

AGENDA

Meeting: Licensing Committee
Place: The West Wiltshire Room - County Hall, Trowbridge BA14 8JN
Date: Monday 3 September 2018
Time: 10.30 am

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

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Allison Bucknell	Cllr George Jeans
Cllr Trevor Carbin	Cllr Jim Lynch
Cllr Sue Evans	Cllr Leo Randall
Cllr Jose Green (Vice-Chairman)	Cllr Pip Ridout
Cllr Mike Hewitt	Cllr Ian Thorn
Cllr Peter Hutton (Chairman)	Cllr John Smale

Substitutes:

Cllr Clare Cape	Cllr Nick Murry
Cllr Ernie Clark	Cllr Steve Oldrieve
Cllr Anna Cuthbert	Cllr Stewart Palmen
Cllr Peter Evans	Cllr James Sheppard
Cllr Gavin Grant	Cllr Graham Wright
Cllr Howard Greenman	

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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](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

1 **Apologies/Substitutions**

To receive any apologies and details of any substitutions.

2 **Minutes** (*Pages 5 - 12*)

To confirm and sign the minutes of the meeting held on 4 June 2018 (copy attached).

3 **Chairman's Announcements**

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 **Friday 24 August** 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 29 August**. 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 **Minutes of the Licensing Sub Committees** (*Pages 13 - 18*)

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

Western Area

09/07/18 Application for a Premises Licence – The Toast Office, 116 Top Lane, Whitley, Melksham

7 **Statement of Gambling Principles** (*Pages 19 - 84*)

The report of Linda Holland (Licensing Manager – Public Health and Protection) asks the Licensing Committee to note the consultation undertaken and subsequent amendments made to the Council's revised Statement of Gambling Principles (in relation to the Gambling Act 2005). The Committee is also asked to commend the document to Full Council for approval at its meeting on 16 October 2018.

8 **Dates of Future Committee Meetings**

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

3 December 2018

11 March 2019.

9 **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.

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 4 JUNE 2018 AT THE WEST WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Peter Evans (Substitute - Part II), Cllr Sue Evans, Cllr Jose Green (Vice-Chairman), Cllr Peter Hutton (Chairman), Cllr George Jeans, Cllr Ian Thorn and Cllr John Smale

Also Present:

Julie Anderson-Hill (Head of Waster & Environment Culture & Operational Change), Asifa Ashraf (Solicitor), Cassandra Barrow (Student EHO), Emma Batchelor (Public Protection Officer – Licensing), Danial Farr (Compliance Officer), Linda Holland (Licensing Manager), Sarah Marshall (Senior Solicitor), Jemma Price (Public Protection Officer – Licensing), and Lisa Pullin (Democratic Services Officer)

1 **Apologies/Substitutions/Membership Changes**

Apologies were received from Councillors Hewitt, Lynch and Ridout and from Tracy Daszkiewicz (Director of Public Health and Protection) and Andrew Saxton (Fleet Services Manager).

Councillor Peter Evans was substituting for Cllr Mike Hewitt.

The Chairman, Councillor Peter Hutton welcomed Cllr John Smale to the Committee who had replaced Cllr Yuill. All those present were asked to introduce themselves.

2 **Minutes**

The Minutes of the meeting held on 11 December 2017 were presented to the Committee:

Resolved:

That the minutes of the meeting held on 11 December 2017 be approved and signed as a correct record.

Note – The Minutes referred to a request from Members for an updated list of Licensing Officers and it was agreed that this would be circulated to all Members via email following the meeting.

3 **Chairman's Announcements**

The Chairman, Councillor Peter Hutton made the following announcement:

Executive request for Overview and Scrutiny review - Hackney Carriage Late Night Tariffs

We wanted to inform the Licensing Committee of a report going to the O&S Management Committee on 5th June (tomorrow) – The Cabinet Member for Adult Social Care, Public Health and Public Protection has requested a scrutiny review of the current schedule of late night tariffs for Hackney Carriages as adopted by the Licensing Committee in 2014 and will propose that the Environment Select Committee establish a task group to undertake the review.

The current countywide tariff schedule was approved by the Licensing Committee in 2014 having considered the findings of a consultation on the introduction of a single charging zone for Wiltshire Council and one table of fares to apply throughout.

The Cabinet Member has advised that:

- A number of complaints have been received regarding the charging of high late-night fares (tariffs 4 and 5) in the Salisbury area and the alleged detrimental effect this may be having on Salisbury's night time economy (NTE).
- Anecdotally, these incidences often relate to military personnel returning from Salisbury to their bases.
- Concerns have also been raised regarding whether Wiltshire's late night tariffs are competitive with those in nearby night-time centres such as Andover, Swindon, Southampton and Bournemouth.
- In the context of the ongoing recovery effort in Salisbury following the events of 4 March 2018, it is appropriate to undertake a review of this issue at this time.

If this proposal is agreed at the meeting tomorrow any recommendations would be referred to the relevant cabinet member, though any revision of the policy would ultimately be determined by the Licensing Committee.

I, as Chairman will keep the Licensing Committee updated on this proposal and will provide an update at the next meeting on 3 September 2018.

4 **Declarations of Interest**

There were no declarations of interest.

5 **Public Participation**

No questions had been submitted to the Committee from the public prior to the meeting and there were no members of the public present at the meeting.

6 **Minutes of the Licensing Sub Committees**

Southern Area

- 17/01/17 Application for a Personal Licence
- 26/04/17 Application for a Premises Licence – Chalke Valley History Festival, Broad Chalke, Salisbury
- 05/10/17 Review of a Premises Licence – Queens Arms, Street, Salisbury
- 24/01/18 Variation of a Sex Establishment Licence
- 21/02/18 Application for a Premises Licence – 18 The Street, Amesbury

Western Area

- 12/12/17 Application for a Variation of a Premises Licence – Grange Farm, Bratton Road, West Ashton, Trowbridge
- 16/01/18 Application for a Premises Licence – Fairwood Lakes Holiday Park, Dilton Marsh
- 16/04/18 Application for a Variation of a Premises Licence – Waterhouse Hotel, 5 Waterhouse Hotel, Monkton Combe, Bath
- 01/05/18 Application for a Personal Licence

Resolved:

That the Minutes of the meetings detailed above be approved and signed as correct records by the Chairman.

The Chairman wished to thank all Officers for the support received for Licensing Sub Committee hearings and for the Councillors that had sat on the hearings. The provision for a fourth (reserve) member attending for each hearing was very useful as there had been occasions when one member had not attended and one where a possible conflict of interest had been highlighted at the last minute. Being a reserve was also a useful learning tool for newer members who get to experience the briefing, the hearing and the decision making afterwards. Arrangements would be made for training for Cllr Smale and any other Councillors who were interested in a refresher.

