

# AGENDA

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**Meeting:** Licensing Committee  
**Place:** West Wiltshire Room - County Hall, Trowbridge BA14 8JN  
**Date:** Monday 27 April 2015  
**Time:** 10.30 am

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

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

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## Membership:

Cllr Pip Ridout (Chairman)	Cllr Jose Green
Cllr Desna Allen (Vice Chairman)	Cllr Mike Hewitt
Cllr Nick Blakemore	Cllr Simon Jacobs
Cllr Allison Bucknell	Cllr George Jeans
Cllr Dennis Drewett	Cllr Leo Randall
Cllr Sue Evans	

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## Substitutes:

Cllr Andrew Davis	Cllr Jeff Osborn
Cllr Bill Douglas	Cllr Ernie Clark
Cllr Trevor Carbin	Cllr Bill Moss
Cllr Howard Greenman	Cllr Nick Fogg MBE
Cllr Glenis Ansell	Cllr Jon Hubbard

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# AGENDA

## 1. **Apologies and Substitutions**

To receive any apologies and details of any substitutions.

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

To confirm and sign the minutes of the meeting held on 8 December 2014 (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 above 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 above (acting on behalf of the Corporate Director) **no later than 5pm on Monday 20 April**.

Please contact the officer named on the first page 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**

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

**Eastern Area**

19/01/15 Application for a Variation of a Premises Licence in respect of Central Stores, 47 Hillworth Road, Devizes made by W S Retail Limited

**Northern Area**

26/11/14 Application for a Premises Licence made by SN15 Leisure Limited in respect of SN15, 17a Station Hill, Chippenham

**Western Area**

24/03/15 Application for a Review of a Premises Licence in respect of Favourite Chicken and Ribs, 3 Market Street, Trowbridge

7. **Briefing Note - Deregulation Bill and Legislative Reform (Pages 51 - 56)**

The Committee are asked to note the Legislative Reform (Entertainment Licensing) Order 2014 which came into force on 6 April 2015. This adds a few more exemptions to The Licensing Act 2003 relating to regulated entertainment.

8. **Gambling Policy Statement of Principles - Update (Pages 57 - 126)**

The report of the Public Protection Team Leader (Licensing) provides background information concerning the new proposed Statement of Gambling Principles.

9. **Dates of Future Committee Meetings**

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

Monday 1 June 2015	Monday 7 September 2015
Monday 7 December 2015	Monday 1 February 2016

10. **Urgent Items**

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



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## LICENSING COMMITTEE

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### **DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 8 DECEMBER 2014 AT CEREMONY ROOM, 1ST FLOOR, COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Desna Allen (Vice Chairman), Cllr Nick Blakemore, Cllr Allison Bucknell, Cllr Sue Evans, Cllr Jose Green, Cllr Simon Jacobs, Cllr George Jeans, Cllr Leo Randall, Cllr Pip Ridout (Chairman) and Cllr Nick Watts

#### **Also Present:**

Ian Brown (Head of Environment Services), Cllr Chris Caswill, Cllr Richard Clewer, Naji Darwish (Head of Service – Public Protection), Tracy Daszkiewicz (Public Health Consultant), Linda Holland (Public Protection Team Leader), Jo Hulbert (Compliance Officer), Cllr Peter Hutton (Portfolio Holder), Lisa Pullin (Democratic Services Officer), Andrew Saxton (Fleet Services Manager), Paul Taylor (Senior Solicitor)

#### **Public**

Mr P Carter  
Mr T Berridge  
Mr Goodwin

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#### **43 Apologies**

Apologies were received from Councillors Drewett and Hewitt.

#### **44 Minutes**

The minutes of the meeting held on 8 September 2014 were presented to the Committee.

#### **Resolved:**

**That the minutes of the meeting held on 8 September 2014 be approved and signed as a correct record.**

45 **Chairman's Announcements**

The Chairman made the following announcements:

Legislation Update Session

Members were reminded of the update session which would commence after the conclusion of the Committee. It was hoped that this would be around 12 noon. All members had been invited to attend.

Change to Agenda Order

As there were members of the public present at the meeting, Agenda item 10 – One Zone/One Tariff Consultation would be brought forward and considered first.

46 **Declarations of Interest**

There were no declarations of interest.

47 **Public Participation**

No questions had been submitted prior to the meeting.

There were two members of the public present who wished to make statements in relation to item no 10 on the Agenda – One Zone/One Tariff Consultation – Hackney Carriage and Private Hire Vehicle Licensing.

Tony Berridge – Starline Taxis, Warminster

Summary of points raised:

- I would wish for the four zones in Wiltshire to remain as they are and that the tariff change times are not amended;
- Most drivers within each zone have a great knowledge of their area and know their customers and how much they are willing to pay for taxi journeys
- Salisbury taxis run 24 hours a day and as a city is not comparable with the other Wiltshire towns;
- If one zone/one tariff is introduced this would increase the starting rate to £3.20 which is a £1 increase per journey. This would have a huge impact on those customers (mainly elderly) who only travel short distances;



- We need to keep Tariff 3 which can be used after 23:00 to pick up those that are intoxicated and need to get home so that they don't cause trouble in the towns, etc. If I don't pay my drivers a higher rate for this time then I cannot get them to work. At this time of the night there are problems of bilking and soiling of taxis and I need to ensure that I am able to provide the taxis to assist the public and Police; and
- Don't change us to one zone as if you do we can't go back to 4 zones if it doesn't work out.

Paul Carter, Paul's Taxis, Melksham

Summary of points raised:

- I would for there to be one zone for Wiltshire as at present it is hard for me to justify to customers why it costs more to travel from Melksham to Chippenham than from Chippenham to Melksham;
- I don't think moving to one zone would mean that drivers would go to another town's rank to get business. Our customers are in Melksham and so that is where we need to be;
- My concerns with the proposed tariffs are that most journeys are less than 2 miles and 50% are less than one mile. This would relate as a 25% increase to our customers who rely on us.
- We are aware that the charges are the maximums we can charge but if we don't have any customers contacting or booking us then we can't negotiate on a price;
- I think that the tariffs need to be looked at again with perhaps a representative from each area to hammer out a suitable tariff for all; and
- I think that the lack of responses to your consultation is because that most of those in the trade think that you (the Council) will go ahead and do what you want anyway. Those who have bothered to respond should have more input into the tariff setting.

48 **Minutes of the Licensing Sub Committees**

The draft Minutes of the Western Area Licensing Sub Committee meetings held on 19 August 2014 and 11 September 2014 were presented for consideration.

**Resolved:**

**To approve and sign the minutes of the Western Area Licensing Sub Committee meetings held on 19 August 2014 and 11 September 2014.**

49 **Briefing Note - Model Licence Conditions for Animal Boarding (Catteries) and Pet Vending**

The Committee noted the briefing note on model Licence Conditions for Animal Boarding (Catteries) and Pet Vending.

