Chairman asked if information had been sent to Members around the plans to extend licensing hours should a home nation reach the semi-final or final of the Euros so that they were aware of this. Claire Francis responded that this may have already been included in a member update, but if it had not, she would issue an update to all Members around this.

#### **Resolved:**

- 1. That the Committee note the update on behalf of the Public Protection Licensing Team.**
- 2. That the Chairman write to the Chief Constable of Wiltshire to invite the Police Licensing Officers to Licensing Committee meetings and ask they provide updates on at least a six-monthly basis.**

#### **25 Statement of Licensing Policy**

Claire Francis (Public Protection Manager – Community Protection) referred to the report which asked the Committee to note the results of the consultation undertaken and proposed amendments to the Council's draft Statement of Licensing Policy and highlighted the following:

- At the last meeting the Committee had instructed Officers to carry out a 6 week consultation process on the proposed Statement of Licensing Policy for 2024-2029. The consultation ran from 17 April to 29 May 2024 and the

list of consultees were detailed in the report and there were also two press releases and a number of social media posts regarding the consultation;

- 35 responses were received with most comments received from the residents of Wiltshire. Additional comments were received from licence holders, Pub Watch members and Town/Parish Councils. Details of the comments received and the Officer responses to how these were addressed were detailed in appendix 1. A few changes were made as a result of the consultation, with some wording being updated/tweaked to provide clarity but nothing substantial; and
- The Committee were now being asked to approve the updated Statement of Licensing Policy as at appendix 2 and to recommend that it go forward to Full Council for approval in October 2024.

The Chairman asked if the number of consultation responses was in line with previous consultations? Claire Francis responded that it was similar to the responses received 5 years ago with not much difference in the comments raised. Halfway through the consultation period, the number of responses was reviewed and there was another press release and social media push to encourage more responses.

Committee Members made the following suggested changes/comments:

- Page 68 of the agenda pack (paragraph 1.2 Key Aims) at the end of the bullet points there is nothing to say that the presumption is that licences will be granted unless there is a reason not to. The Legal Adviser confirmed that perhaps there needs to a reference to the independence of the Sub Committee making application decisions but clarified that unless there are any objections then an application would be granted. *It was agreed to make some minor wording changes here to clarify the presumption that an application will be granted subject to any objections.*
- Page 74 of the agenda pack (2.8 Drink Spiking, start of second paragraph) be amended to read 'The Licensing Authority' as opposed to 'We'. *This change was agreed.*
- Page 88 of the agenda pack (under paragraph 6.6 Permitted Temporary Activities (TENS) towards the end of the fourth paragraph) some of the text was crossed out and that needed to be removed. *This change was agreed.*
- Page 89 of the agenda pack (under paragraph 6.7 Large Scale Events) states that the licensing authority requires that they are given at least six months' notice to all for sufficient lead in time. Could this be amended to strongly recommends instead of requires. *This change was agreed.*

The Chairman reported that he had had a conversation with the Head of Public Protection before his retirement about the plans for there to be robust training for all Members in relation to Licensing following the May 2025 elections and

the needs for detailed specific training for those Councillors who would serve the Licensing Committee and in turn the Licensing Sub Committee hearings. Claire Francis agreed with the importance of this and indicated that they may consider an external consultant to assist with the specific training for Committee members after the elections in May 2025.

**Resolved:**

**That the Committee recommend the final draft statement of Licensing Policy for 2024-2029 to be approved by Full Council on 22 October 2024 subject to the minor amendments as detailed above.**

## 26 Gambling Statement of Principles

Claire Francis (Public Protection Manager – Community Protection) referred to the report which sought to inform the Committee of the need to review, consult on and adopt a new Gambling Statement of Principles by 1 January 2025 and highlighted the following:

- The Council's current Gambling Statement of Principles came into effect on 1 January 2022 and would cease to have effect on 31 December 2024 and so a new Statement of Principles would need to be approved by Full Council by that date;
- The Statement of Principles must be consulted on with specific stakeholders which included the Chief Officer of Police, gambling businesses and residents of the area. It had been proposed to run a 6 week online consultation, but after the announcement of the General Election it was felt to be prudent to delay the start of the consultation until after 4 July 2024 and was now proposed to run a 4 week consultation so as to ensure that there was adequate time for Officers to collate and consider the consultation responses before the next meeting of the Licensing Committee in September for them to approve a final version and recommend that it is adopted by Full Council in October 2024; and
- No major changes to the Statement of Principles were proposed and the details of these were listed in appendix 2 to the report.

The Legal Adviser confirmed that it was considered that a 4-week consultation period was a reasonable length of time for this to be considered by consultees.

A Committee Member suggested that it may be helpful to pre-warn consultees that the consultation would be starting on xx date so that they were ready to respond once the consultation was launched and asked if that could be included in the communications plans?

A Committee Member highlighted a typographical error on page 145 of the agenda pack and that the word sort should be corrected to sought. It was confirmed that this would be amended.

**Resolved: That the Committee**

- 1. Recommends that Officers carry out a 4 week consultation process on the draft Gambling Statement of Principles for 2025-27.**
- 2. Note that they will be required to consider recommending the finalised Gambling Statement of Principles to Full Council for adoption in October 2024.**

**27 Dates of Future Committee Meetings**

Members noted the future meetings of the Licensing Committee, all to commence at 10.30am.

16 September 2024  
2 December 2024  
17 March 2025.

**28 Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 - 11.15 am)

The Officer who has produced these minutes is Lisa Pullin of Democratic Services, direct line 01225 713015, e-mail [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@wiltshire.gov.uk)

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## Southern Area Licensing Sub Committee

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**MINUTES OF THE SOUTHERN AREA LICENSING SUB COMMITTEE MEETING  
HELD ON 28 MAY 2024 AT THE PUMP ROOM - THE OLD FIRE STATION  
ENTERPRISE CENTRE, 2 SALT LANE, SALISBURY, SP1 1DU.**

**Present:**

Cllr Kevin Daley, Cllr Tim Trimble and Cllr Robert Yuill

**Also Present:**

Applicant

Mr Robert Wood – Avon Brewery DPS  
Ms Michelle Hazlewood – Solicitor  
Ms Steff Kent – Marston’s Area Manager

Those that made a relevant Representation

Representation 2 – Local Resident in objection

Wiltshire council Officers

Lisa Alexander, Senior Democratic Services Officer  
Katherine Edge – Public Protection (Licensing) Officer  
Jonathan McLaughlin – Legal Officer

Observers:

Tara Hunt, Senior Democratic Services Officer  
Roy Bahadoor, Principal Public Protection (Licensing) Officer

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1 **Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

**Resolved:**

**To elect Councillor Kevin Daley as Chairman for this meeting only.**

2 **Apologies for Absence/Substitutions**

Apologies for absence were received from Councillor Nic Puntis, who was substituted by Councillor Robert Yuill.

3 **Procedure for the Meeting**

The Chairman notified all those present at the meeting that it was not being recorded by Wiltshire Council, but that the meeting could be recorded by the press or members of the public.

The Chairman reminded those present that any speakers that wished to remain and make a statement to the Sub Committee would be giving consent to there being the possibility that they would be recorded presenting this.

It was noted that those that had made a representation would not be identified by name within the minutes.

The Chairman then asked if anyone present wished to withdraw from the meeting. All parties confirmed they wished to remain in and take part in the Sub Committee hearing.

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications".

#### 4 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

#### 5 **Declarations of Interest**

There were no interests declared, however Councillor Kevin Daley noted that he knew one of the Applicant's representatives by sight due to his role as DPS at the premises, but did not consider him to be an acquaintance.

#### 6 **Licensing Application**

##### **Application by Marston's PLC for a Variation to a Premises License in respect of The Avon Brewery, Castle Street, Salisbury, SP1 3SP**

##### **Licensing Officer's Submission**

The Sub Committee gave consideration to a report (circulated with the agenda) in which determination was sought for an application for a variation of a Premises Licence in respect of The Avon Brewery made by Marston's PLC for which two relevant Representations have been received.

The details of the variation applied for, were summarised as:

- To amend the hours for retail sale of alcohol and late-night refreshment as follows: Monday to Wednesday 10:00 until 01:00 hours Thursday – no change Friday and Saturday 10:00 until 02:00 hours Sunday to bring forward the commencement time to 10:00 hours and extend until 12 midnight.

- To allow recorded and live music as a regulated entertainment (Indoors) during the following hours: Monday to Thursday from 23:00 until 01:00 hours Friday and Saturday 23:00 until 02:00 hours Sunday – 23:00 until midnight
- To amend the non-standard hours for all activities to include permission to trade the premises until 03:00hrs (BST) on the morning British Summer Time (BST) is applied.

It was noted by the Sub Committee that there were three options available to them:

1. Grant the application, on the terms and conditions applied for
2. Grant the application, on the terms and conditions applied for, modified to such extent as considered appropriate to promote the Licensing Objectives,
3. Refuse the application in whole or in part.

The following parties attended the hearing and took part in it:

#### **On behalf of the Applicant**

- Ms Michelle Hazlewood – Solicitor
- Mr Robert Wood – Avon Brewery DPS
- Ms Steff Kent – Marston’s Area Manager

#### **Relevant Representations**

- Rep 2 - local residents in objection to the application

#### **Responsible Authorities**

There were no representations made by Responsible Authorities.

The Chair advised that the written representations had been read and considered by the members of the Sub Committee in advance of the meeting.

The Chair invited the Applicant to introduce their application.

#### **Applicant’s submission**

The Applicant’s representatives as detailed above, spoke in support of the application, highlighting the following points:

- Apply to extend hours, with Sunday starting earlier.
- Would not be extending live music, as were aware this would be problematic.
- Monthly events at the premises included live music as part of the Salisbury Live schedule.
- Currently on Friday’s and Saturday’s the premises operated a strict process to move people out of the premises.
- Improved dispersal procedure to improve the quantity of customers leaving the premises at one time.

- The premises main focus was to accommodate pub game teams in darts, cribbage and pool, with league games starting at 20:30 hrs. onwards. Currently the teams were not able to get through the number of rounds required by the league within the current licensed hours. This had resulted in teams throwing away games because not enough time left.
- League positions impacted so have lost teams to other venues who have late hours.
- Home and away teams and their supporters do not contribute to any noise disturbance when leaving.
- Often the home team when playing away would like to return to their home venue for a last drink, but due to the current opening times, they could not come back and were relocating elsewhere.
- There had been an approximate 9% reduction in turnover lost, as the teams were the main trade.
- The aim of the application was not to do more live events, but to bring back the game teams who had left.
- No objections from responsible authorities.
- DPS had previously experience working at the Huntsman, the Wig & Quill and British Legion and held a vast experience in managing licensed premises.
- The representations from the two residents highlighted concerns relating to noise. There would be no extension to the music offer at weekends.
- The premises was long and narrow, the Applicant had worked hard to best manage the space.
- The premises was on the same road as the George and Dragon, both sites had beer gardens backing on to the river.
- A previous noise complaint relating to garden. There would be a 23:00hrs limit on the garden, prohibiting noise issue going forward.
- The beer garden had been out of use for a period of time since a fire in 2023.
- The allegation relating to trading beyond the current permitted hours on 3 March 2024, was unfounded as the DPS noted that the log of the times the premises was open and closed on the date showed that last orders was called at 22:00hrs and doors were closed at 22.56hrs.
- When the teams were not playing at the premises the pub often closed at around 22.30hrs.
- The pub hosted Karaoke and a live event once a month.
- The current License was naked in relation to conditions, with hardly any there at all. A list of suggested conditions had been provided with the application.
- During the week the players were collected from the pub by a designated driver, who often did not attend the premises until the last 30 minutes. Extended hours would enable the drivers to come in and be served before they drive people home.
- The front doors were closed before 23:00 to give the appearance the premises was winding down.
- The NMP has been provided – looking at noise levels and monitoring. Consideration of resident impact had been accounted for , with added

measures such as motivating people to move on home rather than remain outside when leaving.

### **Sub Committee Member's questions**

In response to the Members questions to the Applicant, the following points of clarification were given:

- The weeknight arrangements for the teams, which included a league required start time for games of 20:30hrs.
- Karaoke was provided once a month and live music once a month throughout the year.
- Music acts performed in the garden when weather allowed.
- The Applicant made a formal withdrawal of the live music element for weekdays on the application.
- Live music was currently permitted under de-regs until 23:00hrs.
- The premises still requires recorded music as only permitted until 23:00 on dregs.
- The NMP would evolve and change.
- There may be an afternoon disco with Northern Soul style music, playing from 15:00 – 18:00 hrs followed by a meal.
- The premises was broken down into three sections, the bar, the middle (darts area) and the back area where the pool table was.

### **Questions from those who made a relevant representation**

In response to questions to the Applicant from those that had made a relevant representation, the following points of clarification were given:

- The teams playing, such as darts etc were considered a pub game not a sporting event.
- There had previously been a NMP in place and the DPS had tried to manage noise, however the updated NMP included additional measures.
- No formal complaints regarding Noise had been logged with Environmental Health.

### **Submissions from those who made relevant representations**

#### Representation 2

The Representative had been a neighbour to the premises for 20 years and described the premises as having originally been a quiet old boys pub. In recent years noise had become an issue, which impacted on the Representative and their family. Members of the house were disturbed by noise, impacting on sleep and work. In addition to noise, the Representative noted issues with urination and vomit outside on walls and in gutters, leaving the family feeling distraught at the prospect the issues would worsen if the hours were extended.

### **Sub Committee Members' questions.**

In response to the Member's questions to those that made relevant representations, the following points of clarification were given:

- The Representative had lived in their house which was a listed building for 20 years.

### **Questions from the Applicant:**

There were no questions.

### **Closing submissions from those who made relevant representations**

In their closing submission, the those that made a relevant representation objecting to the application, highlighted the following:

#### **Representative 2**

Salisbury City Council had objected to the licensing application. It was felt that the rules prevented people like them from being represented.

There were always a mob of people smoking outside the pub.

The developer, McCarthy Stone wanted to complain but had not been aware of the deadline for representations.

The Officer clarified that the submission made by Salisbury City Council had been out of time.

### **Applicant's closing submission**

In their closing submission, the Applicant highlighted the following:

- The premises was in a densely populated area. The Applicant had looked at the circumstances and added additional conditions. A slightly different proposal than was originally submitted had been applied for.
- The previous licence had no conditions, there would be a benefit in amending the license at this time, in that additional conditions could be applied.
- The aim was to enable the mid-week team players in the leagues to complete their games without being rushed.
- Evidence showed that there were 20 people on average during the evening with 30/40 on a big match game night.
- The NMP would be updated and include sound monitoring and relevant checks.
- There had been no objections from Environmental Health
- Allegations of late trading refuted.
- The garden had not been in use for a period of time and was now in use as a limited capacity.

- Bands and music had been taking place internally for a long time.

### **Points of Clarification Requested by the Sub Committee**

The following points were clarified for the Sub Committee:

- The legal status of the premises was stated as being of a hybrid nature, with the DPS retaining a percentage of the sales and Marston's retaining alcohol and cash.
- Representation 2 – noted that they felt upset that the Applicant was portraying the premises so differently.

### **Deliberations**

The Sub Committee then adjourned at 11:50am and retired with the Solicitor and the Senior Democratic Services Officer to consider their determination on the licensing application.

The Hearing reconvened at 1:00pm.

The Solicitor advised that he had provided legal advice to the Sub Committee on the Licensing Objectives.