It had also been agreed that notices would be displayed outside of rooms when a hearing in progress and a further notice would be displayed when that meeting was in closed session. There had been a recent incidence when a few Members had walked into a hearing that was in closed session in error as they had not checked the location details of the meeting they were due to attend.

7 **Briefing Note - Event Safety Advisory Group**

The Committee were referred to the Briefing Note which outlined the role of Wiltshire's Event Safety Advisory Group (ESAG) which had been prepared by Linda Holland (Licensing Manager). Linda highlighted the following:

- ESAG's were recommended following the Hillsborough Stadium disaster and are a way to positively engage event managers with the planning and management of their events to ensure public safety. They are usually co-ordinated by the Local Authority and made up of representatives from the LA, emergency services, other relevant bodies and the event organiser;
- Meetings are usually chaired by Linda (as Licensing Manger for Wiltshire Council) and last around 2-3 hours. As Wiltshire is a military county and due to the heightened security risk following a number of national and international events, advice around counter terrorism is included where relevant;
- Generally high profile/high risk events are invited to an ESAG meeting and sometimes a trigger matrix is used to identify other events that may benefit from an ESAG;
- Eight ESAG's have been held so far this year with two more scheduled for next week

The Chairman raised the importance of public health being involved with the ESAG's and events and Linda reported that the Wiltshire Substance Misuse Team sits within Public Protection and the drugs and alcohol advisory service go out to some of the bigger events to raise the profile of the service.

With the World Cup coming up Linda provided the Committee with a brief overview of Temporary Events Notices that could be applied for by premises to enable them to stay open later/serve alcohol at events – guidance was available on the Wiltshire Council website.

Councillors asked the following:

Q Are de-briefing meetings held following events?

A Yes, we may hold de-briefing meetings if they were deemed necessary.

Q Would there be an ESAG for a carnival?

A If there were concerns about the event, then yes.

Q Local Members are not always aware of events – how do we connect Members into the process?

A We can make plans to inform the local Member when an event is considered necessary to have an ESAG meeting (so that they are aware of the event details, but they would not have an involvement at the ESAG meeting)

Linda Holland agreed to bring to the next meeting a list of the bigger events in Wiltshire so that the Committee can get a flavour of how many events are held.

Q Do you charge for Officer time to attend ESAG meetings?

A No we don't as this would be difficult to administer with other Officers attending from other organisations. We see the benefit to holding them is that there are safer events held in Wiltshire.

Resolved:

- 1. That the Licensing Committee note the update on Event Safety Advisory Groups.**
- 2. That Linda Holland provide details of Wiltshire's major events for the next meeting to be held on 3 September 2018.**

8 Review of Statement of Gambling Principles

Linda Holland (Licensing Manager) referred to the report circulated with the Agenda which provided the Committee with information on the new proposed Statement of Gambling Principles. Linda highlighted the following:

- The Council's Statement of Gambling Principles is to be reviewed every three years and be the subject of a consultation process. The Statement (attached as Appendix 1 to the report) has been overhauled and re-written to make it more user friendly;
- Once the draft Statement is approved by the Committee this document is then subject to an eight-week consultation process with the Police, persons representing gambling businesses and persons representing the interests of people likely to be affected by gambling;
- There are currently 40 gambling premises in Wiltshire, which were mostly betting shops;
- We are aware of concerns raised about the growing of gambling on line, but the Council have no power to address this, although we have also expressed concern to the local officer for the Gambling Commission. We feel that this has a public health impact and that our revisions to the Statement address that;

- Gambling premises are required to carry out a local area Risk Assessment to consider what other establishments or buildings e.g.: schools, churches, hospitals, social housing other gambling premises are in the area and identify any likely risk and how it will be mitigated.
- When Council Officers recently attending training arranged by the Gambling Commission they were surprised to hear that 118 authorities do not yet have a Gambling Policy in place;
- The profile of gambling locally is very positive – gambling premises have been visited and reminded of their responsibilities and how they need to protect the most vulnerable;
- There were two changes to the table of delegations (pages 148 and 149) – it was proposed that Officers can now give consideration for calling a review of a licence and for actions to be taken against illegal gambling.

Members asked the following questions:

Q Are members of the public able to respond to the consultation?

A They are not currently included in the list of statutory consultees, although there would be nothing to stop them from making comments, although the weight given to their views would be low. They could make a representation as an interested party and they the views could be taken into account.

Q Do you actively consult gambling support groups?

A Details of the consultation process are published on our website and we can put a link on the website to useful contacts.

Q Could you make plans to inform the gambling support groups that you are aware of the consultation?

A Yes, we can agree to do this.

Members agreed that the revised Statement of Principles was well written and congratulated Officers on the amount of work carried out to prepare it.

Resolved:

- 1. That the Licensing Committee agree the proposed Statement of Principles 2019-2021 and authorise Officers to carry out the 8-week consultation process.**
- 2. That Officers notify persons representing the interests of people likely to be affected by gambling of the consultation process.**

9 **Dates of Future Committee Meetings**

Members noted the date of future meetings of the Licensing Committee as detailed below, all to start at 10.30am

3 September 2018
3 December 2018.

10 **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

Press enquiries to Communications, direct line (01225) 713114/713115

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WESTERN AREA LICENSING SUB COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 9 JULY 2018 AT THE SALISBURY ROOM - COUNTY HALL, TROWBRIDGE IN RESPECT OF AN APPLICATION FOR A VARIATION OF A PREMISES LICENCE - THE TOAST OFFICE, 116 TOP LANE, WHITLEY, MELKSHAM

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin and Cllr Ian Thorn

Also Present:

Emma Batchelor (Public Protection Officer – Licensing), Lisa Grant (Public Protection Officer – Licensing), Cllr Jim Lynch, Sarah Marshall (Senior Solicitor), and Lisa Pullin (Democratic Services Officer)

1 Election of Chairman

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

Resolved:

To elect Councillor Allison Bucknell as Chairman for this meeting only.

2 Apologies for Absence/Substitutions

There were no apologies or substitutions.

3 Procedure for the Meeting

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” (Pages 5 – 12 of the Agenda refers).

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.