50 **Statement of Licensing Policy**

Naji Darwish (Head of Public Protection) presented a report which asked the Committee to note the requests for amendments to the Statement of Licensing Policy which was approved by Council on 21 October 2014.

The Chairman highlighted that the consultation on the Licensing Policy had been carried out for a 12 week period which included all Councillors and was disappointed to note that issues were raised by councillors at Full Council that could have been made in the consultation stage. She was concerned to note that following a letter to the local press by an individual member that we have been deemed not “fit for purpose”.

The Portfolio Holder wished to add that Wiltshire Council were fortunate to have a robust licensing function and a good Licensing Committee. He wished to emphasise the proactive engagement carried out with the community on the drafting of the Licensing Policy.

Councillor Caswill spoke at the meeting with the permission of the Chairman and made the following points:

- To clarify I stated that the Licensing Policy was not fit for purpose, I was not referring to the Licensing Committee;
- I was not aware of the Alcohol Strategy development during the policy consultation period and I feel that this is a very important document to be included; and
- I did respond to the online consultation of the Licensing Policy and my suggested amendments I believe would make the Policy stronger.

The Head of Public Protection made the following points:

- The Government Alcohol Strategy is a document that drives the Wiltshire Alcohol Strategy and we are limited as the Policy provides a legal and regulatory framework taken from the Licensing Act 2003;
- The substance of the Licensing Policy would not change if we accepted all of the suggested amendments, and if some of the comments had been made earlier (during the consultation process) they could have been incorporated. As it stands now, if these suggested changes were

accepted there would need to be a further consultation period and there is a cost involved; and

- Members need to consider whether it would be appropriate to go through a consultation process at this time, given that the revised Policy has only recently been updated, or whether they wish to wait until other significant revisions are considered e.g. as a result of future legislative changes; and
- That an annual review of the policy could be provided to the Committee and any significant proposed changes made at this time.

**Resolved:**

**That the relevant amendments (as detailed in Appendix 1 to the report) be accepted and that the suggested amendments be incorporated into any significant proposed policy update at a future date.**

51 **Cumulative Impact Area (CIA) - Salisbury**

Naji Darwish (Head of Public Protection) presented a report which summarised the evidence and possible benefits and limitations of a Cumulative Impact Area (CIA) for Salisbury and highlighted the following points:

- At the Committee meeting in June 2014 you deferred the decision for 6 months in order to enable a more detailed assessment and have further discussions with stakeholders;
- From discussions with those in Salisbury via the Area Board and City Council I have been informed that we are “already doing things to make improvements – let us get on with it”. Improving the management of licensing premises and the impact on local residents was recognised as a priority by Salisbury stakeholders. There was a range of concerns that implementing a CIA at this time would have potentially unintended consequences. Particularly at this time when there is no evidential need; and
- This could be kept under constant review and brought back to the Committee for further consideration as necessary.

Mr Goodwin, requested to address the Committee (member of the public from Salisbury) and stated that Salisbury was working with its establishments and it is not a “den of inequity” and is in the main well managed with good dispersal policies. Consultation is carried out with local residents and we do not wish for there to be a CIA in Salisbury.

Cllr Richard Clewer (Salisbury Councillor) wished to support the recommendation that a CIA is not implemented at this time as it would get in the way of attracting better facilities to the city which are going to be needed especially in the light of the army rebasing. He did not feel that there was a significant problem that warranted the need for the CIA.

The Portfolio Holder wished to thank Officers for the report and the consultation work carried out.

**Resolved:**

- 1) On consideration of the further analysis of evidence on crime and anti social behaviour that a Cumulative Impact Area (CIA) for Salisbury is not appropriate at this time.**
- 2) An annual briefing would be prepared for the Committee to assess if any changes to licensing policy and any special polices are required, due to significant changes to the licensing legislation or circumstances.**

**52 One Zone/One Tariff Consultation - Hackney Carriage and Private Hire Vehicle Licensing**

Andrew Saxton (Fleet Services Manager) presented a report which updated the Committee on the results of the consultation with the taxi trade on the proposal to introduce one zone and one tariff and options for harmonisation.

Andrew explained the background and the options available to the Committee.

The Committee had heard from 2 members of the public (as detailed under minute number 47 above).

Councillor Peter Hutton, Portfolio Holder made the following points:

- He wished to thank those in the taxi trade and Wiltshire Council Officers for their input into the consultation;
- Consistency of pricing is important; and
- If any changes were to be made then public notification would be carried out.

The Committee debated the issues and the following points were raised:

- Concern at the flag drop rate of £3.20, especially for some of the more vulnerable residents of Wiltshire who use taxis;

- If we decide to move to one zone for Wiltshire we cannot go back to different zones (unless there was a change to current legislation);
- How do we address the concerns raised by the taxi trade? Taxis should be able to charge more when working at 02:00/03:00 to take home revellers.
- The public would benefit from having one zone for Wiltshire;
- The proposed charges were the upper limit and this would increase the earning potential for taxi drivers if they chose to use them;

A number of proposals were suggested but not put to the vote. Further discussion ensued following which it was:

**Resolved:**

- i) To approve the move to one table of fares and keep existing zone structure.**
- ii) To select a table of fares, Proposal 3. (Shown below).**
- iii) To authorise officers to carry out the necessary public consultation and to implement any changes to the fare tariffs, in the event that no significant comments are received during that consultation.**

**WILTSHIRE COUNCIL  
HACKNEY CARRIAGE  
MAXIMUM TABLE OF FARES**

<b>For journeys starting</b>	<b>Vehicles up to 4 seats</b>	<b>Vehicles with more than 4 seats carrying more than 4 passengers</b>
0600 hours – 2229hours	Tariff 1	Tariff 2
2230 - 0229 hours and Sundays, Bank Holidays, Public Holidays and Easter Sunday and after 8pm Christmas Eve & New Years Eve	Tariff 2	Tariff 4
0230 – 0559 hours and 25 December, 26 December and 1 January	Tariff 3	Tariff 5

	<b>Tariff 1</b>	<b>Tariff 2</b>	<b>Tariff 3</b>	<b>Tariff 4</b>	<b>Tariff 5</b>
Journeys up to 176 yards (1/10 Mile)	£3.20	£4.50	£5.00	£4.50	£6.00
Subsequent 176 yards (1/10 Mile)	20p	30p	40p	45p	60p
Waiting time per minute	20p	30p	40p	45p	60p
Fouling charge (minimum)	30p	30p	30p	30p	30p
	£100	£100	£100	£100	£100

**53 Dates of Future Committee Meetings**

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

Monday 2 February 2015  
Monday 27 April 2015  
Monday 1 June 2015.

**54 Urgent Items**

There were no urgent items.