### **Decision:**

**Arising from consideration of the report, the evidence and submissions from all parties and having regard to the Statutory Guidance, the Council's Statement of Licensing Policy and the Licensing Act 2003, the application for the Variation of a Premises Licence in respect of The Avon Brewery, Castle Street, Salisbury, SP1 3SP, be GRANTED for the licensable activities shown below:**

<b>Licensable Activity</b>	<b>Days</b>	<b>Hours</b>
<b>Supply of Alcohol</b>	Sunday - Thursday	10:00 – 00:00 Hrs (midnight)
	Friday – Saturday	10:00 - 02:00 Hrs
<b>Live Music</b> Indoors only	Sunday – Thursday (as permitted)	10:00 - 23:00 Hrs
	Friday – Saturday	10:00 – 00:00 Hrs (midnight)
<b>Recorded Music</b> Indoors only	Sunday – Thursday (as permitted)	10:00 – 23:00 Hrs
	Friday – Saturday	10:00 – 00:00 Hrs (midnight)

<b>Late Refreshment</b> Indoors	<b>Night</b>	Sunday – Thursday	10:00 – 00:00 Hrs (midnight)
		Friday – Saturday	10:00 until 02:00 Hrs
Non-standard hours for all activities to include permission to trade the premises until 03:00hrs (BST) on the morning British Summer Time (BST) is applied			

With the following Conditions (7):

1. Updated Noise Management Plan to reflect the changes to the license, to be agreed by Environmental Health Team, in consultation with the Licensing Team.
2. When regulated entertainment is undertaken windows and doors to be kept closed.
3. Live and Recorded music to cease externally at 23:00 hours.
4. The premises shall have a refusals log which shall be retained for a period of 6 months and be available to Wiltshire Council and Licensing Authority Officers upon reasonable request.
5. The premises shall have an incident log which shall be retained for a period of 6 months and be available to Wiltshire Council and Licensing Authority Officers upon reasonable request.
6. Children under the age of 16 shall not be permitted entry to the premises after 21:00 hours unless accompanied by an adult and/or attending a pre-booked function or dining.
7. The premises shall undertake induction training of staff and thereafter annual refresher training in relation to underage sales and sales to a drunk.

**Reasons for the Decision**

In reaching its decision, the Sub-Committee took account of the Applicant's submission and the clarification in response to queries raised at the Hearing that their reason for applying for extended hours was to accommodate the league teams for pool and darts and not to increase their offer of live music events.

The Sub-Committee took account of the representations raising concerns regarding the proposed increase in hours leading to an increase in noise disturbance but noted that no objections had been raised by the Environmental Health as a Responsible Authority. In addition, it was noted that there was no history of noise complaints registered with Environmental Health. Accordingly, it did not consider there was sufficient justification to reject the application on that basis.



Although there had been references made at the Hearing to concerns of other local residents, the Sub Committee noted only two representations had been submitted in time. The Sub Committee had no additional direct evidence on which to base a decision other than the written and verbal representations it had been provided with.

Having heard and read evidence from those that had made representations and considered the written and verbal evidence submitted by the Applicant and their representatives, in addition to the Officer's report, the Sub-Committee noted that there had been no representations made by any of the Responsible Authorities, the Sub Committee found no evidence to demonstrate that the application to vary the licensing hours would adversely impact on the Licensing Objectives. The Sub Committee also considered the relevant provisions of the Licensing Act 2003; the four Licensing Objectives; the Guidance issued under Section 182 of the Licensing Act 2003; and the Licensing Policy of Wiltshire Council.

The Sub Committee therefore concluded on the basis of the evidence presented that the application should be granted and that such a decision was reasonable and legally sound. Taking account of the issues raised in the Hearing and representations received, they imposed conditions as set out above.

### **Right to Appeal**

The Applicant, any Responsible Authority(ies) and Interested Parties who made representations were informed that they may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the written notification of the decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

7 **Appendix 1 Application for Variation**

8 **Appendix 2 - Current Licence**

9 **Appendix 3 - Representations**

10 **Appendix 4 - Location Map**

11 **Appendix 5 - Conditions and NMP**

(Duration of meeting: 10.30 am - 1.10 pm)

The Officer who has produced these minutes is Lisa Alexander of Democratic Services, direct line 01722 434560, e-mail [lisa.Alexander@wiltshire.gov.uk](mailto:lisa.Alexander@wiltshire.gov.uk)

Press enquiries to Communications, direct line 01225 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

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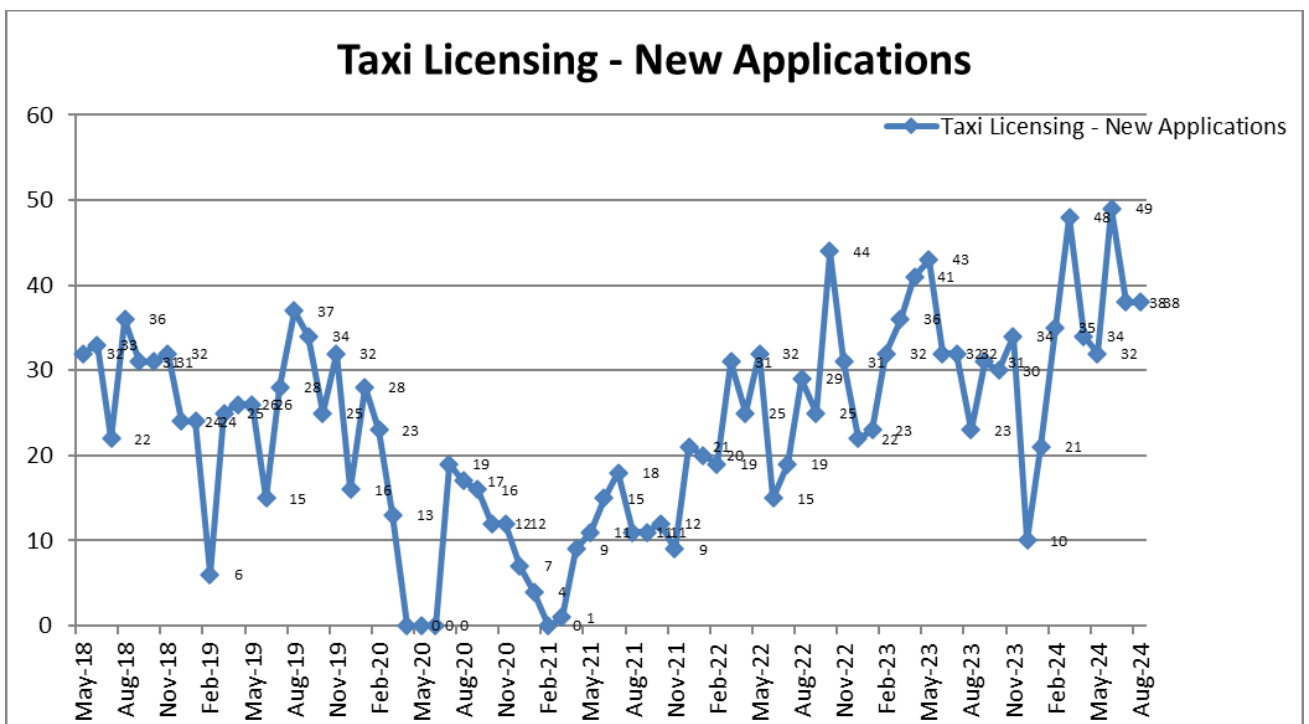
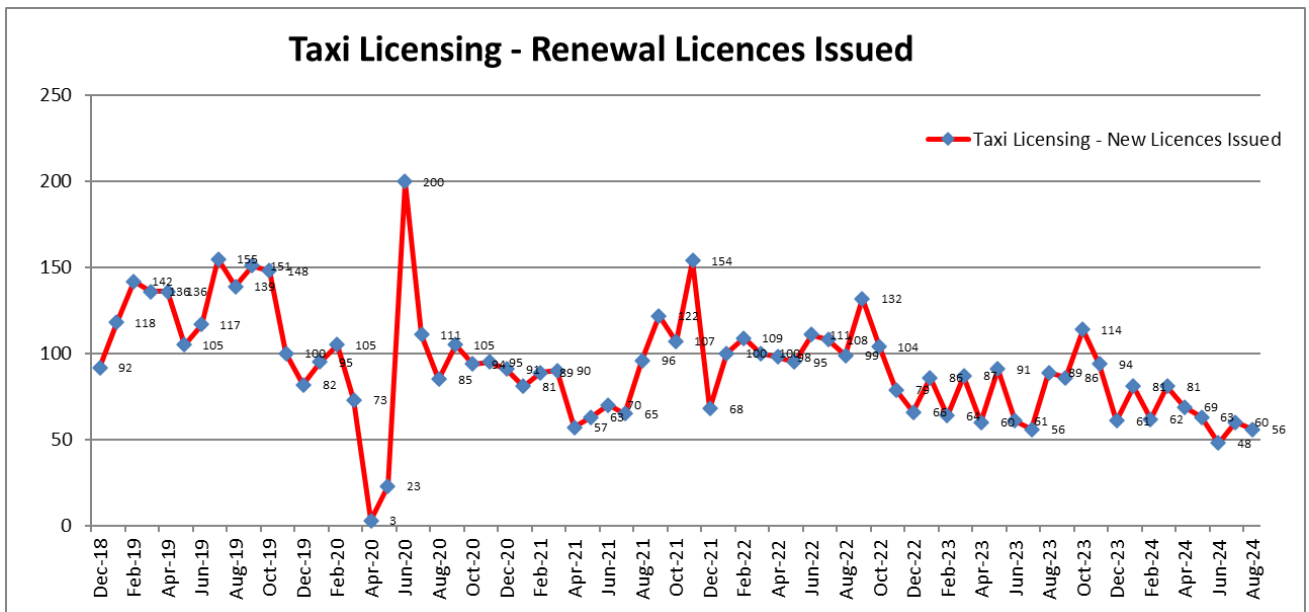
## Licensing Committee - Taxi Licensing Update – September 2024

### 1.0 Licensed Drivers

Driver numbers have stabilised over the last 12 months and the team are dealing with significant numbers of new driver applications, driver numbers rose by 81 or 11% over the 12 months of 2023.

Since the start of the 2024/25 year in April driver numbers have risen by 8 or 1%, driver numbers broke through 900 this month, for the second time since April 2021.

The team processed 38 new licence applications and 56 renewals during August 2024. It should be noted that an increasing number of licence applicants and holders would increase the Council's income from taxi licensing but also place additional pressure on the small taxi licensing team.



The total number of licensed hackney carriage drivers at the end of August 2024 was 679, down 2 on the previous month. 135 were licensed in the North area, 78 in the East, 297 in the South and 169 in the West. The level of drivers continues to put pressure on PTU and whilst numbers are rising, they are not rising faster enough to meet the increased SEND demand Passenger Transport are experiencing.

Figure 2 below shows the total number of licensed hackney carriage drivers in Wiltshire and their location.

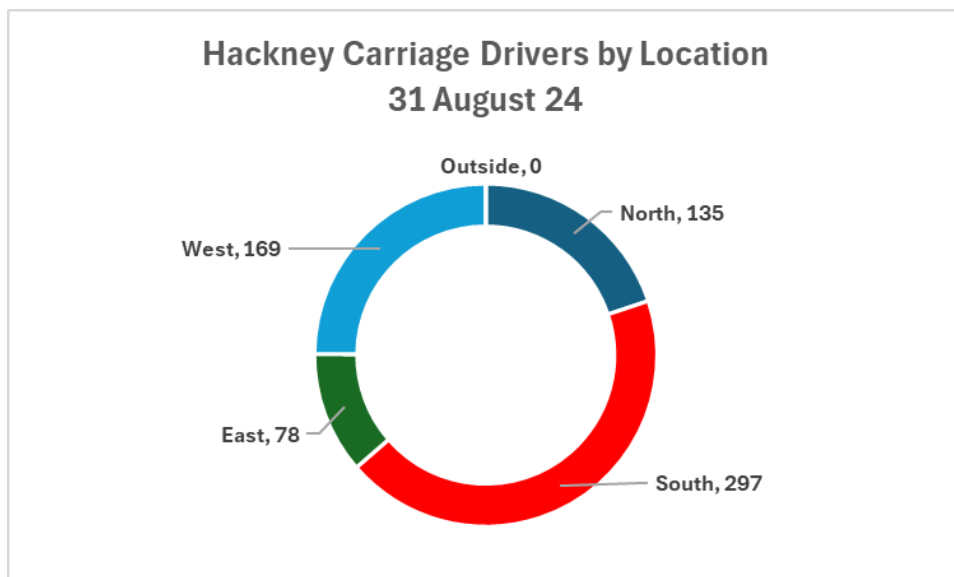


Fig.2

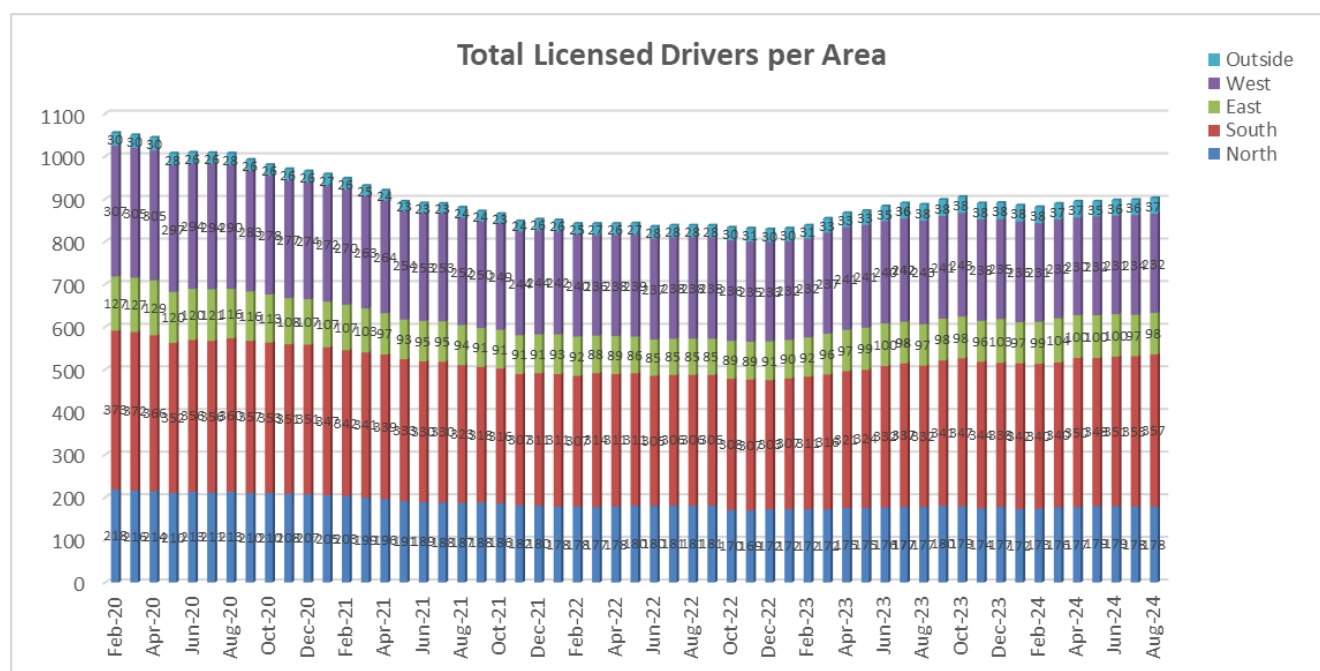
Since April 2020, the beginning of the Covid-19 pandemic, Hackney Carriage driver numbers have fallen in all areas, down 92 in the West, 55 in the North, 40 in the East and 33 in the South. The West is clearly the worst affected area.

The team also license private hire only drivers, these totalled 223 as at the end of August 2024, up 6 on last month, bringing the total number of drivers licensed to 902, up 4 on the previous month.