6 **Licensing Application**

Application by The Toast Office Limited, for a Variation of a Premises Licence at The Toast Office, 116 Top Lane, Whitley, Melksham

Emma Batchelor (Public Protection Officer – Licensing) introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. Emma highlighted the following:

- This was an application for a variation to the Premises Licence which was granted on 8 July 2017 in respect of The Toast Office, 116 Top Lane, Whitley, Melksham;
- The application sought to:
 - i) Add live music (indoors and outdoors) Monday to Sunday from 09:00 to 24:00 (Christmas Eve and New Year's Eve until 02:00),
 - ii) Add late night refreshment (indoors and outdoors) Monday to Sunday from 23:00 to 24:00 (Christmas Eve and New Year's Eve until 02:00),
 - iii) Add ON sales for the sale of alcohol and amend the current hours to Monday to Sunday – 06:00 – 24:00 (Christmas Eve and New Year's Eve until 02:00)
 - iv) Amend opening hours to Monday to Sunday (Christmas Eve and New Year's Eve until 02:30
 - v) Update the plan attached to the premises licence;
- One relevant representation was received from Melksham Without Parish Council in objection to the application. Their representations were made over concerns about public nuisance.

In accordance with the procedure detailed in the agenda, the Applicant was given the opportunity to address the Sub Committee. (No representatives from Melksham Without Parish Council attended in order to speak at the meeting).

Key points raised by Mr Luke Johnson, Director of The Toast Office Whitley Limited (Applicant) were:

- The premises were re-opened in July 2017 following a complete refurbishment as a shop, tea rooms and Post Office. The aim was to

provide a community hub for Whitley and the business has been continuing to grow over the last year;

- Following market research and feedback from customers, the variation application was made for on sales of alcohol, so that customers could enjoy a drink with their meals. A couple of successful events had been held under a Temporary Events Notice and it was hoped that if the licence were to be granted this would give the flexibility to hold further events to include music, etc for the patrons to enjoy;
- The Applicant stated he understood the concerns raised by the Parish Council and he wants what is best for the village and does not want to disrupt the locals or give them anything to be concerned about. There was another person who initially made a representation, but after contacting her to discuss this and explaining the plans, this representation was withdrawn. The Applicant was disheartened that he was not able to discuss this with the Parish Council to attempt to address their concerns;
- The Applicant agreed with the suggestion that there should be no music outdoors after 23:00 and was happy to accept this amendment to the application. He would like the flexibility to remain open later if needed for Christmas Eve and New Year's Eve;
- The Applicant stated that if a live music event took place which went on past 23:00 indoors that there should be limited sound travel as windows/doors would be shut because of the air conditioning system. The Applicant confirmed the premises also has double glazing and he would also carry out appropriate sound monitoring and because there are no neighbours opposite there would be limited impact.
- The Applicant would like to be able to provide hot drinks after 23:00 to support designated drivers especially at events;
- The Applicant is aware of his responsibilities to ensure safe consumption of alcohol and would ensure that it was served appropriately to customers; and
- The Applicant is aware of concerns over traffic and parking, and although he cannot not control this, he actively encourages customers to consider those vehicles that need to pass along the road and park appropriately.

The Sub Committee Members then asked the following questions of the Applicant:

Q (Sub Committee) You say that you will monitor sound levels – how do you intend to do this?

A (Applicant) When we are having a music event both myself and staff will monitor noise levels from our neighbours properties. We are not intending to have music which has a lot of bass so this should limit sound travel. Adjustments would be made to sound levels if required. We would be sensible as we don't want to cause disturbance to our neighbours.

Q Have you managed premises before?

A No. I bought and refurbished a flooded bungalow in the village and saw the derelict shop and decided to take on and turn around the premises and re-open it as a shop for the village.

Q You are intending to go from off sales of alcohol to on sales – have you done any licensing training?

A Yes, I paid to obtain my own Personal Licence and I have used the training pack from Licensing Solutions (company) for training my staff. We have already set up a refusals register but have not had to use it as yet.

Q You have brought the Post Office back to the village?

A Yes there was one previously, but I had to go through a rigorous process to get it back (as if was never there in the first place). It was a huge application process and a 3 ½ hour interview.

Q You are bringing a service to your community – do your customers walk to the shop?

A I encourage walkers to use the facilities and attend my events, but accept that there will be those who drive to the premises. I have looked into there being a dropped kerb outside and I give my customers guidance/advice on where/how to park. I find that communicating with my customers works well.

Q You have asked to be open to 00:00 on a Sunday – generally events wouldn't need to go on that late on a Sunday would they?

A I would only anticipate staying open later on a Sunday when it was a bank holiday weekend, so I would like to have this flexibility to be able to do this on bank holiday weekends. I listen to my customer's requests and would like to put these in place. I would also like to have the same opportunities as the Pear Tree.

Melksham Without Parish Council had made a relevant representation but were not present to speak at the meeting.

Luke Johnson (Applicant) did not have any further points to make in summation.

The Sub Committee then adjourned at 10:50 and retired with the Solicitor and the Democratic Services Officer to make a decision on the licensing application.

The Hearing reconvened at 11:10.

Following the deliberations of the Sub Committee Members, it was

Resolved:

The Western Area Licensing Sub Committee resolved to GRANT the application for a Variation of a Premises Licence to further include the activities and timings detailed below:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Add - Live music (indoors) Live music (outdoors)	09:00 – 00:00 09:00 – 23:00 09:00 – 02:00	Mon – Sun Mon – Sun Christmas Eve & New Year’s Eve
Add - Provision of late night refreshment (indoors and outdoors)	23:00 – 00:00 23:00 – 02:00	Mon - Sun Christmas Eve & New Year’s Eve
Add - Sale by retail of alcohol to include on sales as well as off sales and <u>amend</u> hours to be	06:00 – 00:00 06:00 – 02:00	Mon – Sun Christmas Eve & New Year’s Eve
Amend – Opening hours	06:00 00:00 06:00 – 02:30	Mon – Sun Christmas Eve & New Year’s Eve

Reasons

After taking into account the written representations from all parties and the oral submissions received from the Applicant at the hearing, the Sub Committee considered the concerns raised in writing by Melksham Without Parish Council regarding the application and the merits of the application. Those concerns related to the perceived public nuisance arising from noise from late night music on the premises after 23:00 if the hours were extended to midnight. Concerns were also raised about the potential noise arising from the provision of on sale alcohol to 00:00. The issues raised by the Parish Council concerning parking and traffic do not address the Licensing Objectives.

The Sub Committee noted that the Applicant wished to have flexibility while he built up the business. The Applicant had completed his personal licence holder training and had carried out further training with a licensing training company. The Sub Committee further noted that the Applicant would undertake noise monitoring during live events.

The Sub Committee considered it was appropriate to restrict the live music outdoors until 2300 Monday to Sundays and as offered by the Applicant.