55 **Exclusion of Public**

**Resolved:**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute number 56 below because it was likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

Reason for taking item in private:

Paragraph 1 – Information relating to any individual.

No representations had been received as to why this item should not be taken in private.

56 **Minutes of the Licensing Sub Committee**

The draft exempt Minutes of the Western Area Licensing Sub Committee meeting held on 11 September 2014 were presented for consideration.

**Resolved:**

**To approve and sign the exempt minutes of the Western Area Licensing Sub Committee meeting held on 11 September 2014.**

(Duration of meeting: 10.30am – 12.05pm)

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

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## **EASTERN AREA LICENSING SUB COMMITTEE**

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**DRAFT MINUTES OF THE EASTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 19 JANUARY 2015 AT YEOMAN ROOM, DEVIZES CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS IN RESPECT OF AN APPLICATION FOR VARIATION OF A PREMISES LICENCE: CENTRAL STORES, 47 HILLWORTH ROAD, DEVIZES, SN10 5HB**

**Present:**

Cllr Allison Bucknell, Cllr Ernie Clark and Cllr Jose Green

Wiltshire Council

Asifa Ashraf (Solicitor)  
Lisa Pullin (Democratic Services Officer)  
Jemma Price (Public Protection Officer – Licensing)

Others Present

Chris Mitchener (On behalf of Applicants)  
Cllr Peter Evans (On behalf of Devizes Town Council – Interested Party)

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**1 Election of Chairman**

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

**Resolved:**

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

**2 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 1 – 8 of the Agenda refers).

**3 Chairman's Announcements**

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

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application**

**Application for a Variation of Premises Licence in respect of Central Stores, 47 Hillworth Road, Devizes made by W S Retail Limited**

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant and the Interested Party (Devizes Town Council) who had made a relevant representation were given the opportunity to address the Sub Committee.

Key points raised by Chris Mitchener from Licensing Solutions on behalf of the Applicant were:

- These premises had recently been acquired by the Applicant and they would wish to be able to provide all of the items in their shop for sale when they are open to the public;
- No representations had been received from Wiltshire Police, Environmental Health or from local residents;
- No evidence had been supplied as to why serving alcohol during the requested times might cause a problem or that people might migrate to the area to buy alcohol some 2 and a half hours after late night pub/club venues in the town had closed;
- There are other establishments in town that operated 24 hours a day and the Applicants believe that if these had/were creating problems then the Police would have made an objection to this application;
- All of the staff who work in Central Stores are suitably trained in the sale of alcohol, with 3 monthly refresher training. A refusal of sale book is operated. The Challenge 25 Scheme is also operated; and
- No one else has made any objection to the variation of hours to serve alcohol and the Applicants do not believe that serving alcohol from 05:30 would give rise to any problems.

The following question was asked of the Applicant:

Q What is the reason for the requested change in hours?

A The Applicant's wish for all of their stores to operate on the same hours and there is a demand from customers to be to buy alcohol any time when the store is open.

Key points raised by Councillor Peter Evans from Devizes Town Council (Interested Party) were:

- The premises had operated as a convenience store for many years;
- The Town Council felt that there was not enough of a break between the pubs/clubs closing to the proposed time of start of alcohol sales at Central Stores and that the public could migrate from the town centre to Central Stores to carry out drinking;
- There are no problems with noise at Central Stores at present and the Town Council do not believe there is a demand for alcohol sales to start at this time; and
- This variation is inappropriate for the residential siting of the premises, it was not needed and a refusal of the variation was requested.

The following question was asked of the Interested Party:

Q The nearest late night opening premises to Central Stores is the Southgate Inn which has a licence to 03:00, some 2 and a half hours to the proposed commencement of sale of alcohol at Central Stores. Are there any others nearby?

A No.

Q What will people be doing till 05:30?

A I wouldn't imagine that people would hang around for 2 and half hours to carry on drinking in the winter, but they may in the summer. I live in a town centre location and am aware people are around drinking in the town at 06:00.

Q Is there any evidence of problems with the other 24 hour establishments that sell alcohol?

A The other venues are not so close to the Town Centre.

Q What is the evidence for us to refuse this application, we have to consider the licencing objectives?

A There is an assumption that there will be a noise disturbance to residents.

Councillor Evans on behalf of the Town Council made the following points in summation:

- The premises is presently well operated and there is no request to serve alcohol earlier than we know of; and
- If patrons do require alcohol at that time in the morning there are other venues available to them.

Chris Mitchener on behalf of the Applicant made the following points in summation:

- Even though under the Licensing Act we don't need to "prove" a demand we say that the availability of alcohol at all times has been requested by our customers. Some finish work in the early hours and come in on their way home and wish to purchase alcohol for consumption at another time;
- There has been no local or Police objection to the variation request; and
- It is outside of this Sub Committee's remit today to speculate what may happen in the future – if difficulties should arise then the review system is available to address any real issues that arise.

The Sub Committee then retired to consider the application at 10.45am and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Hearing reconvened at 11.05am.

The Solicitor for the Council did not give any material legal advice.

**Resolved:**

**To vary the Premises Licence for Central Stores, 47 Hillworth Road, Devizes as follows:**

**The variation to the provision of Licensable Activity:**

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<b>Sale by Retail of Alcohol (OFF the premises)</b>	<b>05:30 – 23:00</b>	<b>Monday - Sunday</b>

All additional steps offered in Section P of the application were accepted by the Sub Committee and would form part of the conditions of the revised Premises Licence as detailed below:

#### **Prevention of Crime and Disorder**

The CCTV shall be maintained in full working order and used at all times when any licensable activity is taking place. The CCTV will be of sufficient quality so as to produce images which enable identification; images will be securely stored for a minimum of 28 days. CCTV images will be produced to a Wiltshire Council Officer or Police Officer on request.

Premises will be alarmed.

#### **Public Safety**

Staff to be suitably trained and to undertake refresher training. Training records are to be maintained and kept on file.

#### **Prevention of Public Nuisance**

Notices are to be prominently displayed at all exits from the premises requesting that patrons respect the needs of people living in the area and to leave the area quietly.

#### **Protection of Children from Harm**

A Challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 25 and who wishes to purchase alcohol.

A refusals book is to be kept up to date, and made available to an authorised officer of the Licensing Authority and Police upon request.

#### **Reasons:**

The Sub Committee considered the written evidence presented in the agenda from the Applicant and the Town Council, together with the oral evidence given at the hearing.

The Sub Committee considered that the addition of the conditions set out in Section P of the application were appropriate to meet the licensing objectives.