Private Hire drivers are not restricted by zone and can take bookings for anywhere in the Country. It is interesting to note that we have more private hire drivers living outside of the county than in the east of the county. Recent best practice has provided the authority with the power to ask applicants from outside the area where they intend to undertake the majority of their work, if they will not be working in Wiltshire, we now have the power to refuse the application. For information the area in which the private hire drivers are registered is as follows;



The graph below shows total driver numbers since February 2020, the month prior to the pandemic.



Since April 2019, the start of the pandemic, the number of hackney carriage drivers has fallen by 199 and the number of private hire drivers has risen by 45 an overall fall of 154 drivers or 15%.

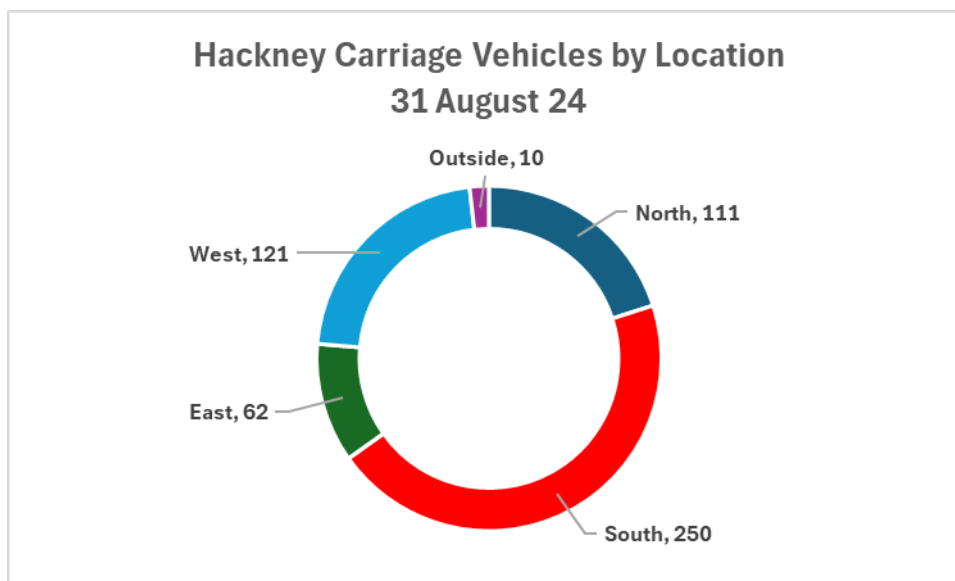
## 2.0 Licensed Vehicles

At the end of August 2024 the taxi licensing team licensed a total of 860 vehicles, vehicle numbers broke through 800 for the first time in 2 years in February 2023. Vehicle numbers were up 2 on the previous month. Vehicle numbers have begun to increase over the last six months and the trend is rising. We are up 115 vehicles or 15% from the lowest point in January 2022, however we are still well down on the 1050 vehicles licenced at the time of the first Covid lockdown. The team believe it is unlikely we will ever reach this level again due to the changing footfall within our town centres and the overall reduction in demand for taxis from the street.

The vehicle split is as follows, 554 hackney carriage vehicles and 306 private hire vehicles, hackney carriage numbers remained the same and private hire vehicle numbers rose by 2 over the month. Hackney carriage vehicle numbers are beginning to rise following the change to the window tint requirements on 1 January 2024.

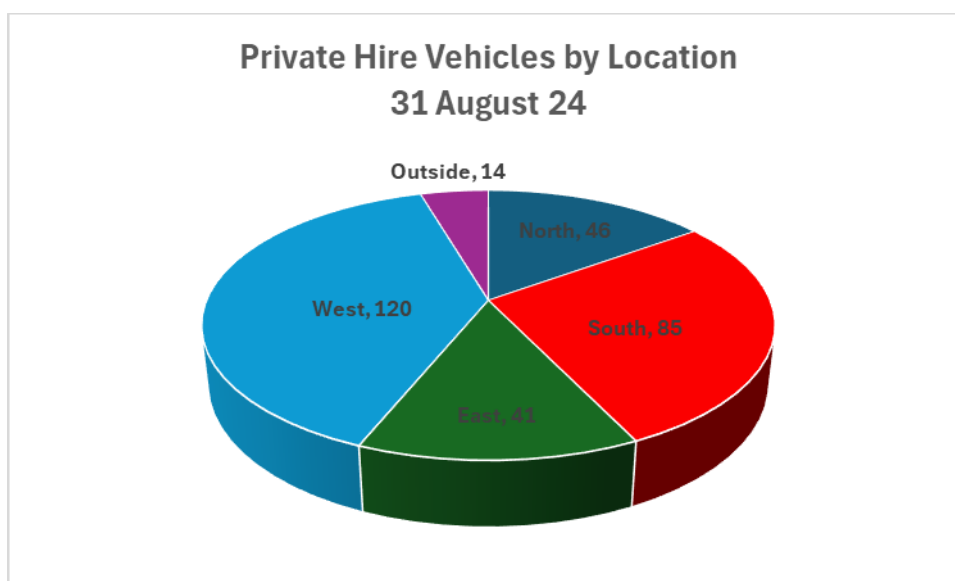
Of the 860 vehicles licensed 13.4% or 115 vehicles are wheelchair accessible. It should be noted that 29% of licensed private hire vehicles are wheelchair accessible compared to 5% of hackney carriage vehicles, this reflects the type of work each type of vehicle undertakes.

The chart below shows the location split of all hackney carriage vehicles.



The team also license private hire only vehicles, as advised above these totalled 306 as at the end of August 2024.

Private Hire drivers are not restricted by zone and can take bookings for anywhere in the Country if they wish. For information the area in which the private hire vehicles are registered is as follows;



Between April 2019 and August 2024, the number of licensed vehicles, hackney carriages and private hire vehicles decreased by 206, the number has reduced by 200 or 20% since the first Coronavirus lockdown was announced in March 2020, this is in line with national trends.

### 3.0 Enforcement actions

The team continue to proactively enforce the Council's policies in relation to taxi licensing, ensuring we have a visible presence on the rank, a new team member started on 1 May 2024 which has improved our visibility on the ranks and in towns. The team issued penalty points on 24 occasions during March 2021, the highest monthly total ever recorded.

Penalty points were issued to 10 drivers during August 2024, 3 for not wearing their badge, 3 for failing to notify the team of a conviction, 2 for speeding, 1 for smoking in their vehicle and 1 for parking in a disabled bay.

The Council operates an internal penalty points scheme under which a driver will be suspended if they reach 12 points in a rolling 12-month period.

The Team did not revoke or suspend any drivers during August 2024.

The team continue to work on updated driver and vehicle guidelines in line with new government advice and best practice released in November 2023 which will further enhance standards within Wiltshire for the benefit of service users and the industry in general. The team are considering the impact of the proposed 2020 Environment bill which will place requirements on Local Authorities to manage air quality. This may impact taxis and our guidelines around vehicle age and emissions, and the team are reviewing the possibility of removing the current age criteria in relation to licensing vehicles and making the criteria emissions based. The team also need to undertake two large projects and report back, firstly a taxi rank review to evaluate how accessible our ranks are to all members of the public and secondly also look at how we transition our current fleet of vehicles across to hybrid or fully electric vehicles.

The team are also currently dealing with the implementation of a new taxi licensing system, Arcus. Arcus went live on 17 June 2024 but at present the Arcus system is not able to perform a number of the licensing processes, so the team are having to duplicate work within our old M3 system and Arcus. The team are working with IT and Arcus to fix all system issues so a fully working Arcus system can be used to process Taxi Licensing work moving forward.

Tom Ince  
Principal Compliance Office  
2 September 2024

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## **Public Protection's Licensing Team update** **16 September 2024**

### **Euros 2024 – Update**

England made it to the final which meant the additional licensing hours were available to some premises for both the semi-final and the final. The team worked closely with Wiltshire Police attending UEFA European Championships 2024 Silver Meetings following each match. This ensured joint working to respond to any issues in our licensed premises and to offer advice where necessary. The licensing web pages were updated to provide confirmation and advice.

### **Event Management**

The Licensing and Food Safety team have met with the Longleat management team to discuss the events they have planned this year and to agree an inspection protocol.

Some festivals/events have been visited by officers, including WOMAD at Charlton Park, Malmesbury, which can have up to 40,000 people.

### **Event Safety Advisory Groups (ESAGs)**

An ESAG was held in August for the Icons of the Sky event to be held at Longleat in September, the meeting attracted good attendance from partner agencies and a useful discussion was held to plan for the event.

The Public Protection Manager has attended training on Safety Advisory Groups and has attended one of the Swindon ESAG meetings to identify further good practice. The terms of references for this group will be reviewed to ensure current good practice and encourage early involvement when planning new events.

### **Team updates**

The team bid for some additional Enforcement funding to increase our Officer Emma Hyde to full time until 31 March 2025. Emma will be using the additional time to focus on updating the process for suspending licences when licence holders don't pay the annual fees. We currently have more than 200 licences that need suspending. We will also be looking to monitor the numbers suspended to ensure we tackle outstanding invoices. The additional hours will also mean we will be reviewing how we work with the Police and immigration service.

The team are reporting that they are noting an increase in new premise licence applications for a variety of types of premises.

A temporary Technical Support Officer has been appointed for 3 months to assist Public Protection following the implementation of the new ICT system and backlog of work.

### **New ICT system**

The Public Protection Service moved to a new database on 17 June called "Arcus Global". This has been years in the planning and means our system is cloud based now and will allow us to develop web-based application forms and payments.

The team are working extremely hard to sort some teething issues out and adjust our working processes as well as deal with the usual summer demands.

### Hearings

A Sub Committee hearing was organised in August and later cancelled to determine the outcome of a Temporary Event Notice (TEN) at Thoulstone Park, Chapmanslade, Westbury. The applicant withdrew the TEN prior to the hearing.

A new premises licence application for Fig, 5 The Shambles, Bradford-on-Avon, will be determined at a Sub Committee hearing on 25 September following receipt of a number of representations.

### Useful information from the Local Government Association

The Local Government Association has produced a range of tips and advice sheets for members of their Council's licensing committee which may be helpful. Please see the link below.

[Licensing committee: Councillor tip sheets hub | Local Government Association](#)

### Officer Areas – Updated May 2024

Officer	Area
<b>Lisa Grant</b> 01380 826332 lisa.grant@wiltshire.gov.uk	Royal Wootton Bassett
	Marlborough
	Pewsey
<b>Teresa Isaacson</b> 01249 706413 teresa.isaacson@wiltshire.gov.uk	Devizes
	Calne
	Corsham
<b>Carla Adkins</b> 01249 706438 carla.adkins@wiltshire.gov.uk	Warminster
	Westbury
	Malmesbury
<b>Roy Bahadoor</b> 01249 706439 roy.bahadoor@wiltshire.gov.uk	Chippenham
<b>Kat Edge</b> 01225 713559 katherine.edge@wiltshire.gov.uk	Southern Wiltshire
	Salisbury
<b>Andy Noble</b> 01249 706402 andy.noble@wiltshire.gov.uk	Southwest Wiltshire
	Tidworth
	Stonehenge (Amesbury)
<b>Emma Hyde</b> 01249 706414 Emma.hyde@wiltshire.gov.uk	Melksham
	Bradford on Avon
	Trowbridge

### Technical Support Officers

<b>Lesley Elven</b>	01249 706435	publicprotectionnorth@wiltshire.gov.uk
<b>Julie Macey</b>	01225 716681	publicprotectionwest@wiltshire.gov.uk
<b>Lauren Webster</b>	01249 706555	publicprotectionnorth@wiltshire.gov.uk
<b>Claire Baker</b>	01225 716655	publicprotectionwest@wiltshire.gov.uk

**Claire Francis**  
**Public Protection Manager – Community Protection**  
**September 2024**



**Wiltshire Council**

**Licensing Committee**

**16 September 2024**

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## **Gambling Statement of Principles**

### **Purpose of Report**

1. To ask the Licensing Committee to note the results of the consultation undertaken and amendments to the Council's Draft Gambling Statement of Principles (in accordance with the Gambling Act 2005).
2. That the Licensing Committee commends the Draft Gambling Statement of Principles in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 15 October 2024.

### **Relevance to the Council's Business Plan**

3. The Gambling Statement of Principles supports the Business Plan goals of 'We are safe', and 'we have vibrant well-connected communities'.

### **Background**

4. The Council's current Gambling Statement of Principles came into effect on 1 January 2022 and will cease to have effect on 31 December 2024. The Council must be in a position to formally adopt a revised policy with effect from 31 December 2024 this year.
5. The Council have carried out a consultation in accordance with the specific legal requirements set down in the Gambling Act 2005. This report details the consultation comments and seeks approval from the committee to recommend approval to Full Council.

### **Main Considerations**

6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Licensing Act 2003 with a view to promoting the four licensing objectives, namely:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance, and
  - The protection of children from harm.
7. The Home Office guidance requires the Gambling Statement of Principles to be reviewed at least once every 3 years.

## **Consultation**

8. The consultation for the Gambling Statement of Principles commenced on 9 July and closed on 5 August 2024. Consultation comments were captured using an online form, with three comments received via e-mail.
9. The list of consultees included: -
  - Gambling Act Premises
  - Town and Parish Councils
  - Wiltshire and Dorset Fire and Rescue
  - Wiltshire Police
  - Wiltshire PCC
  - Trading Standards
  - Gambling Commission
  - Home Office
  - Wiltshire Council members
  - Director of Public Health
  - Advertised through the Councils' social media channels.
  - Press releases on 9 and 31 July 2024.
10. A total of 14 responses were received, with most comments received from the residents of Wiltshire. Additional comments were received from the Public Health team and from a Town Council. The feedback showed that most respondents supported the policy. All comments were considered, and the policy amended to reflect the comments received. A copy of all the comments and responses are included as appendices. As well as an updated final draft of the Statement of Gambling Principles.

## **Overview and Scrutiny Engagement**

11. As yet, there has been no engagement with the Council's Overview and Scrutiny function, as there is no mandatory review of the Statement of Licensing Policy.

## **Safeguarding Implications**

12. The Statement of Principles Gambling policy proposal includes one of the key objectives of the Licensing Act 2003 which is 'The Protection of Children from Harm'. Wiltshire Council's Child Protection Team are a Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

## **Public Health Implications**

13. The Gambling Statement of Principles ensures the licensing objectives are supported which will ensure that gambling activities are carried out in accordance with legislative requirements, whilst minimising the associated risks to individuals and societal associated harms to Wiltshire residents.

## **Procurement Implications**

14. There are no procurement implications associated with the Gambling Statement of Principles.

### **Equalities Impact of the Proposal**

15. The impact of these proposals is assessed as 'low' against the Council's statutory responsibilities. There are potential implications with respect to human rights.

### **Environmental and Climate Change Considerations**

16. There is minimal environmental impact of these proposals

### **Workforce Implications**

17. There are no additional impacts on the current workforce as this policy will be continuing with the current workforce.

### **Risks that may arise if the proposed decision and related work is not taken**

18. Criticism of the Council and compromise of the reputation of Wiltshire Council. Lack of clarity for gambling licence holders on licence expectations.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

19. There are no risks identified from the proposed draft Statement of Gambling Principles.

### **Financial Implications**

20. There are no additional financial implications contained within the Gambling Statement of Principles.

### **Legal Implications**

21. The provisions contained within the Gambling Act 2005 are, in the Government's view, compatible with the requirements of the Human Rights Act 1998. However, whilst it appears that the Gambling itself is compatible with the Human Rights Act, there remains an obligation on the Council as the Licensing Authority itself to act in a way that is also compatible with this Act. The possibility of acting in an incompatible way may arise at various stages such as during the review of premises licenses or drawing up the Gambling Statement of Principles. It is therefore incumbent on the Council to remain vigilant to these possibilities at all times as it discharges its responsibilities (including in its role as a quasi-judicial committee of the Council) under the Gambling Act 2005 in accordance with the rules of natural justice.
22. The licensing service is a high-profile regulatory service important for protecting the public but also for ensuring the development of the leisure industry and economic viability. Fair application of licensing functions is critical for the

reputation of the Council and for building trust and confidence in its service provision.