In reaching its decision the Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of the written decision. Any person has the right to request a Review of the Licence, in accordance with the provisions of section 51 of the Licensing Act 2003.

(Duration of meeting: 10.15 - 11.15 am)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services,
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Wiltshire Council

Licensing Committee

3 September 2018

Statement of Gambling Principles

Summary

This report describes the consultation results following the public consultation of the revised Statement of Gambling Principles. This report highlights the amendments that have been made to the document considered by the Licensing Committee on 4 June 2018.

Proposal(s)

It is recommended:

That the Licensing Committee notes the amendments made to the Statement of Gambling Principles and commends the Statement of Gambling Principles (final version) in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 16 October 2018.

Reason for Proposal

The Council must review its Statement of Gambling Principles every three years. The Statement of Gambling Principles is due for review and must be consulted on and ratified by Full Council prior to it coming into force. Following acceptance of the amendments made by this Licensing Committee, a final version of the Statement of Gambling Principles will be required to be submitted to Full Council on 16 October 2018.

Tracy Daszkiewicz
Director Public Health and Protection

Gambling Policy

Purpose of Report

1. To ask the Licensing Committee to note the consultation undertaken and subsequent amendments made to the Council's revised Statement of Gambling Principles (in relation to the Gambling Act 2005).
2. That the Licensing Committee commends the Statement of Gambling Principles in relation to the Gambling Act 2005 to Full Council for approval at its meeting on 16 October 2018.

Relevance to the Council's Business Plan

3. "People in Wiltshire work together to solve problems locally and participate in decisions that affect them".

"People are as protected from harm as possible and feel safe".

Main Considerations for the Council

4. It is a statutory requirement that the Statement of Gambling Principles must be approved by Full Council as this is not a function that can be delegated to the Licensing Committee.

Background

5. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities in relation to the Gambling Act 2005 with a view to promoting the three licensing objectives, namely:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - Ensuring that gambling is conducted in a fair and open way,
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Act 2005 was designed to be light touch legislation covering a number of "licensable activities". Such activities are defined within this Act.

Social responsibility is an important element of the Statement of Gambling Principles and we have taken this into consideration following guidance from the Gambling Commission.

6. In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Gambling Principles in relation to the Gambling Act 2005. This policy is to be reviewed every three years and is the subject of a consultation process.
7. The report presented on 4 June 2018 sought Members' support to carry out the consultation of the revised Statement of Gambling Principles.
8. This report advises Members of the consultation that has taken place and outlines the comments received and any amendments, made to the Council's revised Statement of Gambling Principles.

Consultation

9. Consultation period: May 2018 – August 2018

9.1 List of Consultees included:-

- The Gambling Commission
- Wiltshire Police
- Wiltshire Fire Service
- Local Planning Authority
- Environmental Health
- Public Health
- Children and Family Services
- HM Revenue and Customs
- Kennet and Avon Canal Trust
- Environmental Agency
- Coral Racing
- Betfred
- William Hill
- Ladbrokes
- Stan James
- All licensed gambling premises in Wiltshire

- 9.2 All statutory consultees have received a full copy of the draft Statement of Gambling Principles. Further, all relevant premises and specific bodies requesting information have been advised of the revised Statement of Gambling Principles and its availability. Finally, a copy of the revised Statement of Gambling Principles was also available on Wiltshire Council's Website.

- 9.3 The Statement of Gambling Principles is a revised document setting out the Council's proposals to ensure a balanced approach towards the licensing of premises. The revised Statement of Gambling Principles has been based on the requirements of the Gambling Act 2005 and includes the changes required as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.

- 9.4 Two responses were received during the consultation period. One from Wiltshire Council Planning Department who are a Responsible Authority requesting additional wording in the document, advising licence holders to seek planning guidance on any proposed changes to their building see Appendix 1. Another from William Hill questioning our interpretation of Significant Change in relation to the Local Area Risk Assessment and remarking on an omission of ours on the wording in section 5.2.1 see Appendix 2.
- 9.5 Changes proposed to the policy as a result of this response are shown in red on the revised policy.

Safeguarding Implications

10. One of the key objectives of the Gambling Act 2005 is 'The Protection of Children from Harm': Wiltshire Council's Children's Services Department has been designated as the 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

11. The Licensing and Public Health teams work together within the Council to ensure that the health implications of gambling are considered.

Environmental and Climate Change Considerations

12. There is minimal environmental impact of these proposals.

Equalities Impact of the Proposal

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

Risk Assessment

14. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Wiltshire Council in a position of being unable to effectively undertake its statutory responsibilities and functions under the Gambling Act 2005.

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

15. Criticism of the Council and thus compromise the reputation of Wiltshire Council.

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

16. There are no particular risks identified from any of the proposals.

Financial Implications

17. There are no additional financial implications of the proposals contained within this report.

Legal Implications

18. As stated, the Council is required under the Gambling Act 2005, to prepare and publish a Statement of Gambling Principles in relation to the exercise of its functions under the Gambling Act 2005. Once adopted, the Statement of Gambling Principles must be regularly reviewed and is a material consideration to be taken into account when the Council is exercising any of its functions under the Gambling Act 2005. When preparing its Statement of Gambling Principles, the Council is required to consult the Police, Persons representing gambling businesses and Persons representing the interests of the people likely to be affected by Gambling. In accordance with the Gambling Act 2005 and the Council's constitution, the Statement of Gambling Principles must be approved by Full Council.
19. The Licensing Authority is a high profile regulatory service important for protecting the public but also for ensuring the balance between development of the leisure industry and economic viability and the protection of communication. The fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

Conclusions

20. The adoption of a revised Statement of Gambling Principles by 1 January 2019 is a statutory requirement.

Proposal

21. To ask Members to note the consultation undertaken and subsequent amendments made to the Council's revised Statement of Gambling Principles (in relation to the Gambling Act 2005).
22. That the Licensing Committee commends the Statement of Gambling Principles, as attached at Appendix 3 to this report, in relation to the Gambling Act 2005 to the Council for approval at its meeting on 16 October 2018.

Reason for Proposal

23. The Wiltshire Council's Statement of Gambling Policy must be reviewed every three years and be the subject of a consultation process.