In reaching its decision the Sub Committee considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 35); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

**Right of Appeal:**

**All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any Responsible Authority or Interested Party has the right to request a Review of the Licence.**

(Duration of meeting: 10.20am – 10.45am  
Adjournment – 10.45am – 11.05am  
Announcement of Decision – 11.05am – 11.08am)

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

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## **NORTHERN AREA LICENSING SUB COMMITTEE**

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**DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 26 NOVEMBER 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE BY SN15 LEISURE LTD FOR SN15, 17A STATION HILL, CHIPPENHAM**

**Present:**

Cllr Desna Allen, Cllr Trevor Carbin and Cllr Sue Evans

**Also Present:**

Wiltshire Council

Roy Bahadoor (Public Protection Officer)  
Richard Francis (Senior Environmental Health Officer – Responsible Authority)  
Lisa Pullin (Democratic Services Officer)  
Paul Taylor (Senior Solicitor)

Applicants

Tom French (SN15 Leisure Ltd)  
Phillip Kolvin (Queen’s Counsel for the Applicants)  
James Lever (SN15 Leisure Ltd and Proposed Designated Premises Supervisor)  
Barry Richards (TLT Solicitors)  
Paul Shayegan (SN15 Leisure Ltd)  
Piers Warne (TLT Solicitors)

Wiltshire Police

Dave Bennett (Licensing Manager)  
Jacqui Gallimore (Licensing Officer – Wiltshire)  
Sian Kalynka (Licensing Officer – Swindon)  
Guy Ladenburg (Counsel for Wiltshire Police)

Members of the Public who made a Relevant Representation

Councillor Chris Caswill (On behalf of Robert Burford and Ian Keasey also)  
Peter Wans (On behalf of Rev Millett)

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1 **Election of Chairman**

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

**Resolved:**

**To elect Councillor Desna Allen as Chairman for this meeting only.**

2 **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 1 – 8 of the Agenda refers).

3 **Chairman's Announcements**

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

4 **Declarations of Interest**

There were no interests declared.

5 **Licensing Application**

**Application for a Premises Licence made by SN15 Leisure Limited in respect of SN15, 17a Station Hill, Chippenham**

Councillor Desna Allen, Chairperson, welcomed those present and asked all to introduce themselves.

She reminded those present that this application had been made pursuant to the grant of a Provisional Statement by the Licensing Authority in April 2013. As such, section 32 of the Licensing Act applied. This meant that representations on any subsequent application for a premises licence may be excluded in the circumstances set out in that section.

The Chairperson stated that the Applicant had previously indicated that, in their view, all of the representations that had been received on this application should be excluded, by virtue of section 32, and could not be taken into account by the Licensing Authority. This had been disputed by the Police, who argued that their representations were not excluded and should, therefore, be taken into account.

The legal representatives for both the Applicant and the Police had provided brief submissions, setting out their legal arguments on this point. It was



proposed, therefore, to consider the issue of the admissibility of representations as a preliminary point.

The advocates for the Applicant and the Police were then invited to address the Sub Committee on this point.

Philip Kolvin (PK), QC for the Applicant

On behalf of the Applicants, PK stated that they were not now seeking to exclude the representations made as they did not wish to shut out the views of the local residents. He confirmed that the Applicants had an issue with the representation from Wiltshire Police but stated that the Applicant would be prepared to proceed to the substantive hearing of the application.

Guy Ladenburg (GL), Counsel for Wiltshire Police

GL stated that the Applicants were arguing that the Police were attempting a “second bite of the cherry” and were making representations on the same information as at the provisional statement stage. It would be the Police’s case that this was not so. They felt that there had been a material change in circumstances in that the management of the premises had changed now that it had come forward as a full licence application. There was a proposed new management structure to be put in place which gave a great deal of uncertainty and about which the police had serious reservations.

The background of these premises gave the Police cause for concern as the previous licence holder had had the licence revoked because of the serious problems with crime and disorder. The Police would wish for there to be a robust management structure in place to protect the local residents. Their view was that the proposals from the provisional statement had changed and that the new people proposed for the roles were not acceptable. The high level of investment in the premises required was not evidenced.

Paul Taylor, Solicitor for Wiltshire Council clarified with both parties that they were happy not to debate the admissability of representations and proceed straight to the hearing.

All parties confirmed that they were happy to proceed with the hearing of the application for a Premises Licence.

Roy Bahadoor, Licensing Officer for Wiltshire Council introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration. This application for a Premises Licence was being made pursuant to the Provisional Statement granted on 12 April 2013.

During the consultation process eight representations had been received. Four from local residents, one from a Town Councillor, one from a Unitary Councillor,

one from Wiltshire Police and one from the Environmental Control and Protection Team of Wiltshire Council.

In accordance with the procedure detailed in the agenda, the Applicant, the Responsible Authorities and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Phillip Kolvin, QC, on behalf of the Applicants were:

- We wish for a ruling to be made on whether you would accept Mr Lever as the Designated Premises Supervisor (DPS) for the premises. If you were not minded to accept him, he could be withdrawn as proposed DPS;
- The business history/experience of Paul Shayegan who was a Director of SN15 Leisure Ltd making the application for a Premises Licence;
- That Mr Shayegan was fully aware of his responsibilities to comply with the licensing objectives as he knows of the problems in the past with this venue;
- If a Premises Licence were to be granted the Applicants would sign a 15 year lease of the building and would be spending approximately £172k on a refit to bring the building up to a suitable standard to open the venue. Around 40 people would be employed to run the premises;
- Mr Shayegan had joined forces with Mr French and Mr Lever who would be assisting with the finances for the project. Mr Shayegan would continue to work at and run SN15 as it was his company behind it;
- When the application for a Provisional Statement was submitted, five supporting documents were included and these same five documents had been submitted again with the application;
- The Applicants were happy to subscribe to the schedule of conditions that were detailed on the revoked Karma Nightclub licence;
- The management plan had not changed since the Provisional Statement and all roles and responsibilities were set out in the plan;
- If a licence was granted there would be a Challenge 25 Policy, there would be a bar supervisor on each bar and there would be zero tolerance on drugs;
- Craig Mickle (proposed DPS at time of Provisional Statement application) had moved on to pastures new and now James Lever was the proposed DPS;