### **Options Considered**

23. The adoption of a revised Gambling Statement of Principles by December 2024 is a statutory requirement, so there are no other legal options apart from adoption.

### **Proposals**

24. That the Licensing Committee recommend the final draft Gambling Statement of Principles to Full Council for adoption.

Sarah Valdus  
**Director – Environment**

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Report Author: Claire Francis Public Protection Manager – Community Protection  
[Claire.francis@wiltshire.gov.uk](mailto:Claire.francis@wiltshire.gov.uk) 01249 706309

Date of report 29 August 2024

### **Appendices**

1. Consultation Summary 9 July – 5 August 2024
2. Final draft Gambling Statement of Principles Policy 2025-27
3. Gambling Statement of Principles - Summary of changes 2025-2027

### **Background Papers**

- Gambling Act 2005 [Gambling Act 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk)



**Summary of responses and comments on Gambling Statement of Principles – 2025-2027**

<b>Respondent</b>	<b>Response</b>	<b>Comment</b>
<b>General</b>		
A person who lives in Wiltshire	<p>Many of its provisions are permissive of increasing the sector size and this is detrimental to public health.</p> <p>Given the effects on public health, the policy should be stronger in its strictures for the possible increase in venues.</p>	Section 4.2 requires new premises licenses or variation to an existing application to submit a local area risk assessment
A person who lives in Wiltshire	<p>Just need to ensure that empty shops, don't become gambling shops.</p> <p>Gambling is a very dangerous, destructive habit. Everything is fine in moderation, but need to ensure that it is closely monitored</p>	It is not possible to restrict use of empty shops opening as gambling premises based on the current number of premises within any area of Wiltshire. All new applications for gambling premises are given full and careful consideration.
A person who lives in Wiltshire	<p>I saw nothing to protect children from gambling. Fair grounds allow children to attempt to get prizes with darts and duck lifting and of course tombola stands and raffles at schools.</p> <p>Access to gambling for prizes for children light.</p> <p>Protection for children.</p>	<p><b>Section 3.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling.</b> Details the controls to protect children.</p> <p>One of the three main licensing objective is "Protecting children and other vulnerable persons from being harmed or exploited by gambling"</p>
A person who lives in Wiltshire	<p>Although I agree that the draft statement contains sufficient detail/information, it maybe contains too much. It is very easy to read without too much jargon or technical wording which is very good, but it is a long document to read.</p> <p>3.3.1 and 3.4 Gambling and Public Health and Social Responsibility. I would like these sections explained in more detail and to be a bit more specific as to what action will actually be taken. It's a bit wooly at the moment. Gambling can destroy lives. My husband had a bad gambling problem in the past, as a result he lost his home, family, work, money, everything really. 20 years later he no longer lives in his home town and is no longer in touch with his family, but no longer has a gambling</p>	<p>3.3.1 Gambling and Public Health has been updated.</p> <p>The consultation statement outlines what is considered by the licensing authority when considering gambling act applications.</p>

	<p>problem. It cost our local authority at the time, a lot of money for rehabilitation residential help and during that time he was claiming benefits too, so it would be better to deal with issues earlier. Having more staff training, so they can look out for people who are obviously having problems and having posters/literature/phone numbers clearly visible so that people have easily accessible access to help, would be great. There also needs to be a lot more help available for those experiencing difficulties such as residential help. Gambling problems can also result in criminal activity to fund gambling habits whether in the local area or elsewhere so can lead to criminal convictions which then prevent the persons concerned from gaining employment (which happened to my husband), which then puts them at greater risk of poverty, homelessness, etc.</p>	
<p>A person who lives in Wiltshire</p>	<p>Premises that are provided solely to promote gambling should not be located on prominent sites and advertising needs to be restrained. Locations in predominantly residential locations should be actively discouraged</p> <p>If anything it is too lax. Licence holders should not be permitted to continually breach rules and guidelines and need to be held to account</p> <p>The quality of public spaces is important to all ages and sections of our community and can influence how places are used and enjoyed. It is common in all commercial activities that owners and occupiers seek to draw attention to their offer. The visual aspects of many gambling premises are of a low standard and this needs to be given more consideration, particularly where shopfronts are concerned. Excessive illumination (presumably controlled under the planning acts) should not be permitted.</p>	<p>New gambling locations and visual lighting are restricted by planning requirements. New license applicants must carry out a "Local Area Risk Assessment" Appendix C to assess the local impact as part of the application process. Visits are made to enforce license conditions.</p>
<p>A person who lives in Wiltshire</p>	<p>Sorry, I reached page 37 and had to stop as I have a busy work/life schedule. It's an area that I am very interested in but this document is too long to expect a member of the general public to read and comment. I tried to skip to the bullet points but needed to read everything to understand the points.</p>	<p>Comments noted, the Public Health section has been updated to reflect the adverse effects from gambling.</p>

	From what I read, there seems to be very little regard to the damage done by addiction to gambling itself. People are killing themselves daily because of the despair they feel linked to gambling debt.	
A person who lives in Wiltshire	Why advertising gambling is still going on at all times of the day & night & young & vulnerable people are exposed to this.	This consultation covers gambling policy within Wiltshire and not advertising nationally.
Town Council	Chippenham Town Council's Planning, Environment & Transport Committee considered the consultation at their meeting on the 1st of August and agreed to not object to it. Would it be possible to accept this as the consultation response from the Council rather than filling in the consultation itself?	Accepted and noted.
A person who lives in Wiltshire	Thank you for this opportunity to comment on the Statement of Gambling Principles Policy. In this case specifically the Small Society Lottery. Could I please ask for clarification whether the Small Society Lottery annual renewal is being raised from £20 to £40 or is the £40 for the first-time application? A jump of 100% seems to be a rather extraordinary increase!	We can confirm the £40 is for the first time application and then it reverts to £20 so there is no large increase.
Bingo Association	Do you have tracked changes for this document please, or could you be specific in which numbered points / paragraphs have had alterations?  Also, please could you confirm we on your list of consultees per the Gambling Commission's Guidance to Local Authorities (sections 6.18 and 8.16), as we never received this consultation.  Thank you, that document was very helpful.	Thank you for your email. We do not have a tracked changes document, but I have attached our working copy of the changes made.  We have consulted with our applicants where we have e-mail addresses, the gambling commission, local elected members and all local working partners in accordance with the guidance. It has also been in local media and the BBC website. I have now added you to our list of consultees.

	<p>Just for information, the Gambling Commission's Guidance to Local Authorities (section 8.16) does include Trade Associations so we (and other relevant trade associations) should have been consulted:</p> <p><b>People representing those in the above categories</b></p> <p>8.16. Interested parties can be people who are democratically elected such as councillors, MSPs, MSs and MPs, as persons representing individuals in the other categories. This would include county, parish and town councillors. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.</p> <p><a href="https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/part-8-interested-parties">https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/part-8-interested-parties</a></p>	
Public Health Team	<p>We have made some comments (attached edited version of the paragraph you sent over below.)</p> <p>And also a few comments on the full statement (shown below)</p> <p><b><u>Gambling Statement of Principles</u></b></p> <p>Please can this paragraph on page 9: An individual is responsible for their own gambling; however, this Licensing Authority wishes to stress that although it acknowledges this, it also recognises that the Applicant/Operator has a "duty of care" to patrons.</p> <p>Be amended to: An individual is responsible for their own gambling; however this Licensing Authority wishes to stress that although it acknowledges this, there are many factors that could impact on the individual's decision to gamble, such as substance use, poor mental health and financial difficulties therefore, it also recognises that the Applicant/Operator has a "duty of care" to patrons.</p> <p>Page 11 – Amend substance misuse to substance use as misuse has negative implications towards the individual</p>	Amendments made to final Draft report v3

### Rewritten 3.3.1

Gambling is now widely recognised as a public health concern due to its potential to cause significant individual and societal harms.

Problem or harmful gambling is defined by the Gambling Commission as “gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits.” There is a growing evidence base for the risk factors of harmful gambling (Public Health England Evidence Review on Gambling Related Harms, 2023). While causality is difficult to establish, harmful gambling has been found to be associated with:

- Proximity to and accessibility of gambling opportunities;
- Density of gambling opportunities;
- Advertising and marketing;
- Peer influence.

Certain individual characteristics also increase the risk of harmful gambling such as mental ill health, substance use, and some neurological conditions (e.g. ADHD).

Gambling harms are adverse effects from gambling that most commonly include negative impacts on peoples’ finances, relationships, and health. The negative impact can be temporary and short-term but Public Health England’s evidence review highlights the risk of substantive and long-term – even intergenerational – harms associated with gambling.

Gambling harms often extend beyond the person who gambles and impacts their family, their social network, the community, and society.

Gambling harms are often complex, and one type of harm can lead to or exacerbate other harms. There is evidence to suggest that gambling behaviours of adults creates financial and other harms for children and young people.

Although Public Health are not currently a Responsible Authority for the Gambling Act 2005, this Licensing Authority will consult with the Public Health Team within Wiltshire Council when considering risks associated with gambling within the local communities. There is an expectation that all gambling premises within Wiltshire do all they can to manage their social responsibility commitments in protecting patrons from harm.

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# Wiltshire Council

## Gambling Act 2005

### Statement of Principles

2025 - 2027

# Contents

## 1.0 Introduction

## 2.0 Overview

- 2.1 Statement of Gambling Principles
- 2.2 Licensing Authority Functions
- 2.3 Delegated Powers
- 2.4 Exchange of information
- 2.5 Declaration

## 3.0 Licensing Objectives / Social Responsibility

- 3.1 Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
  - 3.1.1 Money Laundering
- 3.2 Ensuring the gambling is conducted in a fair and open way
- 3.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling
  - 3.3.1 Gambling and Public Health
- 3.4 Social Responsibility

## 4.0 Local Area Risk Assessment

- 4.1 Risk Assessment Triggers and Reviews of Assessment
- 4.2 New/Variation of a Premises License
- 4.3 Significant changes in local circumstances
- 4.4 Significant changes to the premises
- 4.5 Local Area Risk Factors
- 4.6 Gambling Operational risks
- 4.7 Premises Design risks
  - 4.7.1 Interior Design risks
  - 4.7.2 Exterior Design risks
- 4.8 Control measures
  - 4.8.1 Systems
  - 4.8.2 Design
  - 4.8.3 Physical
  - 4.8.4 License Conditions
- 4.9 Local Area Profile



## **5.0 Types of Premises**

- 5.1 Adult Gaming Centre
- 5.2 Betting Shop
  - 5.2.1 Gaming Machines
  - 5.2.2 Self Service Terminals
- 5.3 Bingo
  - 5.3.1 Children and Young Persons
  - 5.3.2 Gaming Machines
- 5.4 Casino
- 5.5 Family Entertainment Centre
- 5.6 Tracks
  - 5.6.1 Gaming Machines

## **6.0 Permits**

- 6.1 Alcohol Licensed Premises Gaming Machine Permits
- 6.2 Club Gaming and Club Machine Permits
  - 6.2.1 Club Gaming
  - 6.2.2 Club Machine Permits
- 6.3 Prize Gaming Permits
- 6.4 Unlicensed Family Entertainment Centre

## **7.0 Small Society Lotteries**

## **8.0 Other types of Gambling**

- 8.1 Notification of Gaming Machines

## **9.0 Temporary and Occasional Use Notices**

- 9.1 Temporary Use Notices
  - 9.1.1 Meaning of Premises
  - 9.1.2 Objections if TUNs
  - 9.1.3 Endorsement of the Notice
  - 9.1.4 Maximum Period
- 9.2 Occasional Use Notices
  - 9.2.1 Definition of a track
  - 9.2.2 Use (and misuse) of OUNs
- 9.3 Travelling Fairs
  - 9.3.1 Prize Gaming and Travelling Fairs

## **10.0 Premises License Application**

- 10.1 Provisional Statements
- 10.2 New/Variation Applications
- 10.3 Fees
- 10.4 Conditions
- 10.5 Plans

- 10.6 Door Supervision
- 10.7 Representations
- 10.8 Responsible Authorities
- 10.9 Interested Parties

## **11.0 Compliance and Enforcement**

- 11.1 Inspection
- 11.2 Powers of entry
- 11.3 Complaints
- 11.4 Enforcement
- 11.5 Reviews

## **Appendices**

- A. Table of Delegated Powers
- B. Responsible Authorities
- C. Local Area Risk Assessment Guidance
- D. Useful Contacts

## 1.0 Introduction

Wiltshire is a predominantly rural county with a population of approximately 510,300, situated in the Southwest of England. Wiltshire Council is made up of 18 area boards and has 98 elected councillors’.

Although centrally divided by the large expanse of Salisbury Plain there are highly populated areas such as Salisbury, Chippenham and Trowbridge contrasting the many hamlets and villages spread across the county.

The county of Wiltshire has three National Landscapes: part of the Cotswolds to the north, Cranborne Chase & West Wiltshire Downs in the southwest and the North Wessex Downs in the central and eastern parts of the county. It is home to world renowned cultural and heritage destinations such as Stonehenge and Avebury Stone Circle as well as a number of National Trust properties and other important stately and country homes. It is also home to internationally established World of Music Arts and Dance Festival (WOMAD) along with a number of other long-established events.

There are currently 34 licensed gambling premises in Wiltshire comprising of: five Adult Gaming Centres, 27 Betting Shops, a Bingo premises and Salisbury Racecourse. There are also three Unlicensed Family Entertainment Centres and numerous premises with permits or notifications for Gaming Machines.



## 2.0 Overview

The Gambling Act 2005 provides the regime for the licensing and regulation of commercial gambling in the UK. It is intended to regulate the provisions for gambling and the use of premises for gambling.

The Act defines three types of gambling;

- Gaming,
- Betting, and
- Promoting a lottery.

A variety of licences and permits allow for these gambling activities to take place.

The task of granting these is shared between the Gambling Commission and licensing authorities. The Gambling Commission approves the operating and personal licences; the licensing authorities approve the premises licences and other permissions.

The licensing authority is not responsible for online (remote) gambling. This is regulated by the Gambling Commission.

When carrying out its responsibilities in relation to the Gambling Act 2005, the licensing authority will always take into account the three licensing objectives;

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

Wiltshire Council licensing officers recognise the potential impact that gambling could have and will seek to maintain safe environments for the communities of Wiltshire. We will work closely with partner agencies and Premises Licence Operators/ Holders to not only assist with the growing local economy, but to also ensure that together we do all we can to protect vulnerable persons from harm.

### 2.1 Statement of Gambling Principles

The licensing authority's approach to exercising its functions under the Gambling Act 2005 is set out in this 'Gambling Statement of Principles'.

It is a requirement of the Gambling Act 2005 to publish and consult on a statement of the principles which we propose to apply when exercising our functions. This policy statement will remain responsive to emerging risks and can be reviewed at any time prior to the statutory three-year deadline.

In reviewing this Statement of Principles all necessary bodies and relevant stakeholders were consulted. The consultation process was conducted between 9 July 2024 and 5 August 2024 by way of direct e-mail communication to those identified and also via press releases, updates on Wiltshire Council's website.

It should be noted that this statement of principles does not override the right of appropriate persons to make an application, make representations about an application, or apply for a review of a licence, in accordance with the statutory requirements of the Gambling Act 2005.

## 2.2 Licensing Authority Functions

The functions, under the Gambling Act 2005, will be carried out by the Licensing Committee, the Licensing Sub-Committee, and/or officers acting under the delegated authority of the council.