Report Author: Linda Holland

Licensing Manager – Public Health and Protection

linda.holland@wiltshire.gov.uk

01249 706410

3 September 2018

Background Papers

- Gambling Act 2005
- Gambling Commissions Guidance to Local Authorities 4th Edition
- Gambling Commissions Strengthening Social Responsibility
- Gambling Commissions Guidance to Local Authorities 5th Edition (in consultation)
- Wiltshire Council's Current Gambling Statement of

Principles Appendix

1. Response received from Planning Services
 2. Response received from William Hill
 3. Wiltshire Council Statement of Gambling Principles 2019 - 2021
-

Appendix 1 – Response from Wiltshire Council Planning Department

Sent: 14 June 2018 09:21

To: PublicprotectionNorth

Subject: FW: Consultation of Wiltshire Council's Statement of Principles in relation to Gambling Act 2005

I have read the document. In order to be comprehensive in relation to the Council's Services, it may be worthwhile including within the document the guidance that operators seeking a licence for new premises; wishing to erect external CCTV cameras; or seeking to make structural alterations to the property, should check whether planning permission is required for a change of use or the alterations, or in the case of structural alterations, either internal/external, the need for approval under the Building Regulations.

Mike Wilmott
Head of Development Management
Wiltshire Council

Appendix 2 – William Hill Response

Sent: 07 August 2018 16:42
To: PublicprotectionNorth
Subject: Gambling Policy consultation response

Good afternoon,

Following publication of your draft Statement of Principles (Gambling Act 2005), we wish to respond to the following points only:

4.3 Significant changes in local circumstances

Changes occur in the local area regularly, this 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;
 - o Change in location of bus stops;
 - o Changes to timings of buses or train services for example services going later into the evening;
 - o Changes to the type of services in the area for example school bus stop being moved in closer proximity to gambling premises.
 - o Any changes to the location of taxi ranks in the area.
 - o 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.

We would not consider some of the above as being a 'significant change' which would warrant an update of the Local Area Risk Assessment. Namely the changes in Military accommodation facilities, changes to bus or train times, or road diversions.

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.

When considering the number of machines in a premises this Licensing Authority will take into account the size of the premises, location of the machines and the ability of the staff to monitor the use of the machines. This Licensing Authority reserves the right to limit the number of machines if there has been evidence to suggest that they have in the past, or are likely to be in the future, used in breach of the licensing objectives.

We believe the last two sentences have been wrongly included in the Gaming Machine section. The initial sentence correctly confirms that betting premises are allowed four gaming machines, by virtue of the Gambling Act. It is not up to a Local Authority to alter this legislation. However, we assume that the latter sentences may have been intended for the next paragraph, related to Self Service Betting Terminals (SSBTs), and this is simply an error.

I would be grateful if you could take these comments into account when finalising the policy, and if you do have any further questions in relation to the above, please let me know.

Kind regards

Brian Minihane
National Licensing & Development Manager
William Hill | Greenside House | 50 Station Road | Wood Green | N22 7TP

Wiltshire Council

Gambling Act 2005

Statement of Principles

2019 - 2021

DRAFT

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1.0 Introduction

Wiltshire is a predominantly rural county with a population of approximately 488,400, situated in the Southwest of England. Wiltshire council is made up of 18 area boards and has 98 Elected Officials.

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.

Wiltshire is a county with 44% of it being made up of areas of outstanding beauty. 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 festivals.

There are currently 43 Licensed Gambling Premises in Wiltshire comprising of; two Bingo Halls, six Adult Gaming Centres, 34 Betting Shops and Salisbury Race Course. There are also two Unlicensed Family Entertainment Centres and a number of premises who hold Gaming Machine Permits (31) and two Club Gaming Permits.



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.

It should be noted that it falls to the Gambling Commission to licence remote gambling, via operating licences.

When carrying out its responsibilities in relation to the Gambling Act 2005, this 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 on the communities of Wiltshire and will seek to maintain safe environments for the communities of Wiltshire. We will work closely with Partner Agencies, 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

This 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

June and August by way of direct communication to those identified and also via publication on Wiltshire Council's website. A list of those consulted is available from this Licensing Authority on request.

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 Wiltshire 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 were received; and when representations were received but it was agreed upon by all parties that it would be unnecessary for a hearing to take place.

Wiltshire Council 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 from the same area as the application will not be able to sit on that Licensing Sub-Committee for that hearing.

For the full table of Delegated Powers see Appendix A.

2.4 Exchange of Information

Wiltshire Council 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, this Licensing Authority will work closely with 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, Wiltshire Council Licensing Authority declares that it has considered 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

This Licensing Authority will have regard to the licensing objectives as set out in the Gambling Act 2005 when exercising our 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 this 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, 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 this 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 this 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, this 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 this 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.

This 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 this Licensing Authority will adopt a different role.

If this Licensing Authority suspected that a gambling activity in Wiltshire was/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 this 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 gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

This 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 Operators 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 becoming recognised as a public health concern. A recent report, Wardle, Reith, Best, McDaid and Platt (2018) *Measuring gambling-related harms, A framework for action*, has sought to define the harms of gambling, highlight the areas of concern and determine the cost it has to society. As stated in the report “having a better understanding of the social costs of harms would allow more detailed assessment of the scale of (public) resources needed to reduce harms”.

They propose a definition;

“Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society.

These harms are diverse, affecting resources, relationships and health, and may reflect an interplay between individual, family and community processes. The harmful effects from gambling may be short-lived but can persist, having longer-term and enduring consequences that can exacerbate existing inequalities.”

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

Wiltshire Council 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

All Gambling Operators were required to complete a local area risk assessment for their premises from April 2016. Under the Gambling Commission's Social Responsibility Code, Gambling Operators will need to take into consideration of the likely harm their premises could have to the local community. They will need to consider that in relation to the licensing objectives.

See Appendix C for guidance on this Licensing Authorities 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 this 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. This Licensing Authority may also request a review of a risk assessment if it is felt necessary.

This Licensing Authority will not request an up to date risk assessment each time it is reviewed by the operator however it would considered it best practice if the operator shared 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 these. If completed diligently and comprehensively, this will assist both the premises and this Licensing Authority by reducing the concerns that we may have with a premises.

4.2 New/Variation of a Premises Licence

When a New or a Variation of a Premises Licence application is submitted a local area risk assessment must be provided with the application.

4.3 Significant changes in local circumstances

Changes occur in the local area regularly, this 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.
- An application for a premises licence under the Licensing Act 2003 to increase the activities at a premises for example a licence for the sale of alcohol or adult entertainment at the premises.
- 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 the makeup of 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, this Licensing Authority considers it important that these risks are looked at on an individual premises basis.

The list below shows some examples that this 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 actually 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 this 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. This 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.

This Licensing Authority would request that a Gambling Operator ensures 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 would be expected by this 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

This Licensing Authority would wish 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 New or Variation Premises Licence Applications 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

Wiltshire Council Licensing Authority can provide a profile of the local area to a Gambling Operator upon written request within 28 days.