- All of those who made a representation to the Provisional Statement stage had made one again with the exception of Cllr Murry;
- The Applicants accepted that the residents had previously suffered because of the noise breakout and the anti social behaviour of their patrons and damage to their property;
- Wiltshire Police had previously stated that the Provisional Statement application broadly met all of the Police's requirements and the Sub Committee addressed the issues raised by putting in a number of conditions and measures to make the application acceptable to grant;
- No appeal was made to decision to grant the Provisional Statement by any party;
- In reliance on the Provisional Statement the Applicants had spent £30k on commencement of the remedial works;
- Anyone could take advantage of a Provisional Statement but it was still SN15 Leisure Ltd who were the Applicants with the same application, same plan, same supporting documents, and the works required had been substantially carried out;
- No adverse comments had been received from Wiltshire Fire & Rescue Service and a full fire Risk Assessment would be carried out if/when the premises re-opens;
- A condition had been agreed to satisfy the concerns of Mr Francis, Wiltshire Council Environmental Health regarding noise breakout;
- The local residents had made some basic points which had already been considered by the Sub Committee at the previous hearing. The Applicants did not wish for the residents to suffer in the future and if this was the case they could bring the matter back and ask for the licence to be reviewed;
- Wiltshire Police refer to Mr Shayegan's involvement with a business linked to drugs convictions, but he was not involved in the day to day management of the premises at that time and so it should not be levelled at him that he was unfit to run a nightclub business;
- Mr Lever (the proposed DPS) was an investor in the premises and he had been in the industry for 20 years. He had a personal licence granted by Swindon Borough Council and no reviews of any licence had been carried out at any or the premises he had been involved with;
- The only person who could object to a particular DPS was the Chief of Police and we don't see any evidence that the Chief of Wiltshire Police had

made an objection in the required form to Mr Lever being the DPS for SN15 Leisure Limited. As there was no such statement then we would say that the representation about Mr Lever is irrelevant and cannot be taken in to account;

- The Applicants have not had sufficient time to consider the additional evidence provided by Wiltshire Police at the late stage and as we say that as there is no statement to object the whole objection to Mr Lever should fall away and not be considered by the Sub Committee; and
- If the Sub Committee were unhappy with Mr Lever being DPS then the Applicants would offer to remove him and leave the role open for now in order to make progress at this hearing.

#### Response from Guy Ladenburg, Counsel for Wiltshire Police

- We would say that the Applicants are raising a technical objection in an effort to exclude the Police's evidence on the unsuitability of Mr Lever – we feel that the Sub Committee needs to hear the our evidence in full; and
- It is accepted that there is not a specific statement, using the wording in section 18(9) of the Act, in the police's representation, that the DPS should not be Mr Lever. However, there doesn't need to be one. The Applicants are wishing to have the Police's evidence regarding Mr Lever excluded. However, we do wish to have the opportunity for it to be set out to the Sub Committee as Mr Lever will have a wider role in the running of the premises, beyond that of DPS.

The Sub Committee adjourned at 10.50am.

The Sub Committee reconvened at 10.55am.

Paul Taylor, Solicitor for Wiltshire Council stated that the Sub Committee accepted that they could not consider whether or not to exclude Mr Lever as DPS, as the requirements of section 18(9) had not been met. However, they also accepted the Police's view that the concerns about Mr Lever were wider than just his role as the DPS and related to the whole management of the premises. They would therefore take into account the Police's representations on this issue.

Key points raised by Guy Ladenburg, Counsel for Wiltshire Police - Responsible Authority were:

- There was no "statement" from the Chief of Police in objection to Mr Lever being DPS but noted that the Sub Committee accepted that the full Police representation should be heard;

- Wiltshire Police would not be seeking to exclude the press and public during the presentation of their evidence;
- The Police were seeking to prove that there had been a material change of circumstances since the Provisional Statement application. They had had confidence in Craig Mickle being able to suitably run the premises, but as he was no longer involved they didn't have confidence in the proposed management arrangements;
- There were inconsistencies in what was being said about the involvement with the previous Karma management. In a meeting with Mr Shayegan he had said that Mike Rosser (Karma) had paid for the works carried out, but we hear today that SN15 had paid for those works;
- The Police were not confident that there was a break from those involved in running the old regime and this would have a significant impact on the licensing objectives to properly manage the premises. This is why the Police had made their representation;
- The statement of Sian Kalynka (Swindon Licensing Officer) did not show Mr Lever in a good light and highlighted the concerns of 3 late night premises that he had been involved with when the premises were poorly managed; and
- The Police would say that there was a likelihood of history repeating itself and there was no evidence that Mr Lever and Mr French had successfully run premises at this level.

Councillor Chris Caswill asked the questions of the Applicants:

Do you accept that the sound insulation work was prospective and not actually carried out?

PK – Yes provisional works were carried and a statement of intentions of work were provided.

Why was the schedule of works only made available yesterday?

PK - We carried out relevant work to date and then wished to provide proof to the Sub Committee that that what we said had been done had actually been done.

Why is an email addressed to Mike Rosser?

PK – He is the landlord of the premises and it is him from whom we would be leasing the building.

Key points raised by Richard Francis, Senior Environmental Health Officer, Environmental Control and Protection, Wiltshire Council were;

- He had been involved since the Provisional Statement stage and an extensive amount of work had been done to make the necessary for sound management improvements;
- On a site visit there were concerns that an area of noise breakout was not covered by the original report from Ian Sharland. To resolve this concern a condition has been agreed between myself and the applicant as follows:-

“An additional sound commissioning exercise will be undertaken once the decorative and substantive works are completed at the premises. The commissioning exercise will be undertaken to set music sound levels for the noise limiter installed at the premises and will be adjusted at this time to the satisfaction of Wiltshire Council Public Protection Officers to ensure the promotion of the prevention of public nuisance objective.

Any future adjustments to the agreed music levels shall be through a licensing variation and agreement with the Wiltshire Public Protection Officers.”

- With the inclusion of the above condition I am happy with the application.

Councillor Chris Caswill asked the questions of Richard Francis (RF) from the Responsible Authority:

Why was the noise expected from the patio looked at so late and why couldn't we have had access to the agreed noise condition before now?

RF – I apologise for the lateness of the condition. From a site visit that I carried out it became apparent that the doors by the lower dance floor were going to be used for access/egress. When I had carried out my earlier assessment these doors had been closed. So further sound testing was carried out and I am confident that with my proposed condition all sound breakout problems will be alleviated.

Why do you say in your email to the Applicant's that you hope to avoid a public hearing?

RF- As Officers we try to negate the need for a public hearing by negotiation and resolving issues.

Key points raised by Councillor Chris Caswill who made a Relevant Representation and by Robert Burford and Ian Keasey for whom Cllr Caswill was representing were:

- The residents would have liked to have appealed the decision made to grant the Provisional Statement but could not do so due to the financial burden;
- Although the comments raised by the residents were similar to those raised at the provisional statement stage, on this occasion the whole area surrounding the premises were objecting and so the scale of the objection had increased;
- A proper schedule of works was only made available the day before this hearing. The Applicants were told that the licence would only be issued if the works had been carried out. I feel that it is unreasonable that the Applicants have not done what was asked and say that they would do it when the full licence is issued. I say that the premises are not yet ready and that the application is inadequate, not properly prepared and should be refused;
- The Management Plan should recognise the concerns of the residents and it states that you will have a minimum of 1 door supervisor. I would say that there should be at least 2 at all times and this should be added as a condition if the licence was to be granted; and
- There are problems for the residents of St Mary's Place, Chippenham and measures should be put in place to prevent exit/egress into St Mary's Place. Perhaps the Applicant could contribute to a gate that could be locked at a certain time. I have been informed that this would be a possibility by Council Officers and it would help with problems there.