Licensing authorities are required under the Gambling Act 2005 to:-

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities by 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;
- Issue Prize Gaming Permits;
- Register Small Society Lotteries below prescribed thresholds;
- Receive notifications from Alcohol Licensed Premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Issue Provisional Statements;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

When regulating gambling within Wiltshire, the licensing authority will take into consideration the interests of the public, guidance from the Gambling Commission and the three licensing objectives; but will not take into account demand, need or moral objections for gambling when considering applications submitted. The premises location, layout and size are factors that will be considered, along with the style of the operation.

### 2.3 Delegated Powers

Wiltshire Council licensing officers will be responsible for issuing licences and permits for applications where no representations are received; and when representations are received but it was agreed upon by all parties that it would be unnecessary for a hearing to take place.

Licensing officers will also be responsible for determining whether a Licensing Sub-Committee is needed to decide upon applications and reviews of premises licences or permits when representations have been received. For those instances where representations have been made by an Interested Party and/or a Responsible Authority a hearing will be arranged, and a Licensing Sub-Committee will sit to determine the outcome of the application.

The Licensing Sub-Committee will be made up of three Councillors from the Licensing Committee. Councillors will not participate in Licensing Sub-Committee hearings for applications within their own areas.

For the full table of Delegated Powers see Appendix A.

### 2.4 Exchange of Information

The licensing authority will act in accordance with the provisions of the Gambling Act 2005 in relation to the exchange of information; it will also ensure that the Data Protection Act 2018 is not contravened.

As permitted in the Gambling Act 2005, the licensing authority will work closely and share information with Wiltshire Police, HM Revenues and Customs, the Secretary of State and other enforcement officers.

Those wishing to make a representation will be informed that their details will be forwarded to the Applicants, in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000, in order to allow negotiation between the parties. If a hearing is held, it should be noted that their details will form part of the public document.

### 2.5 Declaration

In producing the final Statement of Gambling Principles, the licensing authority declares that it will consider the licensing objectives of the Gambling Act 2005, guidance issued by the Gambling Commission and any responses from those consulted.

### 3.0 Licensing Objectives and Social Responsibility

The licensing authority will have regard to the licensing objectives as set out in the Gambling Act 2005 when exercising its functions.

The licensing objectives are:-

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

There is an expectation that gambling operators work together with the licensing authority to ensure compliance with the licensing objectives. If an operator fails to satisfy the licensing authority that risks are sufficiently mitigated, it may be considered appropriate for there to be a review.

An individual is responsible for their own gambling; however, this Licensing Authority wishes to stress that although it acknowledges this, there are many factors that could impact on the individual's decision to gamble, such as substance use, poor mental health and financial difficulties therefore, it also recognises that the Applicant/Operator has a "duty of care" to patrons.

#### 3.1 Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime

The Gambling Commission will take the lead role in the prevention of gambling being a source of crime. The Gambling Commission are responsible for ensuring the suitability of an operator before issuing an operating licence.

If the licensing authority becomes aware of any information whilst carrying out its delegated functions, which could question the appropriateness of an applicant, it will ensure that this information is shared with the Gambling Commission.

The location of a premises will be given great consideration by the licensing authority when looking at promoting this licensing objective. If there are concerns over a premises location, due to problems with disorder or high crime levels for example; in order to prevent that premises from becoming a source of crime, the licensing authority will consider whether additional conditions should be attached to the licence. While determining the additional conditions consideration will be given to the operator's own risk assessment and/or the local area profile for that area.

If the licensing authority feels that the operator of any given premises is not doing all they could or should do to prevent persistent or serious disorder in the vicinity of their premises, it will bring it to the attention of the Gambling Commission.

### 3.1.1 Money Laundering

Money laundering in the gambling sector takes two main forms:

- Exchanging money acquired criminally for money that appears to be legitimate or 'clean' by gambling on low risk outcomes.
- The use of criminal proceeds to fund gambling as a leisure activity (so called criminal or 'lifestyle' spend).

It is expected that all Gambling Premises are aware of risk factors in relation to this activity, for example to be mindful of a pattern of increasing spending, the spending being inconsistent with the apparent source of income or unusual patterns of play and have procedures in place to comply with The Proceeds of Crime Act 2002 and other relevant legislation.

### 3.2 Ensuring the gambling is conducted in a fair and open way

The Gambling Commission is primarily responsible for ensuring that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that:-

- Operating and Personal Licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- easily understandable information is made available by Operators to players about, for example, the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- the rules are fair;
- advertising is not misleading;
- the results of events and competitions on which commercial gambling takes place are made public;
- machines, equipment and software used to produce the outcome of games meet standards set by the Gambling Commission and operate as advertised.

The licensing authority does not deal with issues related to fairness and openness frequently. This is due to the fact that they are usually matters concerning the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

This will differ with Tracks, as Track owners will not necessarily hold an operating licence, therefore the licensing authority will adopt a different role.

If the licensing authority suspects that a gambling activity in Wiltshire is not being conducted in a fair and open way, the information regarding the concern will be brought to the attention of the Gambling Commission.



### 3.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Gambling Act 2005 is intended to ensure that children and vulnerable persons should not be allowed to gamble and should be prohibited from entering those gambling premises which are adult-only environments.

This licensing objective refers to protecting children from being ‘harmed or exploited by gambling’; meaning that they should be prevented from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, with the exception of Category D gaming machines. The ability of the licence holder to ensure supervision of the premises, in particular the use of the machines is considered of great importance to the licensing authority.

The Gambling Commission does not seek to disallow particular groups of adults from gambling in the same way that it does children, therefore the Gambling Commission has not sought to define ‘vulnerable persons’, but it does for regulatory purposes assume that this group includes people who spend more money and/or time gambling 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, for example, because of health problems, learning disability, or substance use relating to alcohol or drugs.

The licensing authority will consider, on a case-by-case basis, whether any further unique considerations are required in relation to protecting vulnerable persons at a particular premises. These will be balanced against the aim to permit the use of premises for gambling.

While carrying out its delegated functions this licensing authority will look at the physical attributes of a premises, to ensure that these do not inhibit the operator’s ability to comply with this licensing objective. An applicant/operator may be requested by this Licensing Authority to make changes to their premises (structure or layout) or put in place additional measures to mitigate the perceived risks. This Licensing Authority will ensure that any changes contemplated are proportionate.

#### 3.3.1 Gambling and Public Health

Gambling is now widely recognised as a public health concern due to its potential to cause significant individual and societal harms.

Problem or harmful gambling is defined by the Gambling Commission as “gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits.” There is a growing evidence base for the risk factors of harmful gambling (Public Health England Evidence Review on Gambling Related Harms, 2023). While causality is difficult to establish, harmful gambling has been found to be associated with:

- Proximity to and accessibility of gambling opportunities;
- Density of gambling opportunities;
- Advertising and marketing;
- Peer influence.

Certain individual characteristics also increase the risk of harmful gambling such as mental ill health, substance use, and some neurological conditions (e.g. ADHD).

Gambling harms are adverse effects from gambling that most commonly include negative impacts on peoples' finances, relationships, and health. The negative impact can be temporary and short-term but Public Health England's evidence review highlights the risk of substantive and long-term – even intergenerational – harms associated with gambling. Gambling harms often extend beyond the person who gambles and impacts their family, their social network, the community, and society. Gambling harms are often complex, and one type of harm can lead to or exacerbate other harms. There is evidence to suggest that gambling behaviours of adults create financial and other harms for children and young people.

Although Public Health are not currently a Responsible Authority for the Gambling Act 2005, this Licensing Authority will consult with the Public Health Team within Wiltshire Council when considering risks associated with gambling within the local communities. There is an expectation that all gambling premises within Wiltshire do all they can to manage their social responsibility commitments in protecting patrons from harm.

### 3.4 Social Responsibility

The licensing authority is committed to ensuring that all gambling facilities offered within the county are delivered with full commitment to social responsibility and public protection.

It will take particular regard to the below points, when looking at whether a premises is being socially responsible when providing gambling facilities:

- The way the premises manages the prevention of underage gambling and supervises its patrons in the use of the gambling facilities;
- Supporting those who wish to self-exclude, including the potential use of the Multi Operator Self Exclusion Scheme, and providing suitable problem gambling materials;
- Premises having meaningful customer interactions with all customers and recording the incidents of this;
- Having a robust local area risk assessment that staff are aware of and that is reviewed on a regular basis;
- Staff receiving training on social responsibility ensuring the importance is understood.

Wiltshire Council is aware that Child Sexual Exploitation (CSE) and Grooming are becoming more evident in today's society. It is the expectation of the licensing authority that gambling premises staff are mindful when promoting the third licensing objective and raise or share any concerns to ensure that we are doing all we can to protect the vulnerable in our community.

## 4.0 Local Area Risk Assessment

The Gambling Commission's current [Licence Conditions and Codes of Practice](#) requires that, under the social responsibility code, licensed operators assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures in place to mitigate those risks. In undertaking their risk assessments, operators must take into account relevant matters referred to in this policy document.

See Appendix C for guidance on the licensing authority's expectation on how a local area risk assessment should be completed.

### 4.1 Risk Assessment Triggers and Reviews of Assessment

During the lifetime of a gambling premises there will be times when the risk assessment needs to be reviewed and amended following the initial risk assessment. It is the licensing authority's expectation that the gambling operator conducts a review at regular intervals or following certain prompts, such as; a variation of a premises licence, when a significant change has occurred in the local area, when the Licensee has made a significant change to the premises that would impact the risk the premises could pose or that may vary the management of those risks. A significant change could be a temporary change however despite the temporary nature of the change the risk assessment would need to be amended accordingly. The licensing authority may also request a review of a risk assessment if it is felt necessary.

The licensing authority will not request an up-to-date risk assessment each time it is reviewed by the operator however it considered best practice if the operator share their risk assessment if asked.

The risk assessment provided by the gambling operator should clearly state the present areas of concern at the premises and the measures introduced to counteract them. If completed diligently and comprehensively, this will assist both the premises and the licensing authority by reducing the concerns that we may have with a premises.

### 4.2 New/Variation of a Premises Licence

Each time an application for a new premises licence or an application to vary an existing premises licence is submitted, a local area risk assessment must be provided with the application.

### 4.3 Significant changes in local circumstances

Changes can occur in the local area regularly. The licensing authority would consider the following to be significant changes in local circumstances (this list is not exhaustive):

- Any building developments or conversions in the local area that would change the number of people visiting the area and the makeup of those people.
- Any increase or decrease in Military accommodation, facilities or training centres.

- Any educational facilities in the area or the building of new facilities whether it be a significant extension or conversion of a current school/college etc. or a new build.
- Any changes to the local provisions of public transport;
  - Changes to timings of buses or train services for example services going later into the evening;
  - Changes to the type of services in the area for example school bus stop being moved in closer proximity to gambling premises.
  - Any changes to the location of taxi ranks in the area.
  - Road diversions which involve the re direction of traffic.
- Other gambling premises in the area or new gambling premises seeking permission to open in an area.
- Any current pawn brokers or pay day loan businesses in the area or the opening of a new facility.
- Any facilities for vulnerable groups or the development of facilities for vulnerable groups in close proximity to a gambling premises.

#### 4.4 Significant changes to the premises

It is highly likely that cosmetic improvements will take place throughout the lifespan of a premises, it would be up to the gambling operator to decide whether these changes would be classed as significant.

The following would be considered by this licensing authority as significant changes to a premises, some of which could result in the need for a variation to the premises licence (this list is not exhaustive):

- A refurbishment of a premises or building works in a premises that would result in the relocation of facilities.
- A change to the entrances or exits of a premises;
  - Location of the entrances or exits,
  - Change in the direction the doors open,
  - Change in the way round the doors are used i.e. a swap of an entrance to become an exit or vice versa.
  - Change in the material used to make the door.
- A change to the internal policies or procedures of the operator which could result in the need to amendments of control measures and/or staff retraining.
- A change to the levels of staff in the premises or the opening times of the premises.
- The operator makes an application for a licence to undertake activities at that premises in accordance with other legislation. For example, this may include an application for the sale/ supply of alcohol, the provision of regulated entertainment and/ or the provision of late-night refreshment (Licensing Act 2003)
- A difference in the gambling facilities that are available at a premises;
  - Increase or decrease in self-service machines,
  - The use of hand held gaming devices,
  - Different category of gaming machines.
- The transfer of a licence to a different gambling operator, consideration will be required in relation to the policies and procedures of the new operator.

## 4.5 Local area risk factors

It is essential for this licensing authority that the gambling operator understands their local area and those who frequent it. The sphere of influence of the premises also needs to be considered when looking at the risk assessment, as this could increase what is meant by local area.

The list below shows some examples the operator that may wish to consider (this list is not exhaustive):

- Makeup of the local area surrounding the gambling premises;
  - Residential/commercial,
  - Other gambling operators in the area,
  - Large scale events held in the area that could increase the number of people or vary the makeup of population for a time.
- Demographic of population;
  - Residents/workers/visitors/professionals/families/young or ageing population,
  - Socio-economic make-up of the area.
- Facilities in the local area;
  - Transport and parking facilities i.e. bus stops, taxi ranks, train station,
  - Educational/community buildings,
  - Hospitals/mental health facilities,
  - Job centres,
  - Children's homes or care facilities,
  - Specialised housing for vulnerable people,
  - Gambling addiction support facilities/ alcohol or drug support facilities,
  - Hostels or support services for the homeless,
  - Pawn brokers or pay day loan businesses,
  - The area is frequented by children or young people at varying times of day.
  - Presence of rough sleepers.
  - Unemployment rates for the area and within a certain age group.
  - Type and rates of crime in the area that could impact the premises.
  - High number of people who have self-excluded themselves from other gambling premises.

## 4.6 Gambling operational risks

The risks associated with the gambling operation relate to the policies and procedures the business has in place. These should take into consideration all relevant legislation and guidance. Due to the potential generic nature of such documents, the licensing authority considers it important that these risks are looked at on an individual premises basis.

The list below shows some examples that the licensing authority would wish the operator to consider (this list is not exhaustive):

- Hours of operation for a premises - possible impact in the night time economy,
- Number of staff employed at a premises at any one time/lone working policy,
- Training provided to staff,

- The operation of the gambling business;
  - Policies and procedures,
  - Use of account/loyalty cards,
  - Support provided to customers, any intervention programmes,
  - Security provision in place at the premises,
- What local advertising will take place for the premises,
- What products and facilities the premises are going to provide for gambling.

## 4.7 Premises design risks

The design of a premises can assist greatly in the operators' ability to manage identified local risks. Lack of planning in layout and design can result in an increase in risks at a premises.

### 4.7.1 Interior design risks

Depending upon the type of gambling premises and the facilities on offer, the licensing authority believes that the internal layout of the premises is a very important factor to consider. A simple design of the internal area can lessen a number of risks and offer the premises vital opportunities to better manage their business.

The list below shows some examples the operator that may wish to consider (this list is not exhaustive):

- Position of internal CCTV cameras, the length of which recordings are kept.
- Use of mirrors in a premises to be able to view all areas of the premises and around obstructions, such as support pillars, machines or advertising screens.
- Positioning of gaming activities in the premises.
- The segregation of different gambling activities in the premises.
- Design of premises to allow gaming machines to be in line of sight of staff.
- Location of the staff area where money is taken for gambling activities.
- Distances between gambling facilities within a premises.
- Number of and locations of cash machines.
- The location of information displayed in the premises by the operator.
- The location and use of marketing materials within the premises.
- Fixtures and fittings used in the premises.