The profile will include a map of the area with key features in the immediate vicinity will be marked out, for example; hospitals, GP surgeries, schools and higher education buildings, supported accommodation, food banks, job centres and pawn brokers. Any concerns that this Authority has in an area will be clearly stated and the level of risk each possess will be shared with the Gambling Operator.

An example of this can be found as Appendix D.

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 this 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.

This 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, this 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 this Licensing Authority will pay particular attention to entry points and how an operator will control these entry points 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 this Authority to accept an application for betting premises, the operator must already hold the appropriate operating licence with the Gambling Commission.

This 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 to this Licensing Authority.

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.

This 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 into 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, this 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;
- access to the area where the machines are located is supervised at all times;
- 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

This 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 this 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; Licenced and Unlicensed. Unlicensed Family Entertainment Centres are covered by a permit (See 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 this 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 permit 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.

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

This 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.

This 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 this 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 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.

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. This 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.

Licensing Authorities 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

Licensing Authorities 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 2 gaming machines, then it needs to apply for a permit. This 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.” This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.

This Licensing Authority has the 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, this 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 code of practice issued by the Gambling Commission about the location and operation of the machine.

The application does not require notification to the Gambling Commission or police before determination, however, this 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 this Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. When granted, the Licensing Authority will issue the permit as soon as possible after that.

When an application is going to be refused the applicant will be notified as soon as possible, setting out the reasons for refusal. This 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.

This Licensing Authority is 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 this 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 this 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 this 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 this Licensing Authority to transfer the alcohol premises licence, 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, this Licensing Authority will hold a hearing (unless consent has been given to dispense with it).

Licensing Authorities may only grant or refuse a permit, but may not attach any conditions to a permit. This Licensing Authority will inform the applicant, the Commission and the Police of the outcome of the application and of any objections made.

Licensing authorities may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- b) the applicant's premises are used wholly or mainly by children and/or young persons
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- d) a permit held by the applicant has been cancelled in the previous ten years
- 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 or 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. This 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. This Licensing Authority will only refuse a variation if on consideration of a completely new application it would refuse the permit.

This 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. This 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. This 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, but by agreement, 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 this 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.

This 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.

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, but by agreement, only one machine can be of category B3A (B3A not permitted for commercial clubs).

This 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.

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.

This 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.

This 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 this 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.

This 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) are able to 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, this 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' this 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 this 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 sort 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 this 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 this Licensing Authority will issue it as soon as reasonably practical.

An application may be refused by this Licensing Authority if the applicant is unable to meet the requirements. If it is the intention of this 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 this 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.

This 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 which require registration with the Licensing Authority.

Small Society Lotteries are Lotteries 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 applicants apply to this Licensing Authority, they will need to inform the Licensing Authority 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 this Licensing Authority.

An application will be refused by this 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 this 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. This Licensing Authority will notify the Society of the reasons for the refusal in writing.

This Licensing Authority will seek advice from the Gambling Commission if they are unsure about a refusal of an application.

If this 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.

This 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.

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 2 gaming machines, of categories C and/or D. The Premises Licence Holder 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.

This 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.

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', this Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises.

9.1.2 Objections to TUNs

This 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, this Licensing Authority will object. Consideration will be taken as to whether the gambling should not take place, or only with modifications.

This 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, this 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 this 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. This Licensing Authority will apply the same principles for issuing a counter notice as when determining premises licence applications.

If this 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 this 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

This 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 this Local Authority.

9.2.2 Use (and misuse) of OUNs

Occasional Use Notices are intended to be able to permit licensed Betting Operators, with permission from the Commission, 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. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

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.

This 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.

This 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 this Licensing Authority will accept more than one provisional statement for a premises.

Once a provisional statement has been granted, this 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, this 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 this 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.

This 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 centre's used by vulnerable persons; residential areas that have a high populations 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'. 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, this Licensing Authority will cancel the permit if the Permit 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

This Licensing Authorities 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, Wiltshire Council Licensing Committee may also consider it fitting 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

This Licensing Authority is minded to take note of the Premises Licence and Provisional Statements Regulation 2007, Section 153 Guidance and the Commissions 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'.

This 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 this 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 this 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 this 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 appeasement.

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.

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 Authority Officer that the representation is not accepted cannot be appealed against.

10.8 Responsible Authorities

Responsible Authorities will be notified by this 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
- Wiltshire Council Child Protection
- 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 this Licensing Authority.

Other than these however, this 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

This 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 will also be 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 the premises compliance with the terms and conditions of the Premises Licence.

Licensing Officers are 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 to 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

Wiltshire Council 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 get complaints addressed.

11.4 Enforcement

This 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.

This Licensing Authority is guided by the Gambling Commission's Guidance for Local Authorities when it comes to the enforcement action we will take 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 this 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; in accordance with Wiltshire Council's Gambling Statement of Principles and is reasonable consistent with the licensing objectives.

This 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, this Licensing Authority will, having 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 (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	

Matter to be dealt with	Full Council	Licensing Committee or Licensing Sub Committee	Officers
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 to whether a representation is 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

Wiltshire Constabulary Licensing Officer

Trowbridge Police Station
Polebarn Road
Trowbridge
Wiltshire
BA14 7EP

Email: licensingE@wiltshire.pnn.police.uk

Wiltshire Council Environmental Health

County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Email: publicprotectionwest@wiltshire.gov.uk

Wiltshire Council Planning Department

County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Email: 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

Wiltshire Council Child Protection

Support and Safeguarding
Children's Social Care
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Email: info@gamblingcommission.gov.uk

HM Revenue & Customs

Excise Processing Team
BX9 1GL

Email: nrubetting&gaming@hmrc.gsi.gov.uk

Appendix C – Local Area Risk Assessment Guidance

Undertaking a local area risk assessment

This 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.

Whoever is 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, this 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. This Licensing Authority considers it beneficial if it was stated who would be responsible for putting the control measures in place and recording when they have been completed.

If the Operator of the premises has requested a Local Area Profile from this Licensing Authority the contents of the profile should be considered within the assessment.

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, this 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 premise 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.

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.

Step 4: Control measures

When all the risk factors have been acknowledged, this 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. A copy of the risk assessment should then be kept on the premises; this Licensing Authority expects this to be reviewed regularly.

Appendix D - Local Area Profile

Wiltshire Council's Licensing Authority has produced this document as a guide for gambling operators to use when undertaking and preparing their local area risk assessment. This guide is intended for all gambling premises and hasn't been designed with a specific type of gambling premises in mind.