Paul Taylor, Solicitor for Wiltshire Council clarified that attempts were made to get a proper schedule of works from the Applicants. However, the Council had taken a pragmatic view that the two reports that had been submitted effectively constituted the Schedule and had proceeded on that basis, whilst accepting that this was not ideal.

Councillor Chris Caswill stated that he was disappointed that this issue was not dealt with in the public domain and reiterated that there was not a suitable schedule of works and the application should not have been accepted.

Paul Taylor asked the parties to comment on whether they considered that conditions could be added to the licence to address the concerns that had been raised.

Guy Ladenburg for Wiltshire Police made the following points in summation:

- We do not feel that adding conditions to this licence would alleviate concerns. It would be like plasters covering up old wounds; and

- The Police feel that there has been a material change and do not feel that the premises would be adequately managed by the proposed management structure to promote the licensing objectives.

Phillip Kolvin for the Applicants made the following points in summation:

- There was no connection from the old regime and all those involved are new. The management roles were identified as per the Provisional Statement stage and these would all be fulfilled. The only change to the application was the DPS and you ruled that that this was not a live representation.

Councillor Desna Allen wished to clarify that the offer to voluntarily remove Mr Lever as DPS still stood. Phillip Kolvin confirmed that it did.

- New investors had come in and wanted to make it work. Mr Shayegan had ultimate responsibility for the company and there had been no challenge on his experience. He was of good character and had 30 years experience in the business;
- Mr Lever had never been prosecuted and no reviews of any premise he has been involved in had ever been carried out;
- In our proposals we say that we would have at least 10 door staff in the premises and would be happy for a condition to say that we have at least 2 door staff in position at all times; and
- The Applicants were aware of the risk they are taking if they didn't run these premises well.

Councillor Chris Caswill made the following points in summation:

- I say that the works required within the schedule of works have not been carried out and no where does it say that they have been accepted by Wiltshire Council;
- The Council appear to be constantly shifting the rules for the Applicants;
- I hear what has been said in relation to the management of the patio area but do not have confidence that this will be appropriately managed; and
- I feel the Applicants have not done what was asked of them so the application should be refused.

The Sub Committee then retired to consider the application at 12.20pm.



The Hearing reconvened at 2.20pm.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

**Resolved:**

**The Northern Area Licensing Sub Committee have decided to grant the application by SN15 Leisure Ltd for a Premises Licence at 17a Station Hill, Chippenham in relation to the licensable activities and hours as applied for:**

	<b>Timings</b>	<b>Days</b>
<b><u>Provision of regulated entertainment</u></b>		
<b>Films (Indoors)</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Live music (indoors)</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Recorded music (indoors)</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Performance of dance (indoors)</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Anything of a similar description (indoors)</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Sale by retail of alcohol (on sales)</b>	11:00 to 01:30 11:00 to 02:30	Sunday – Wednesday Thursday – Saturday
<b>Hours Premises Open to the Public</b>	11:00 to 02:00 11:00 to 03:00	Sunday – Wednesday Thursday – Saturday
<b>Non standard timings (for all Licensable Activities listed above)</b>	<p>On New Year’s Eve, from the end of permitted hours until the commencement of permitted hours on New Year’s Day.</p> <p>An additional hour commencing at the end of permitted hours, on the day when British Summertime commences.</p>	

**Subject to the attached conditions set out below**

## **Licence Conditions**

### **PREVENTION OF PUBLIC NUISANCE**

- **Noise generated on the premises shall be kept at such a level at the boundary of any occupied property that it shall not be a nuisance to the occupier of that property. The Premises Licence Holder or the Designated Premises Supervisor shall carry out observations from time to time in the vicinity of the nearby properties, between 23.00 hrs to closing time, to establish whether there is a noise breakout from the premises.**
- **The Licensee shall take all necessary steps to prevent persons in the neighbourhood being unreasonably disturbed by noise made by persons waiting to enter and when leaving the premises.**
- **The external amenity area at the rear of the premises comprising the 3 patio areas is to be restricted to a maximum of 40 persons at all times and is only to be used after 23:00 for the purposes of smoking (no drinks are to be taken outside after this time). The smoking area shall be restricted to the upper patio area. This area to be appropriately managed by the applicant to ensure compliance.**
- **No rubbish or recyclable material is to be disposed of from the premises between the hours of 02:00 and 07:00.**

### **PUBLIC SAFETY**

- **Maximum Numbers**
  - a) **Overcrowding in such a manner as to endanger the safety of the public (even, if in the circumstances, this is less than the maximum permitted number) shall not be permitted in any part of the premises. The maximum number of persons permitted on the premises as stated in the licence is not to be exceeded at any time.**
  - b) **The Licensee or authorised representative shall record and control at the time the numbers of persons in the premises. The Licensee shall keep these records for 12 months. A suitable means of counting persons shall be provided. This may be mechanical, electrical or other approved method.**

### Occupancy/Exit Capability

The maximum number of persons that should be permitted to use the parts of the premises detailed below should not exceed the figure stated:

<u>Parts of the Premises</u>		<u>Max Numbers</u>
Ground Floor	Open plan when used for dancing/standing	276
Balcony	Open plan standing audience	45
1 <sup>st</sup> floor dance/ bar areas	Open plan when used for dancing/standing	291
Total floor space capacity – number of persons		612
Total available exit capacity for normal risk rating and 2.5 minute simultaneous evacuation time		600 persons
Maximum numbers permitted:		600 persons

Arrangements will need to be made to control the number of people attending the premises and to avoid overcrowding of any area caused by people migrating from one area to another.

- In all parts of the building to which the public are admitted, a means of illumination shall be provided capable of illuminating those parts clearly.
- Log Book

A log book shall be provided in which to record details of all tests, i.e. fire-fighting equipment, safety/emergency lighting, fire drills, etc. and other details as required by the Licensing Authority and kept available for inspection at all times. The logbook shall not be in loose-leaf and shall have numbered pages. The person carrying out the test must record his/her details in the logbook.

- Fire Alarms

The fire alarm (where provided) shall be properly maintained in effective working order. Weekly tests, using different call points for each test, shall be carried out. The results of such tests shall be recorded in the logbook. The person carrying out the test shall record his/her details in the logbook.

- **Fire Procedure**

The licensee shall ensure that the person in charge, official attendants and himself are aware of the method of operating the fire extinguishers and the action to be taken in the event of a fire including evacuation of the premises, the method of calling the Fire Brigade and the location of the nearest available telephone.

- **Special Lighting Effects**

If special effects such as lasers, pyrotechnics, smoke machines, foam machines, strobe lighting effects and fog generators are being used at the premises, then

- i) The relevant current guidelines/legislation appertaining to the special effect shall be complied with.
- ii) Warning notices shall be displayed prominently at entrances and in the premises.