### 4.7.2 Exterior design risks

The external area of a premises can offer the operator valuable advertising therefore the design and frontage of the premises needs to be taken into consideration for this risk assessment. The licensing authority would wish the operator to have particular regard to the licensing objectives when determining the risks related to the exterior of the premises.

The list below shows some examples the Operator that may wish to consider (this list is not exhaustive):

- Use of glass in the shop frontage,
- Use of shutters on the entrances/exits or window frontage,
- Use of external CCTV cameras covering entrances/exits,
- Use of high quality CCTV to enable identification of banned persons.
- Use of CCTV or other aids i.e. mirrors
- Fitting screens or other materials to obscure the view from the street into the premises to prevent vulnerable persons having sight of the gambling activities,
- Use of advertising/marketing materials.

When undertaking any changes to the premises, the operator may need to consult with Wiltshire Council's Planning Department to determine whether planning permission is required. Building Control may also need to be involved for structural alterations.

As with any changes that occur within a premises layout, all relevant risk assessments should be updated, for example Fire and Health and Safety.

#### 4.8 Control measures

When risks are identified, control measures must be considered and put in place to lessen the potential impact the risk will have. The level of the risks identified will directly impact what type of control measures should be put in place; some risks may require a combination of systems, design and physical measures.

The licensing authority expects that gambling operators ensure that staff are aware of the measures that are put in place and are trained adequately to guarantee compliance. Records may be kept by the operator in relation to this as part of their due diligence defence.

##### 4.8.1 Systems

When looking at systems as a control measure, reference is made to the policies and procedures established at the premises by the gambling operator. Some of the systems put in place will be specific to the company and therefore generic to all premises held by them, however others may be created purposely for an individual premises in order to alleviate the risks in that local area.

##### 4.8.2 Design

It is expected by the licensing authority that the design of a premises is thoroughly considered and changes made as necessary in order to mitigate potential risks; such changes could be the location of certain facilities such as gaming machines, cashier counters, positioning of cameras and general layout.



### 4.8.3 Physical

The licensing authority expects an operator to consider physical measures to address an identified risk factor, these could be;

- Intruder/panic alarm system
- CCTV cameras
- Mirrors
- Window and door shutters or security doors
- Safes with time locks
- UV lights in toilets
- Lighting in all areas of premises (not to allow any dark corners).

### 4.8.4 Licence conditions

As all new or variation applications for a premises licence require a local risk assessment to be submitted as part of the application, any control measures stated within the risk assessments may form part of the conditions on a gambling licence.

### 4.9 Local Area Profile

There is no statutory requirement for licensing authorities to undertake a local area profile and this authority has decided not to do so at the time of producing this policy statement.

This decision will, however, be reviewed should it be determined by the licensing authority that risks identified within Wiltshire deem it necessary.

Applicants and existing gambling operators should, therefore, take their own steps to identify risks, for example, by consulting with any relevant responsible authorities and liaising with other gambling operators in the area where necessary.

## 5.0 Types of Premises

The definitions of premises are correct at the time of publishing this document.

### 5.1 Adult Gaming Centres (AGC)

An Adult Gaming Centre (AGC) is a gambling premises, for those over the age of 18, that makes available gaming machines of Category B, C and D.

For the licensing authority to accept an application for an AGC, the operator must already hold a “Gaming Machines General Operating Licence (Adult Gaming Centre)” with the Gambling Commission.

The licensing authority will need to be satisfied that there will be sufficient measures to meet the licensing objectives and comply with all mandatory conditions and the Gambling Commission Codes of Practice. As no one under the age of 18 is permitted to enter an AGC, the licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

Where an AGC is located in a Motorway Service Station the licensing authority will pay particular attention to entry points and how an operator will control these to safeguard children who are using the site and therefore may be able to gain access to gambling.

### 5.2 Betting Premises

The Gambling Act 2005 defines betting as the making or accepting of a bet on the outcome of a race, competition or other event or process. Whether this is for the likelihood of anything occurring or not occurring; or whether anything is or is not true. A transaction may still be a bet despite the fact the race, competition or event has already taken place and one party to the transaction knows the outcome.

The most common form of betting is ‘fixed odds betting’ whereby the customer bets a stake to win a fixed amount calculated by the odds available.

For the licensing authority to accept an application for betting premises, the operator must already hold the appropriate operating licence with the Gambling Commission.

The licensing authority expects betting premises to have particular regard to social responsibility and the protection of children and vulnerable persons from harm, and that this is reflected in any application submitted.

#### 5.2.1. Gaming Machines

Betting Premises are permitted to have a total of four gaming machines available for use. These can be Category B2, B3, B4, C or D; the total number can either be all the same category or a mixture of categories.

### 5.2.2. Self Service Betting Terminals (SSBTs)

Under the Gambling Act 2005 a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. These SSBTs are often made available in Betting Premises as a substitute for placing a bet, on live events, over the counter. As SSBTs merely automate the process that can be conducted in person, the Gambling Act 2005 exempts them from regulation as a gaming machine. They therefore do not count towards the number of gaming machines a premises is allowed, they also do not have to comply with any stake or prize limits.

As stated in Section 181 of the Gambling Act 2005, licensing authorities have the power to restrict the number of SSBTs, their nature and the circumstances in which they are made available in a premises by attaching a condition to the Licence.

The licensing authority will exercise this power if it was felt that the premises was not able to demonstrate that it was promoting the licensing objectives, namely the protection of children and vulnerable persons, or acting in accordance with the social responsibility codes.

### 5.3 Bingo

Bingo does not have a statutory definition in the Gambling Act 2005, however there are two types of bingo most frequently played, cash bingo and prize bingo.

#### 5.3.1. Children and Young Persons

If the licence holder allows, children and young persons are permitted to enter Bingo premises; however, they are not permitted to take part in Bingo or play on category B or C machines.

Anyone under the age of 18 years old cannot be employed in providing any facilities for gambling on a Bingo premises. However, young persons, aged 16 and 17, may be employed in Bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.

#### 5.3.2. Gaming Machines

A premises licence granted for a Bingo premises will permit the holder to make available for use a number of Category B3/B4 machines equal to 20% of the total number of machines available for use. There is no limit on the number of Category C and D machines that can be made available.

As stated above, if the licence holder permits children and young persons into the premises and Category B or C machines are made available for use, the licensing authority will require that the premises does the following;

- The category C and/or B machines must be separated from the rest of the premises by a physical barrier which is effective to prevent access, other than through a designated entrance;
- The access to the area where the machines are located is supervised at all times;
- It is arranged so that the area can be observed by persons responsible for supervision, or CCTV which is monitored;

- The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.

#### 5.4 Casinos

The licensing authority has not passed a resolution not to issue Casino Licences under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

#### 5.5 Licensed Family Entertainment Centres

The Gambling Act puts Family Entertainment Centres (FECs) into two classes; Licensed and Unlicensed. Unlicensed Family Entertainment Centres are covered by a permit (See the Permit Section for further details).

A licensed FEC is classified as 'premises' and only premises that are wholly or mainly used for making gaming machines available may hold an FEC premises licence.

The Gambling Commission considers that it is not permissible for gaming machines which should be contained within the FEC premises, to be located in corridors and walkways which form part of the larger building. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, and motorway service stations or similar, as this exposes young people to ambient gambling that the Act was designed to prevent.

For the licensing authority to accept an application for an FEC, the operator must already hold a "Gaming Machine General Operating Licence (Family Entertainment Centre)" with the Gambling Commission.

A premises licence granted for a licensed FEC will authorise the holder to make available for use any number of category C and D machines.

If category C gaming machines are made available for use on the premises of an FEC then the gaming machines must be;

- separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance,
- supervised at all times to ensure children or young persons do not enter the area, and/or,
- arrange so that the area can be observed by persons responsible for supervision, or CCTV which is monitored.

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Clear separation between machines is needed in licensed FECs to make certain that children are not permitted access to Category C machines.

There is an expectation from the licensing authority that all applicants of an FEC will demonstrate that they can promote the licensing objectives and comply with the Codes

of Practice issued by the Gambling Commission as well as all relevant mandatory conditions.

## 5.6 Tracks

The Gambling Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. 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 tracks include:

- a horse racecourse
- a greyhound track
- a point-to-point horse race 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.

The licensing authority is aware that tracks differ greatly from other premises and may be subject to one or more premises licence. The track operator themselves may not be required to hold an operating licence; this may be due to the fact that the individual bookmakers at the track will be required to hold their own operating licences.

The licensing authority will especially consider the impact upon the protection of children and vulnerable persons from being harmed or exploited by gambling. It is noted that children will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. It is therefore expected that the premises licence applicant demonstrates suitable measures to ensure that children do not have access to adult-only gaming facilities. The need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The individual applicant will need to be mindful when applying for a licence of offering measures to meet and promote the licensing objectives. This list is not exhaustive, and is merely indicative of example measures:-

- Proof of age schemes;
- CCTV or Notices/Signage;
- Location and supervision of entrances/machine areas;
- Physical separation of areas;
- Specific opening hours;
- Self-exclusion schemes;

- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

It may be appropriate for the applicant to provide the following to support an application and to assist the licensing authority to fully understand the application they have submitted:-

- Proof that measures are in place to promote the third licensing objective and to guarantee compliance;
- Specify what proposals have been made to administrate betting (it would be recommended that specific areas are set aside for this function)
- Detailed plan of the track and grounds which identify;
  - any fixed betting facilities;
  - areas that will be specifically used by 'on course' operators on race days;
  - the location of any gaming machines;
  - any temporary structures that will offer betting facilities;
  - mobile betting facilities and other proposed gambling facilities that are not already marked.

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

#### 5.6.1. Gaming Machines

The presence of a premises licence on a track does not provide automatic entitlement for gaming machines. This licence can be held without any corresponding operators licence. However, track owners holding both a track premises licence and a Gambling Commission operators licence – pool betting (in effect Dog tracks only) may site up to four gaming machines within categories B2 to D.

Some tracks qualify for an alcohol licence and therefore have automatic entitlement to two gaming machines category C to D, subject to a notification (see 8.1).

Each application will be decided upon on a case-by-case basis, as due to the size and nature of a track premises there are significant problems with the potential abundance of machines that could be located. The licensing authority may look to moderate the number of machines or change the location of machines in order to meet the licensing objective which protects children from harm. Children are allowed to play Category D machines at tracks; however, the location of any adult gaming machines throughout the track premises will need to guarantee that they are situated where children would be excluded.

## 6.0 Permits

The Gambling Act 2005 introduces a range of permits for gambling. Permits 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.

The licensing authority may only grant or reject an application for a permit and cannot impose or attach any conditions.

### 6.1 Alcohol Licensed Premises Gaming Machine Permits

The licensing authority may issue gaming machine permits for any number of category C or D machines in alcohol licensed premises. Where a permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines under section 282 of the Gambling Act 2005. This is covered in Section 7 of this document.

If a premises wishes to have more than two gaming machines, then it needs to apply for a permit. The licensing authority will consider each application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling 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 being harmed or exploited by gambling.

The licensing authority has an expectation that the applicant will put sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.

In relation to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

In determining an application, the licensing authority will have regard to the licensing objectives. They may also take account of any other matters that are considered relevant to the application. It should also be noted that the holder of the permit must comply with the codes of practice issued by the Gambling Commission about the location and operation of the machine [Codes of practice - Section C - Gaming machines in clubs and premises with an alcohol licence \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/codes-of-practice-section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence)

The application does not require notification to the Gambling Commission or police before determination, however, the licensing authority will on occasion notify the Gambling Commission and police should there be cause to do so.

The licensing authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. 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. When the application has been granted, the licensing authority will issue the permit as soon as possible.

When an application is going to be refused the applicant will be notified as soon as possible, setting out the reasons for refusal. The licensing authority will not refuse an

application or grant it for a different number or category of machines, without notifying the applicant of the intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.

As well as issuing permits, the licensing authority is also able to cancel permits. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Gambling Act 2005 has been committed. Before it cancels a permit, the licensing authority will notify the holder, giving 21 days' notice of the intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

When the licensing authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined. A permit will also be cancelled by the licensing authority if the holder fails to pay the annual fee unless failure is the result of an administrative error.

Where a person applies to the licensing authority to transfer the alcohol premises licence under the Licensing Act 2003, they will also need to apply separately for the transfer of the gaming machine permit.

## 6.2 Club Gaming and Club Machine Permits

The Gambling Act 2005 creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:

- Members clubs (including Miners' Welfare Institutes) and;
- Commercial clubs

This is an important distinction in respect of the gaming that may take place.

The Gambling Commission Guidance states: "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."

A Commercial Club is a club established for commercial gain, whether or not they are actually making a commercial gain; for example, these could be commercial snooker clubs or clubs established as private companies and clubs established for personal profit.

The Commission and the police may object to the permit being granted. If any valid objections are made, the licensing authority will hold a hearing (unless consent has been given to dispense with it).

The licensing authority may only grant or refuse a permit but may not attach any conditions to a permit. The licensing authority will inform the applicant, the Commission and the Police of the outcome of the application and of any objections



made.

The application may only be refused on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- b) the applicant's premises are used wholly or mainly by children and/or young persons
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- d) a permit held by the applicant has been cancelled in the previous ten years
- e) an objection has been lodged by the Commission or the police.

If the authority is satisfied that (a) or (b) is the case, it must refuse the application.

If a premises already holds a Club Premises Certificate under the Licensing Act 2003, they may apply for Club Gaming and Club Machine permits under the fast-track procedure. Fast track means that there is no opportunity for the Gambling Commission or Police to object to the application and this Licensing Authority has reduced grounds upon which it could refuse the application.

The grounds on which an application under this process may be refused are that:

- a) the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Gambling Act 2005,
- b) in addition to the prescribed gaming, the applicant provides facilities for other gaming,
- c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

Unless a permit is surrendered, lapses, or is renewed, it will have effect for ten years. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited, or it lapses. A permit will lapse if the holder of the permit stops being a club, or if it no longer qualifies under the fast-track system for a permit. The licensing authority will inform the police and the Commission when a permit has been surrendered or lapsed.

Permits may be amended to meet changing circumstances. The licensing authority will only refuse a variation if on consideration of a completely new application it would refuse the permit.

The licensing authority will cancel the permit if it is found that:

- the premises are used wholly by children and/or young persons, or
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

Before cancelling a permit, the permit holder will be given at least 21 days' notice of the intention to cancel by this licensing authority and will consider any representations that may be made. The licensing authority will hold a hearing if it is requested by the permit holder and will comply with any other procedural requirements set out in

regulations.

If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The licensing authority will notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

Neither a club gaming permit nor club machine permit can be issued for a vessel or vehicle.

### 6.2.1 Club Gaming Permit

A Club Gaming Permit is available to members' clubs but not commercial clubs. It allows the club to offer equal chance gaming, games of chance and up to three gaming machines in total of categories B3A, B4, C or D, only one machine can be of category B3A.

When applying for a club gaming permit (without the fast-track process), the club must provide considerable evidence to the licensing authority of activities other than gaming taking place in order to prove that it meets the requirements of a Club under the Gambling Act 2005.

The licensing authority expects that holders of club gaming permits comply with the statutory conditions having regard to the code of practice concerning the location and operation of gaming machines to ensure that no child uses a category B or C machine on the premises - [Codes of practice - Section C - Gaming machines in clubs and premises with an alcohol licence \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/codes-of-practice-section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence)

A licensing officer may visit the premises, if necessary, before granting the permit in order to better understand how the club will operate.

### 6.2.2 Club Machine Permit

A Club Machine Permit is available to members' clubs and commercial clubs. It allows the club to offer equal chance gaming and up to three gaming machines in total of categories B3A, B4, C or D, only one machine can be of category B3A (B3A not permitted for commercial clubs).