Wiltshire Council Licensing Authority can provide a profile of a specific area to a gambling operator upon written request within 28 days.

This local area profile will identify key characteristics of Wiltshire in the context of gambling-related harm.

The information provided in this document will help to provide an understanding of the potential risks that may be prevalent to gambling premises in Wiltshire.

Included within the profile is a map identifying hospitals, GP surgeries, schools and higher education buildings, supported accommodation, food banks, job centres and pawn brokers. Also mapped are the locations of all the gambling premises within Wiltshire. Any concerns that this Licensing Authority has in an area will be clearly stated.

Wiltshire Area Profile

Wiltshire's resident population is 488,400 this figure is gradually increasing. Those aged between 30 to 59 years old make up 40% of Wiltshire's population. The third largest age group within Wiltshire, with 100,000 of our 488,400 residents are those aged over 65. Just less than 1% of the population are aged 90 and over. Those aged 18 or under make up 21.9% of our population.

Wiltshire is mostly an affluent county. The average gross weekly pay for people resident in Wiltshire is £553.10 this is slightly above the South West average of £527 a week and just above the UK average of £552.70 a week.

Wiltshire has relatively low unemployment with only 2.9% of persons aged 16-74 being unemployed, compared with the national average of 4.3%.

Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled. Just over half of Wiltshire's population (50.7%) work in job areas that include: managerial positions, Senior Officials and Professionals. This is above the UK average of 45.6%.

We currently have 43 Gambling Premises the majority of these are located in Town Centres.

Wiltshire Council Risk Factors

Risk Factor – New building developments/conversion

Information will be sought specific to the area requested to ascertain whether any large developments or conversions are being planned that could have an impact on the gambling premises. The increase of residents to an area, or the increase of industrial areas will be stated so that the operator understands the potential clientele it may attract. As this could dramatically change the footfall or the type of customer the premises could receive it is important that this is considered in the local area risk assessment.

Risk Factor – Educational Facilities

Those potentially at risk – Children and Young Persons

These locations will be included as they represent areas where children will be present in larger numbers at certain times of the day, it could also increase the number of adults who have to traverse the area. The operator may wish to consider this in relation to the advertising and frontage of the premises.

It would be expected that the premises considers the risk associated with colleges and other higher educational facilities in relation to under age gambling.

This Licensing Authority will carefully consider the type of premises wishing to be located in an area with educational facilities; the operator will need to mitigate these risks.

It would also be appropriate for operators to take into consideration the location of Children's play parks and other such recreational facilities. The proximity of these areas in relation to the premises needs to be considered similarly as above.

Risk Factor – Healthcare provisions

Those potentially at risk – Vulnerable Persons

GP Surgeries, Hospitals and Mental Health facilities will be mapped due to the potential increase in vulnerable persons who would use these services.

Risk Factor - Location of Job centres, Pawn Brokers, Payday Loan companies and Foodbanks

Those potentially at risk – Unemployed and those with financial difficulties/debt

Job Centres will be accessed by members of the population who are likely to be unemployed and considered likely to have a combination of very low income and a large amount of personal disposable time.

This data locates where those with financial difficulties and debt problems are more likely to be present, visiting places where credit is accessed through less secured means, or places where people are so severely financially constrained they cannot afford to buy food. Although pay day loan shops may be accessed by many members of the population, these locations may serve to pull vulnerable populations

with financial and debt problems into an area by providing them with access to unsecured and easy-access finance.

Risk Factors: Location of Hostels and Supported Accommodation
Those potentially at risk – Homeless or those suffering from housing instability

There are a variety of support services for the homeless, ranging from temporary accommodation to more mid to long-term supported accommodation representing broader housing instability.

Risk Factor – Those currently with substance misuse issues
Those potentially at risk - People with substance misuse problems

The facilities for those struggling with substance misuse may act as a 'pull' for potentially vulnerable people to certain locations. Turning Point has recently commenced a three year contract with Wiltshire Council to support people in Wiltshire with addiction. They provide outreach facilities to enable as many people access to their services as possible. Therefore in coming months and years there may not be any clinics or centres that would draw those with this vulnerability to any specific area.

There could be other areas that attract numbers of vulnerable people who potentially suffer from substance misuse problems which could make them vulnerable in relation to gambling for example areas that are used by rough sleepers.

Details of support agencies can be found in useful contacts Appendix E.