- **Smoke Machines and Fog Generators**

- a) Smoke machines and fog generators shall be sited and controlled so that they do not obstruct exit routes or cause a hazard to surrounding curtains or fabrics.
- b) The volume of smoke and/or fog shall be limited so that it does not seriously affect the means of escape or obscure escape route signs.
- c) Warning notices shall be displayed stating that fog or smoke is used as part of the effects on the premises.

- **Management**

- a) It is the personal responsibility of the Licensee to ensure that all conditions are complied with. The Licensee shall ensure that at all times when the licence applies, there is a person nominated by him/her who will have control of the premises, and will ensure that all licence conditions are adhered to.
- b) If the premises are hired out, the Licensee shall draw to the attention of the hirer, all of the above items and make effective arrangements to ensure that that are complied with.

## **PROTECTION OF CHILDREN FROM HARM**

- **Obscene or Indecent Performances**

The Licensee shall conduct the licensed premises in an orderly manner and shall not allow performances of an obscene or indecent nature.

- A Challenge 25 policy will be implemented. A recognised proof of age, which includes a photograph, is to be required for anyone who appears to be under the age of 25 and who wishes to purchase or consume alcohol.
- There shall be no admittance to persons under 18 (except planned 'student nights' or private parties).
- Clear procedures are to be in place for the operation of private parties and under 18 events.

### **PREVENTION OF CRIME AND DISORDER**

- The Premises Licence holder is to develop, maintain and implement a detailed Management Plan which must include the chain of command and responsibilities, risk assessments, procedures, policies (including dispersal policy) to enable the Premises Licence holder to comply with the four licensing objectives. The Licence shall be run in accordance with the Management Plan (current plan submitted with Provisional Statement April 2013). Such plan to be available for inspection upon request by the Police and Licensing Authority and to be accessible to staff.
- **CCTV**
  - a) A CCTV system with recording or monitoring capability shall be installed to cover all floors of the premises used under the terms of the Licence and shall also cover all entrances, exits and external areas immediately around entrances. Recordings shall be kept for 28 days and be made readily available to any authorised Officer of the Council or Police Officer.
  - b) The CCTV system shall be maintained in full functioning order and used at all times when the premises are open.
  - c) The CCTV is to be reviewed and if necessary upgraded to standards required by Wiltshire Police Crime Reduction Officer.
- **Door Supervisors**
  - a) Minimum of 10 SIA registered door supervisors on every trading session after 21:00. Outside of these areas the number of SIA Door

**Supervisors to be determined by a Risk Assessment subject to d) below.**

- b) All security staff to wear clothing that clearly identifies them at all times (including outerwear).**
  - c) Door supervisors to sign in and out with their names/badge numbers at the start and end of each shift.**
  - d) At least two door supervisors will be placed at the main entrance during trading hours.**
  - e) Door supervisors are to remain on duty outside the venue for not less than 30 minutes after the last customer has left the venue, to provide a visible presence and deter anti-social and/or criminal behaviour. This also includes clearing the street of any litter left behind by patrons.**
- All reasonable steps will be taken by staff to ensure that persons entering the premises are not carrying any illegal drug.**
  - Regular searches by staff of all areas of the premises will be undertaken during trading hours to ensure that drug use or excessive drinking is not taking place on the premises.**
  - Any person found in possession of illegal drugs, is excessively drunk or violent will be asked to leave the premises immediately.**
  - The Designated Premises Supervisor or another identified responsible person who holds a valid Personal Licence is to be present at the venue during all key trading times.**
  - The Designated Premises Supervisor is to undertake or to have undertaken training as approved by Wiltshire Police.**
  - An accurate and up to date incident and refusal logs are to be maintained at all times. Incident logs should include ejections and be signed by relevant security staff.**
  - Only polycarbonate glasses are to be in use at all times throughout the venue, the venue is to operate a bottle decanting policy, no glass bottles are to be present in the public areas.**
  - All bar staff to undertake an alcohol awareness course by a recognised training provider and records of all staff training to be kept on file.**

- **All staff (to include Management) to undertake induction/fresher training to include roles and responsibilities and the current Licensing Objectives.**
- **DPS or nominated person shall attend local pub watch meetings.**
- **Sound levels**
- **An additional sound commissioning exercise will be undertaken once the decorative and substantive works are completed at the premises. The commissioning exercise will be undertaken to set music sound levels for the noise limiter installed at the premises and will be adjusted at this time to the satisfaction of Wiltshire Council Public Protection Officers to ensure the promotion of the prevention of public nuisance objective.**

**Any future adjustments to the agreed music levels shall be through a licensing variation and agreement with the Wiltshire Public Protection Officers.**

#### Reasons

The application for this premises licence has been made pursuant to a provisional statement issued on 12 April 2013. In that Statement, the Licensing Authority had indicated that, if a subsequent application were made for a premises licence in the same terms as sought in the provisional statement application, it would consider it appropriate to grant that licence, subject to the completion of the necessary works to the premises and subject to conditions as detailed in the provisional statement.

The provisional statement had been issued following a hearing held to consider representations made by the police, the Council's Public Protection Team, the licensing authority, the local member, local residents and local business owners. That hearing had also heard from the applicant regarding the proposed management arrangements for the premises. When deciding, at the provisional statement stage, that it would support the future grant of a premises licence, the Licensing Authority had, therefore, taken account of the representations made by the applicant at that time regarding the intended management of the premises.

The Sub Committee considered that many of the concerns regarding this application, particularly those of the local residents and business owners, had been considered at the provisional statement stage and were addressed by the conditions set out in the provisional statement, which are now imposed on the premises licence.

The Sub Committee considered that the principal issues in this current hearing were whether the required works had been satisfactorily carried out and



whether changes in the management arrangements for the premises justified any changes to the position taken by the Licensing Authority at the provisional statement stage.

#### Works to the Premises

The Sub Committee heard representations from Cllr Caswill that no proper schedule of works had been produced by the Applicant, as had been required by the Provisional Statement. Furthermore, there had been no confirmation that all of the recommendations set out in the reports of Ian Sharland dated 10 November 2012 and Roger Tombs of 7 November 2012 had been carried out. The Sub Committee accepted that this may be the case, but considered that the main issue here was whether the structure of the premises, following the works that had been done, was appropriate to meet the licensing objectives. Having considered the comments of Richard Francis, Senior Environmental Health Officer, the Sub Committee were satisfied that the additional acoustic condition set out above would give the Environmental Protection Team and the Licensing Authority the necessary ability to control the level of music and noise emissions from the premises.

#### Changes in Management

The Applicant submitted that representations made by the police regarding the suitability of Mr Lever, the proposed DPS, were not relevant representations, as the provisions of Section 18(9) of the Licensing Act had not been complied with. The Police argued, however, that their concerns about Mr Lever related to his involvement in the management of the premises generally, not specifically to his appointment as DPS. The Sub Committee accepted that the requirements of section 18(9) had not been met and that they could not consider any representations, or make any decision, specifically regarding Mr. Lever's position as DPS.