The licensing authority will need to be satisfied that the gaming on offer meets the conditions set out in the Gambling Act 2005 and the relevant regulations;

- participation fees must be within the limits prescribed in the regulations,
- prizes must be within the limits prescribed in the regulations.

Club Machine Permit Holders need to comply with the code of practice issued by the Gambling Commission in relation to the location and operation of machines - [Codes of practice - Section C - Gaming machines in clubs and premises with an alcohol licence \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/codes-of-practice-section-c-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence)

### 6.3 Prize Gaming Permits

Gaming is defined in the Gambling Act 2005 as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.

The licensing authority will require an applicant to set out the types of gaming that they are intending to offer and demonstrate that they understand the limits to stakes and prizes that are set out in regulations and the gaming offered is within the law.

Further information may be sought from an applicant who applies for a prize gaming permit, such as:-

- the location of the machines along with any notices that may be positioned throughout the premises on a scaled plan;
- age verification scheme;
- confirmation that Fire Safety and Health and Safety legislation has been complied with by the applicant;
- information regarding opening times for the premises;
- details of number of staff employed;
- evidence of public liability insurance documents;
- other policies or procedures in place to promote safeguarding of children and vulnerable persons from harm;
- commitment to enable data sharing e.g. the number of self-exclusions and underage attempts to gamble.

The licensing authority can grant or refuse an application for a permit but cannot add conditions. The permit may only be granted if the police have been consulted on the application, as the police may wish to object to the application.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.

If a permit is granted, the licensing authority will issue it as soon as is reasonably practicable. The permit will have effect for ten years, unless it ceases to have effect, lapses, or is renewed. The permit may also cease to have effect if it is surrendered by the holder.

The licensing authority will not refuse an application until notification has been given to the applicant of the intention to refuse and the reasons for it, and they have been given the opportunity to make representations orally or in writing or both.

If the permit holder is convicted of a relevant offence under the Gambling Act 2005, the court may order the forfeiture of the permit. The court must notify the licensing authority that it has made a forfeiture order as soon as is reasonably practicable after making the order.

#### 6.4 Unlicensed Family Entertainment Centre

Unlicensed Family Entertainment Centres (uFEC) can offer any number of category D machines. UFECs are premises which are 'wholly or mainly' used for making gaming machines available a permit cannot therefore be granted for an entire shopping centre for example. Permits cannot be issued in respect of vessels or vehicles.

An application for a permit can only be made by a person who occupies or plans to occupy the premises; if the applicant is an individual, he or she must be aged 18 or over, also applications for a permit cannot be made if a premises licence is in effect for the same premises.

Due to the nature of uFECs and their appeal to children and young persons, the licensing authority will give consideration to the suitability of the applicant and what measures are being proposed to mitigate the risk associated with protecting children from being harmed or exploited by gambling.

As part of this it is expected that the applicant ensures that children do not have 'direct access' to adult premises and are not attracted to adult only areas. Although there is no definition of 'direct access' the licensing authority will consider what is appropriate on a case-by-case basis. It may consider the below as proportionate;

- Partitions should be permanently fixed between premises and should not be transparent;
- A gaming/skills with prizes machine or any other machine should not form the partition or any part of the partition;
- Minimum height for partitions should be 1.75 metres and a maximum of 0.15 metres from the floor.

The licensing authority may grant or refuse an application for a permit but cannot add conditions.

When the licensing authority considers an application for an uFEC it shall have regard to the Gambling Act 2005 guidance and the licensing objectives. Further information may be sought from the applicant so that the licensing authority can be assured that they can demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs,
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act),
- that employees are trained to have a full understanding of the maximum stakes and prizes.

The additional information requested could include;

- the location of any cash machines and category D machines along with any notices that may be positioned throughout the premises on a scaled plan (1:100);
- information regarding the number of category D machines (space between machines needs to be considered for public safety);
- confirmation that applicants are aware of the limits of stakes and prizes that comply with the regulations and the law;
- proof of staff training that will be undertaken and records kept, covering how staff would deal with unsupervised young children being on the premises or children causing perceived problems on or around the premises or suspected truant school children on the premises;
- demonstrate that policies or procedures in place to promote safeguarding of children from harm, in this instance the harm does not refer solely to harm from gambling but also to include harm from any child protection issues;
- confirmation that Fire Safety and Health and Safety legislation has been complied with by the applicant;
- information regarding opening times for the premises and the appearance of the premises externally;
- details of the number of staff employed;
- evidence of public liability insurance documents,
- commitment to data sharing e.g. the number of self-exclusions etc.

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the police have been consulted on the application. When a permit has been granted the licensing authority will issue it as soon as reasonably practical.

An application may be refused by the licensing authority if the applicant is unable to meet the requirements. If it is the intention of the licensing authority to refuse the application the applicant will be notified in writing setting out the reasons why. The applicant will be given opportunity to make representations orally or in writing or both. Applicants will have the right to appeal against the licensing authority's decision of refusal.

If the permit holder is convicted of a relevant offence the Court may order the forfeiture of the permit, in this instance the Court will inform this Licensing Authority of the forfeiture order.

This Licensing Authority will only refuse to renew a permit on the grounds that:

- an authorised local authority officer has been refused access to the premises without reasonable excuse,
- renewal would not be reasonably consistent with the licensing objectives.

The licensing authority will consult with the police and will if applicable be made aware of any concerns that have arisen during the life of the permit.

## 7.0 Small Society Lotteries

A lottery is a form of gambling that has three essential elements; a payment is required to participate; one or more prizes are awarded; and those prizes are awarded by chance. There are two categories that they can fall into; licensed lotteries that require an operating licence from the Gambling Commission and exempt lotteries (including small society lotteries registered with the licensing authority).

Exempt lotteries are defined as:

- Small society lotteries.
- Incidental non-commercial lotteries.
- Private lotteries.
- Work lotteries.
- Residents' lotteries.
- Customer lotteries.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission guidance and the website - [Types of lottery you can run without a licence \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/types-of-lottery-you-can-run-without-a-licence).

Organisers of raffles or lotteries must follow the legislation contained with the Gambling Act 2005 to ensure that the lottery arrangements are legal. The licensing authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within.

Small Society Lotteries are promoted for the benefit of a non-commercial society. Such societies are organisations that have distinct aims and objectives. For a society to be non-commercial it needs to be established and conducted:-

- for a good cause;
- for the purpose of enabling participation in, or of supporting, sport, athletics, or a cultural activity; and
- for any other non-commercial purpose other than that of private gain.

When an application is made, the applicants will need to inform the licensing authority of the purpose in which the society was originally established, and the society will need to declare that they represent a bona fide non-commercial society and have no relevant convictions. Further information may be sought from a society by the licensing authority.

An application will be refused by the licensing authority if:-

- an applicant has held an operating licence that has been revoked in the preceding 5 years;
- or they have applied for registration of an operating licence in the preceding 5 years that has been refused.

Applications may also be refused by the licensing authority if they are of the opinion 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 in or with the application for registration is false or misleading.
- Previous lottery returns have not been provided as required.

When an application is going to be refused the society will have an opportunity to make a representation against the decision. The licensing authority will notify the society of the reasons for the refusal in writing.

The licensing authority will seek advice from the Gambling Commission if they are unsure about a refusal of an application.

If the licensing authority is of the opinion that the lottery registration of a society needs to be revoked, due to a reason that they would refuse the application if it were being made at the time, they will inform the society in writing. They will outline the evidence that has led to the decision being reached to allow the society the opportunity to make a representation.

The licensing authority will keep a register of all applications for Small Society Lotteries and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority.

Where the required annual fee is not paid by the due date, the licensing authority may cancel the small society lottery registration. It is the society's responsibility to ensure the annual fee is paid by the due date.

## 8.0 Other types of Gambling

### 8.1 Notification of Gaming Machines

There is provision in the Gambling Act 2005 for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines of categories C and/or D. The Premises Licence Holder (under the Licensing Act 2003) is required to notify the licensing authority by completing the requisite application form and paying the prescribed fee. A new notification needs to be submitted after every transfer of Premises Licence Holder.

The Designated Premises Supervisor is responsible for the supervision of gaming and there needs to be compliance with the Gambling Commissions code of practice - [Codes of practice - Section C - Gaming machines in clubs and premises with an alcohol licence \(gamblingcommission.gov.uk\)](http://www.gamblingcommission.gov.uk)

The licensing authority will look to remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.



## 9.0 Temporary and Occasional Use Notices

### 9.1 Temporary Use Notices

It is an offence to provide facilities for gambling unless either the required permissions are in place, or an exemption applies. One such exemption is for the holder of an operating licence to notify a Temporary Use Notice (TUN) to the relevant licensing authority. This is not a permanent arrangement, but allows premises such as hotels, conference centres or sporting venues to be used temporarily for providing facilities for gambling. A TUN may also apply to a vessel, whether moored or moving. A TUN may not be given in respect of a vehicle.

A Temporary Use Notice permits the use of a premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Such as;

- operate a casino,
- provide facilities for the playing of bingo,
- make a gaming machine available for use,
- provide other facilities for gaming, or
- provide facilities for betting (whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets).

A TUN may only be granted to a person or company holding a relevant operating licence and there are a number of statutory limits as regards TUNs as set out in the Gambling Act 2005 and Gambling Commission guidance.

#### 9.1.1 Meaning of premises

Section 218 of the Gambling Act 2005 refers to a 'set of premises' and provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a notice.

The maximum period by which a "set of premises" may be the subject of a Temporary Use Notice is 21 days within a period of 12 months. A set of premises may be the subject of more than one Temporary Use Notice in a period of twelve months provided the maximum aggregate for which the Temporary Use Notices have effect does not exceed 21 days.

In considering whether a place falls within the definition of 'a set of premises', the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.

### 9.1.2 Objections to TUNs

The licensing authority will be minded to object to a TUN if they feel that the licensing objectives would be undermined. If it is felt that Temporary Use Notices are resulting in allowing regular gambling to take place in a place that could be described as one set of premises, the licensing authority will object. Consideration will be taken as to whether the gambling should not take place, or only with modifications.

The licensing authority will ensure that such notices are considered without delay so that, where appropriate, the opportunity to lodge an objection is not missed.

If objections are received, the licensing authority will hold a hearing to listen to representations from the person who gave the TUN, all the objectors and any person who was entitled to receive a copy of the notice.

If the licensing authority considers that the TUN should not have effect, after a hearing has taken place or has been dispensed with, it will issue a counter-notice. The licensing authority will apply the same principles for issuing a counter notice as when determining premises licence applications.

If the licensing authority gives a counter-notice, it will give reasons for doing so and will copy the counter-notice to all those who received copies of the TUN. If the licensing authority decides not to issue a counter-notice, the TUN will take effect.

### 9.1.3 Endorsement of the notice

If no objections are made within 14 days of the date of the notice, the licensing authority must endorse the notice as valid and return it to the person who gave it.

The person who gives a TUN may notify the Licensing Authority that it is withdrawn at any time up to and during the time it has effect. In those circumstances the notice will have no effect, and any unelapsed period of time will not count towards the 21-day maximum for a TUN having effect on the premises.

The TUN needs to be prominently displayed at the premises when the gambling is taking place. It would be considered an offence not to produce the notice endorsed by the licensing authority when requested to do so by a Constable, an officer of HM Revenue and Customs, an enforcement officer, or an authorised local authority officer.

### 9.1.4 Maximum period

The licensing authority may issue a counter-notice which limits the number of days that the TUN comes into effect, bringing it within the 21-day limit. The applicant will be consulted if a counter notice is to be required in order to ensure that the restrictions being imposed do not result in an unworkable event or a failure to comply.

## 9.2 Occasional Use Notices (OUN)

Where there is betting on a Track, on eight or less days in a calendar year (1st January to 31st December), the Gambling Act 2005 allows this to be undertaken by an Occasional Use Notice instead of a full premises licence.

### 9.2.1 Definition of a track

The Gambling Act 2005 defines a track as any premises on any part of which a race or other sporting event takes place or is intended to take place. This means it is not restricted to just horse racecourses or dog tracks. They also do not need to be a permanent fixture, land only used temporarily can qualify provided that races or sporting events either do take place there or will take place there. Land that has a number of uses can also qualify for an OUN as long as one of those uses is for a track. The definition of what constitutes a track will be considered on a case-by-case basis by the licensing authority.

### 9.2.2 Use (and misuse) of OUNs

Occasional Use Notices are intended to be able to permit Gambling Commission licensed betting operators, to use tracks for conducting betting, provided that the event upon which the betting is to take place is of a temporary, infrequent nature. The use of an OUN means that the track does not require a betting premises licence. However, an OUN does not allow betting operators to provide gaming machines at the track. Non-commercial, fund-raising race nights can be run as betting events at sporting venues under the authority of an OUN, whether or not the sporting event on which the bets are taken is held at that venue. The sporting event on which the bets are or will be taken also need not be taking place at the same time as the betting under the OUN.

## 9.3 Travelling Fairs

The Gambling Act 2005 defines a Travelling Fair as 'wholly or principally' providing amusements. A Travelling Fair may provide facilities for gambling via gaming machines without a Permit as long as it is purely an ancillary amusement.

An unlimited number of Category D machines are permitted however the higher Category B and C are not allowed. The machines must be sourced from a Gambling Commission licensed supplier and those working with the gaming machines at the Travelling Fair must be at least 18 years old.

A Travelling Fair cannot be on a site that has been used for fairs for more than 27 days. The statutory maximum of 27 days is per calendar year and not a 12-month period. 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. The 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.

### 9.3.1 Prize Gaming and Travelling Fairs

Travelling Fairs, under the Gambling Act 2005, are also able to provide equal chance gaming without a Permit as long as it is purely an ancillary amusement. Young persons and children may participate in equal chance gaming.

Conditions for Travelling Fairs offering equal chance gaming;

- the limits on participation fees must be complied with, as set out in regulations;
- 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;
- the result of the game must be made public in the premises on the day that it is played;
- prize amounts must not exceed the amount set in the regulations if a money prize or the prescribed value if a non-monetary prize; and,
- the participation in the gaming must not entitle the player to take part in any other gambling.

The licensing authority will be responsible for making the following decisions in relation to Travelling Fairs;

- a) whether the statutory definition of a Travelling Fair is met,
- b) whether the gambling facilities provided at the fair are in fact an ancillary amusement,
- c) whether Category D machines and/or equal chance prize gaming without a Permit is to be made available for use at Travelling Fairs in this county.

## 10.0 Premises Licence Applications

The Gambling Act 2005 defines a premises as “any place”. It is possible for a single building to 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. Areas of a building that are artificially or temporarily separate cannot be properly regarded as different premises.

The licensing authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Applicants should be aware 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.

### 10.1 Provisional Statements

Section 204 of the Gambling Act 2005 provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that is:-

- Expected to be constructed
- Expected to be altered; or
- Expected to acquire a right to occupy

Provisional statements are dealt with in the same way as premises licence applications. Representations may be made by responsible authorities and interested parties, and there is a right to appeal.

An application for a provisional statement differs from an application for a premises licence in as much as those applying for a provisional statement do not have to fulfil the same criteria as those applying for a premises licence. In order to apply for a premises licence the applicant must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have the right to occupy the premises. These criteria do not have to be in place at the time of submitting a provisional statement application.

As a provisional statement can be applied for without the applicant having the right to occupy the premises the licensing authority will accept more than one provisional statement for a premises.

Once a provisional statement has been granted, the licensing authority will be restricted by what it will consider when the premises licence application is submitted for the same premises.

When a premises licence application is made 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 provisional statement stage, or they reflect a change in the applicant’s circumstances.