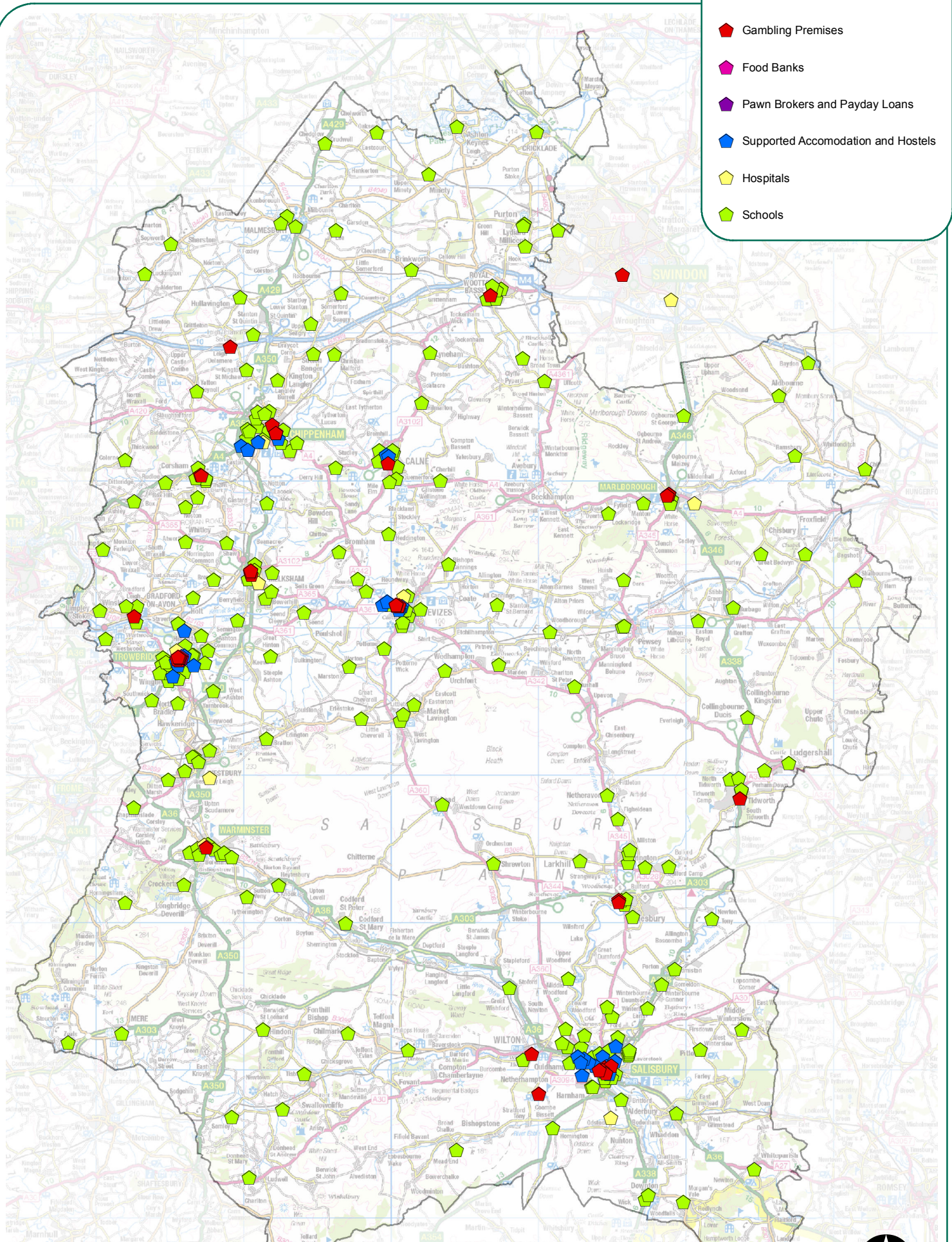
Risk Factor – Crime Rates

Crime statistics will be provided upon request to ensure that the figures for the area are up to date.

The map for Wiltshire as a whole is attached to this document and an example of a Town specific map is also attached to this document.

Risks

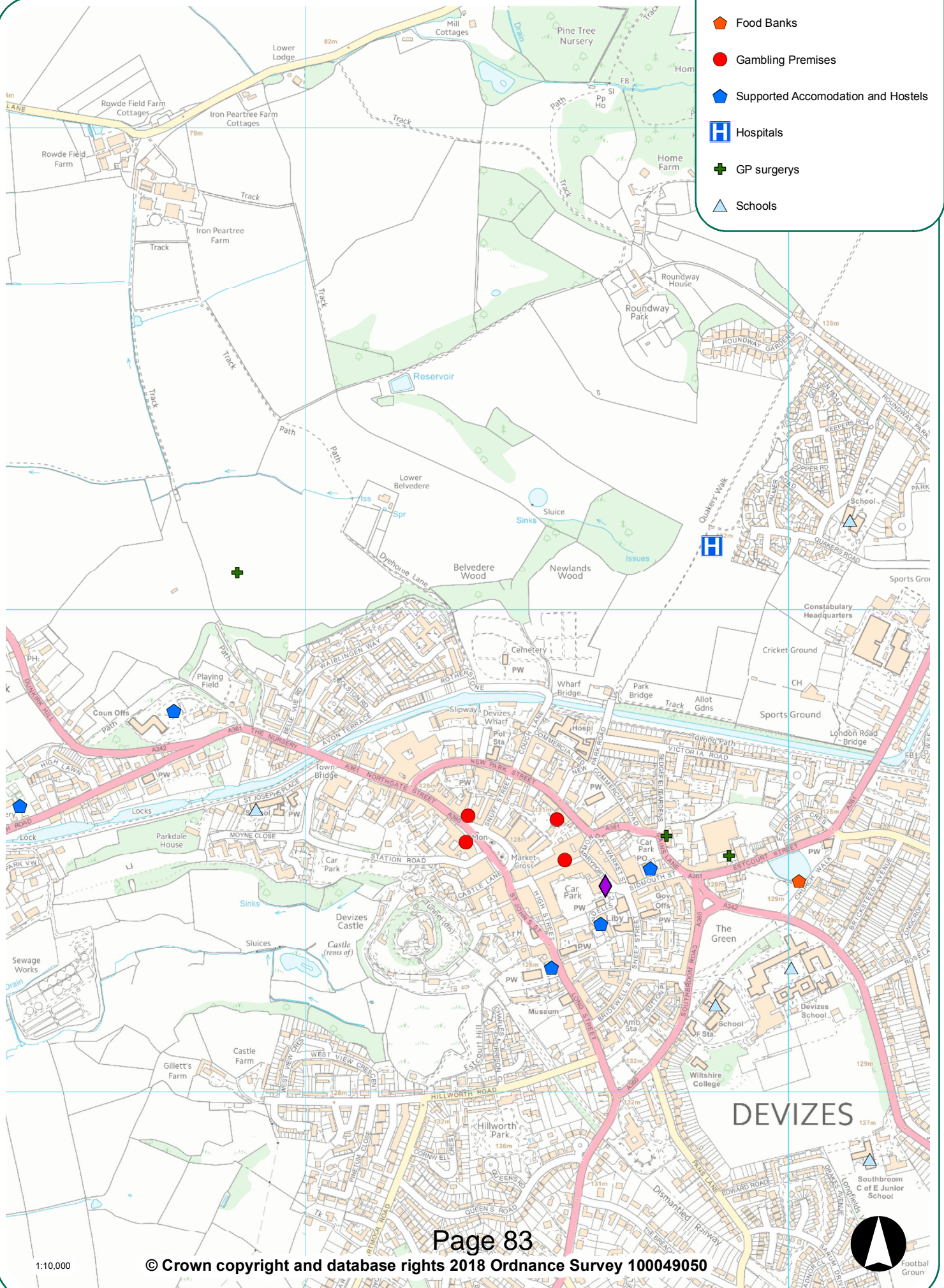
- ◆ Gambling Premises
- ◆ Food Banks
- ◆ Pawn Brokers and Payday Loans
- ◆ Supported Accomodation and Hostels
- ◆ Hospitals
- ◆ Schools



Example Town Profile

Key Risks

- ★ Pawn Brokers and Payday Loans
- ◆ Job Centres
- 🏠 Food Banks
- Gambling Premises
- 🏠 Supported Accomodation and Hostels
- H Hospitals
- ✚ GP surgeries
- △ Schools



Appendix E - Useful Contacts

Gamble Aware

www.gambleaware.co.uk

GamCare

Head Office
2nd Floor
7-11 St John's Hill
London
SW11 1TR

Freephone: 0808 8020 133

Main switchboard: 020 7801 7000

Fax: 020 801 7033

Email: info@gamcare.org.uk

Website: <http://www.gamcare.org.uk/support-and-counselling/face-face-counselling/find-local-counselling>

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

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>