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

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

## 10.2 New/Variation Applications

There is an expectation that the applicant offers their own suggestions for how they intend to promote the licensing objectives on their application. These may be used as conditions and placed on the licence if appropriate. This list is not exhaustive, and is merely indicative of example measures:-

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

The licensing authority will take into the consideration the following factors when looking at premises licence applications, however they will be considered on a case by case basis:-

- Premises location including its immediacy to local schools; children's centres or centres used by vulnerable persons; residential areas that have a high population of children and vulnerable persons; and areas of deprivation where children and vulnerable persons reside;
- Premises layout and design;
- Installation of security features, such as CCTV or location of cash registers and safes;
- Staff training in all areas that are appropriate to the promotion of the licensing objectives;
- Policies and procedures for age verification;

- Possibility of crime and disorder associated with a licence being granted at a given premises;
- Local Area Risk Assessment for premises (came into force April 2016).

### 10.3 Fees

Licence fees are set within the prescribed maximum levels in accordance with [The Gambling \(Premises Licence Fees\) \(England and Wales\) Regulations 2007 \(legislation.gov.uk\)](#). Fees for permits and other services will be as set by the Secretary of State.

Information concerning the fees charged by Wiltshire Council for premises licence applications, permits and other permissions will be made available to the public via Wiltshire Council's website – <http://www.wiltshire.gov.uk/licences-permits-gambling-fees-charges>.

In accordance with the Gambling Act 2005, failure of a premises to pay the prescribed fee will result in this licensing authority revoking the licence. In relation to permits, the licensing authority will cancel the permit if the holder fails to pay the annual fee due. This will not occur however, if the failure of payment is attributed to an administration error.

### 10.4 Conditions

The licensing authority's decisions regarding placing conditions onto an individual premises licence will be made on a case-by-case basis. Any conditions attached to licences will be:-

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

In a hearing, the licensing authority may also consider it appropriate to add further conditions to the licence that are proportionate to the application, each application being considered on its own merits. Licence conditions applied at a hearing will be tailored to the individual premises and activities and only those necessary to meet the licensing objectives will be applied.

### 10.5 Plans

The licensing authority is minded to consider the [Premises Licence and Provisional Statements Regulations](#), guidance issued under section 153 of the Act, and the Commission's codes of practice when considering what it will accept in relation to a plan.

The Gambling Act 2005 states that a premises, except a track, needs to provide a plan that 'must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'.

The licensing authority will require more information than this to be included on the plan so that it can make an informed decision on applications, the plan is a way for the applicant to demonstrate how they intend to meet the requirements and promote the licensing objectives, therefore applicants will be asked to provide further information or resubmit plans if they are felt to be insufficient.

It is expected that as well as what is required in the Regulations, the applicant may also include the locations of the following where appropriate (this list is not exhaustive);

- Counter and other staff areas;
- Gaming machines and the location of the different categories;
- Self-service machines;
- Cash machines;
- Toilets accessible to the public;
- The position of gaming activities in the premises and any potential segregation between different types of gaming;
- Any obstructions i.e. pillars, advertising boards, machines etc.;
- Position of internal CCTV cameras/monitor or mirrors that may be used for line of sight;
- Any fixtures within the premises.

## 10.6 Door Supervision

Section 178 of the Gambling Act 2005 sets out a definition of 'door supervisor' and provides that where a person employed in such a role is required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence.

If the 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. In this instance the licensing authority will impose a condition on the premises licence to this effect.

In relation to Casinos and Bingo premises, contract staff that are to be employed as door supervisors will need to be licensed by the SIA. However, in house employees working as door supervisors are exempt from that requirement.

## 10.7 Representations

For a representation to be relevant it needs to relate to one of the three licensing objectives and be made by a responsible authority or interested party. Wiltshire Council licensing officers will make the decision as to whether representations received for applications are irrelevant, frivolous or vexatious.

Representations made in relation to demand or competition will not be accepted as relevant. Moral objections to gambling will also not be accepted. Representations will not be considered relevant if the issues raised can be dealt with by other legislation.



When a valid representation against an application has been received by the licensing authority, we may arrange for a meeting to take place with the applicant and the person who made the representation in order to try to reach an agreement.

If this is not an appropriate course of action or an agreement cannot be reached, then the matter will be taken to a licensing sub-committee hearing for a decision.

If it is the case that a representation is rejected, then the person who made the representation will be informed in writing that it will not be considered. The decision of the licensing officer that the representation is not accepted cannot be appealed against.

### 10.8 Responsible Authorities

Responsible authorities will be notified by the licensing authority of all premises licence applications and are entitled to make representations in relation to these applications if they are relevant to the licensing objectives.

Section 157 of the Gambling Act 2005 defines those authorities as:

- Gambling Commission
- Police
- Fire Service
- Local Planning Authority
- Environmental Health
- Child Protection Services
- HM Revenue and Customs
- In relation to a vessel;
  - a Navigation Authority,
  - the Environment Agency,
  - the British Waterways Board,
  - the Secretary of State.
- A licensing authority in whose area the premises is situated that is, the council itself and also any adjoining council where premises straddle the boundaries between the two.

The contact details of all the responsible authorities under the Gambling Act 2005 are available via Wiltshire Council's website – <http://www.wiltshire.gov.uk/licences-permits-gambling> or attached as Appendix B.

## 10.9 Interested Parties

Interested parties can make representations in respect of licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as:-

- a) a person or persons who lives sufficiently close to the premises and is likely to be affected by the authorised activities,
- b) a business or businesses whose interests might be affected by the authorised activities, or
- c) an individual or group who represents persons who satisfy paragraph (a) or (b).

Councillors and Town/Parish Councils that cover the area that would be likely affected by the specific premises will be considered as interested parties. If individuals wish to approach their local Councillor to ask them to represent their views no specific evidence of being asked to represent an interested person will be required by the licensing authority.

Other than these however, the licensing authority will require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities.

## 11.0 Compliance and Enforcement

### 11.1 Inspection

The licensing authority inspects premises in Wiltshire to ensure compliance using a risk-based approach. We will inspect those premises that are a higher risk or have a history of complaints more frequently than those premises with lower perceived risks. However, licensing officers are also-permitted to use their discretion.

Inspections may be carried out on Temporary Use Notices and Occasional Use Notices to ensure that the licensing objectives are being promoted.

Joint visits may take place with responsible authorities or other agencies where relevant.

### 11.2 Powers of Entry

Wiltshire Council licensing officers are authorised to inspect gambling premises in order to assess compliance with the terms and conditions of the premises licence.

Licensing officers have powers to;

- Enter any gambling premises or premises where gambling is believed to be taking place,
- Use reasonable force in order to enter the premises for inspection purposes, should it be necessary,
- Inspect any part of the premises, any machine or other thing,
- Question any person on the premises,
- Access any written or electronic record which is kept on the premises, or require that a copy is provided,
- Remove or retain anything if they reasonably believe that it constitutes or contains evidence of the commission of an offence under the Gambling Act 2005, or a breach of a term or condition of the premises licence.

It should be noted that it is an offence if a person, without reasonable excuse, obstructs or fails to cooperate with an authorised local authority officer who is exercising powers under Part 15 ('Inspection') of the Gambling Act 2005.

It is also an offence to provide false information without reasonable excuse to the authorised licensing officer.

### 11.3 Complaints

The licensing authority will investigate all complaints received related to gambling activities or premises.

Licensing officers will refer complaints to or liaise with other relevant agencies/council services, as appropriate, in order to address complaints.

## 11.4 Enforcement

The licensing authority is responsible for ensuring the compliance of licences and permits, along with any relevant Gambling Commission codes of practice, in Wiltshire. The Gambling Commission is the enforcement body for operating and personal licences and is responsible for regulating online (remote) gambling.

The licensing authority is guided by the Gambling Commission's guidance for local authorities when it comes to the enforcement action to be taken against premises. The action will be:-

- Proportionate
- Accountable
- Consistent
- Transparent
- Targeted

## 11.5 Reviews

The Gambling Act 2005 sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted. Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the application for review is accepted.

The request for a review will be determined as appropriate if it is in accordance with, any relevant code of practice or guidance issued by the Gambling Commission, with Wiltshire Council's Gambling Statement of Principles and is relevant with the licensing objectives.

The licensing authority will also initiate a review of a licence if;

- it has reason to suspect that premises licence conditions are not being observed
- the premises is operating outside of the principles set out in the licensing authority's statement of policy
- there is evidence to suggest that compliance with the licensing objectives is at risk
- for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

Upon review of a premises licence, the licensing authority will have regard to the application for review and any relevant representations and take such steps as it considers necessary for the promotion of the licensing objectives. Such steps might be:-

- add, remove or amend a licence condition imposed by the licensing authority
- exclude a default condition imposed by the Secretary of State (for example, relating to opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence.

## Appendix A – Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee or Licensing Sub Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Consideration for calling a review			X
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing Committee or Licensing Sub Committee</b>	<b>Officers</b>
Applications for other permits			X
Cancellation of licensed premises gaming machine			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as whether a representation if frivolous, vexatious or repetitive			X
Consideration for actions to be taken against illegal gambling			X

## Appendix B – Responsible Authorities

### **Wiltshire Council Licensing Authority**

Public Protection – Licensing

County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Email: [publicprotectionnorth@wiltshire.gov.uk](mailto:publicprotectionnorth@wiltshire.gov.uk)

### **Wiltshire Constabulary Licensing Officer**

Trowbridge Police Station  
Polebarn Road  
Trowbridge  
Wiltshire  
BA14 7EP

Email: [LicensingE@wiltshire.police.uk](mailto:LicensingE@wiltshire.police.uk)

### **Wiltshire Council Environmental Health**

County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Email: [publicprotectionwest@wiltshire.gov.uk](mailto:publicprotectionwest@wiltshire.gov.uk)

### **Wiltshire Council Planning Department**

County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Email: [Developmentmanagement@wiltshire.gov.uk](mailto:Developmentmanagement@wiltshire.gov.uk)

### **Dorset & Wiltshire Fire and Rescue Service**

Five Rivers Health and Wellbeing Centre  
Hulse Road  
Salisbury  
SP1 3NR

Email: [fire.safety@dwfire.org.uk](mailto:fire.safety@dwfire.org.uk)

**Wiltshire Council Child Protection**

Integrated Front Door Service  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Email: [Integratedfrontdoor@wiltshire.gov.uk](mailto:Integratedfrontdoor@wiltshire.gov.uk)

**Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

**HM Revenue & Customs**

National Registration Unit  
Betting and Gaming  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ

Email: [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)



## Appendix C – Local Area Risk Assessment Guidance

### Undertaking a local area risk assessment

The licensing authority has an expectation that the local area risk assessment will be carried out methodically at a gambling premises; to ensure that there is thorough consideration for all the possible risks.

The gambling operator carrying out the assessment should consider the risks associated with;

- the local area,
- the gambling operation, and
- the design of the premises both internally and externally.

When the risks have been identified, the licensing authority would envisage that appropriate control measures proportionate to the risks will be considered and implemented. Some of these control measures may already be in place as part of the policies or procedures of the business however both the risks and the control measures should be documented within the assessment. The licensing authority considers it beneficial for the document to state who would be responsible for putting the control measures in place and recording when they have been completed.

### Who should undertake the assessment?

The gambling operator has the responsibility of completing the local area risk assessment; however, this could be delegated to a competent assessor.

Whoever is tasked with the completion of the document should have an understanding of, the business and how they currently operate or intend to operate, the local area where the premises is situated and its design.

If the local area risk assessment is not completed thoroughly it could result in the operator breaching the provisions of the licence conditions and codes of practices submitted by the Gambling Commission.

#### Step 1: The local area

For the operator to be able to correctly identify the local risk factors relating to the premises it first must understand what makes up the local area. Certain gambling premises may have a larger sphere of influence than others therefore the local area could be larger than first thought for certain premises.

#### Step 2: The gambling operation

For this section of the assessment, the licensing authority expects the assessor to look at the gambling operators' policies and procedures and decide whether these procedures;

- a) result in a risk at the premises based on the local area, or
- b) mitigate risk already identified in the local area and therefore could be used as a control measure.

### Step 3: The design of the premises

The design of a premises can assist greatly in the operators' ability to mitigate and manage identified local risks. It is important that the assessor looks at the risks of both the internal and external design and considers these with reference to the local risks already recognised.

### Step 4: Control measures

When all the risk factors have been acknowledged, the licensing authority now expects that the assessor will ascertain suitable and appropriate control measures to mitigate the risks identified. The four categories of control measures; systems, design, physical and licence conditions should be considered. For some risks it may be that a combination of control measures are needed to neutralise the risk identified.

### Completed assessment

Once the risk assessment has been completed and the control measures documented, they then need to be implemented at the premises. This may involve changes to the layout or design, staff training or changes in procedures. It should be documented when they have been actioned. The licensing authority expects a copy of the risk assessment to be kept on the premises, reviewed regularly, and made available to staff and authorised officers.

## Appendix D - Useful Support Contacts

### **Gamble Aware**

[www.begambleaware.org](http://www.begambleaware.org)

### **GamCare**

<https://www.gamcare.org.uk>

Freephone: 0808 8020 133

WhatsApp Chat: 020 3031 8881

Email: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)

### **Gamblers Anonymous UK**

<http://www.gamblersanonymous.org.uk/>

### **Domestic Abuse**

<https://www.victimsupport.org.uk/help-victims/ive-been-affected/domestic-abuse>

### **Women's Aid**

<http://www.womensaid.org.uk/>

### **Samaritans**

<http://www.samaritans.org/>

### **Step Change**

<http://www.stepchange.org/Howwecanhelpyou/Debtadvice.aspx>

### **Citizens Advice Bureau**

[http://www.adviceguide.org.uk/wales/debt\\_w/debt\\_help\\_with\\_debt\\_e.htm](http://www.adviceguide.org.uk/wales/debt_w/debt_help_with_debt_e.htm)

### **National Debt Line**

<https://www.nationaldebtline.org/>

### **Gov.uk**

<https://www.gov.uk/options-for-paying-off-your-debts/overview>

### **Money Advice Service**

<https://www.moneyadviceservice.org.uk/en/tools/debt-advice-locator>

### **Turning Point**

<http://www.turning-point.co.uk>

### **ARA (Recovery for All)**

<https://www.recovery4all.co.uk>

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## Gambling Statement of Principles Draft 2025-27 – Summary of changes

Section	Title	Comment
Contents	7.0	Small Society – the word Lotteries has been added  Removal of Appendix “Local Area Profile” and renumbering 4.0 spelling
Introduction	1.0	Updates to area information and number and type of premises
Overview	2.0	New paragraph added to clarify that online gambling is the responsibility of the Gambling Commission.
Statement of Gambling Principles	2.1	Dates of consultation
Delegated Powers	2.3	Added about Councillors will not participate in sub committees for their own areas.
Gambling & Public Act	3.1	Paragraph re-written to reflect updated best practice.
Licensing Objectives and Social Responsibility	3.3	Clarification on vulnerable persons group.
Local Area Risk Assessment	4.0	Additional paragraph regarding The Gambling Commission’s License Conditions and Codes of Practice.
New/Variation of a Premises Licence	4.2	Clarification about when a local area risk assessment is required.
Significant changes to the premises	4.4	Removal and replacement of a paragraph regarding significant change and Licensing Act 2003 premises.
Local area profile	4.9	Wording updated to remove the requirement for the local authority to undertake a local area profile and to require applicants and gambling operators to make their own assessments where necessary.
Permits	6.0	Insertion of hyperlink to the Code of Practice.

Small Society Lotteries	7.0	<p>Updated on what is an exempt lotteries and link to the gambling commission guidance website and advice for organisers to ensure lottery arrangements are legal by taking their own legal advice.</p> <p>Additional paragraph regarding cancelling the small society registration if annual fee is not paid.</p>
Appendices		Removal of Appendix "Local Area Profile" and renumbering



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