However, as explained during the hearing, the Sub Committee considered that, irrespective of whether or not he was the named DPS, it seemed clear that Mr Lever would be involved in the management of the premises, given his role in the Applicant company. They therefore felt that it was relevant to hear and consider representations about Mr. Lever's suitability on that basis.

The police had summarised their concerns regarding the proposed involvement of Mr. Lever in the management of these premises. They had referred to a number of incidents that had occurred at previous licensed premises in Swindon where Mr. Lever had worked.

The police had also set out their concerns regarding Mr. Shayegan, in particular regarding alleged inconsistent statements made by him both in relation to the role that he would play in the management of these premises and also in connection with his previous involvement with premises in Bath known as the Blue Rooms.

In response, Mr. Kolvin, for the Applicants, had reiterated that both Mr. Lever and Mr. Shayegan had considerable experience in the licensed trade and that they were both aware of their obligations to manage the premises properly and to comply with any licence conditions, including the detailed management plan.

The Sub Committee have given careful consideration to the concerns that were raised by the police regarding the change in management arrangements and personnel. However, they do not consider that these changes were sufficient to justify a refusal of the application. The management of the premises is regulated by the conditions imposed on the licence and the management plan. Any failure to comply with those conditions can lead to a review of the premises licence.

In reaching its decision the Sub Committee have considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4, 18, and 32); 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 against the terms of this statement. Any such appeal must be made within 21 days of receipt of this statement.

(Duration of meeting: 9.30am – 10.55am Hearing  
10.55am – 11.05am – Adjournment  
11.05am – 12.20pm Hearing  
12.20pm – 2.20pm - Break and Deliberations  
2.20pm – 2.25pm – Announcement of Decision)

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

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

## **WESTERN AREA LICENSING SUB COMMITTEE**

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### **MINUTES OF THE WESTERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 24 MARCH 2015 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN REVIEW OF A PREMISES LICENCE - BEST FAVOURITE CHICKEN, 3 MARKET STREET, TROWBRIDGE**

#### **Present:**

Cllr Desna Allen (Chairman), Cllr Trevor Cabin, Cllr Sue Evans

#### **Also Present:**

Teresa Bray (Public Protection Officer), Linda Holland (Public Protection Team Leader-Review Applicant), Hannah Hould (Public Protection Officer-Licensing), Lisa Pullin (Democratic Services Officer), Elizabeth Beale (Senior Democratic Services Officer), Paul Taylor (Senior Solicitor), Mr Kenan Olmez (Premises License Holder), Duncan Craig (Legal representative), Alastair Erdozain, Mahir Kilic (Licensing agent), Jacqueline Gallimore (Wiltshire Police Licensing Officer), Dave Bennett (Force Licensing Manager), Sgt Jim Suter (Wiltshire Police).

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#### **1 Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought.

#### **Resolved:**

**To elect Councillor Desna Allen as Chairman for this meeting only.**

#### **2 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 5-11 of the Agenda refers).

#### **3 Chairman's Announcements**

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

#### **4 Declarations of Interest**

There were no interests declared.

## 5 Licensing Application

The Licensing Officer presented the Committee Report outlining the licensing objectives and options the Committee could take to meet these objectives. The history of the premises licence and the current licence was described alongside the grounds for its review. The officer advised that one relevant representation had been received from Wiltshire Police.

In accordance with the procedure detailed in the agenda, the Review Applicant, the authority that had made the Relevant Representation and the Premises Licence Holder were given the opportunity to address the Sub Committee.

Key points raised by Linda Holland, Review Applicant, were that:

- The Premises License Holder had repeatedly failed to comply with conditions attached to the licence and the licensing objective of the prevention of crime and disorder, as such the only option would be to revoke the license. Evidence of the failure to prevent crime and disorder had been shared by Wiltshire Police and was in the agenda pack. Particular attention was drawn to an incident on 9 February 2014 when a female was assaulted at the premises and the shop window was smashed.
- A Magistrates Court decision maintained the need for the Premises License Holder to employ door staff;
- Mr Olmez had been warned in writing on many occasions, in addition to verbal warnings given by Police, that he was breaching the conditions of his licence. Attention was drawn to evidence of these warnings;
- At the Western Area Licensing Sub Committee in January 2014, Mr Olmez suggested that door staff would help him to meet the licensing objectives and suggested that a third member of door staff be introduced. At that Hearing, Mr Olmez' representative advised the Sub Committee that the licence holder now fully understood the requirements of the licence and was determined to meet them;
- There had been 38 witnessed breaches of the licence 19 January 2014 until 28 February 2015 mainly centring on the non-provision of door staff, and Police evidence demonstrated that Mr Olmez appeared un-concerned by this non-compliance;
- Police logs demonstrated that when door stewards were present they were able to assist the Police;
- A review application was submitted in January 2015, however Police logs since this date indicated that Mr Olmez continued to show a disregard for the conditions of his licence;

- Mr Olmez showed little concern for public safety, for instance he had let members of the public go behind the food counter and had left a broken window of the property insecure for 12 months;
- The Licensing Authority, as the Responsible Authority, had no confidence that Mr Olmez would comply with the conditions attached to his licence and felt all existing conditions were necessary.

Questions were asked of the Review Applicant and it was confirmed that all visits to the premises had been recorded, therefore any instances of compliance with the licence would have been included in the written evidence. The Licensing Authority had decided that a review of the licence with a recommendation to revoke was needed over the Christmas 2014-15 period when there was a catalogue of offences at the premises. However this decision was the result of an accumulation of previous offences. It was confirmed that the finances of the business could not be an acceptable reason for non-compliance with conditions and the premises had to be managed taking into consideration its location near to a taxi rank. Additionally, the area immediately outside the premises was considered within the responsibility of the licence holder. The Licensing officer advised that correspondence from Mr Erdozain, acting on behalf of Mr Olmez, requesting a variation of licence conditions in October 2014 was not a formal application to vary the condition. It was highlighted that licensing conditions are accessible and licence holders do not require legal support to understand them. A new application to vary the licence conditions in relation to the provision of door stewards was currently live.

Key points raised by the Relevant Representative, Jacqueline Gallimore of Wiltshire Police were that:

- The Police fully supported the evidence and arguments made by the Review Applicant;
- Since 2010, the premises had been a cause for concern for the Police. Incidents of crime and disorder were evidenced in the agenda pack;
- If door staff had been present when required, incidents of crime and disorder could have been defused and the stewards could have assisted Police;
- Mr Olmez had shown no respect for the licensing objectives and had ample opportunity to meet them.

CCTV from the 31 January 2015 was shown, to illustrate what was stated to be a typical Friday night outside of the takeaway.

Questions were asked of the Police and it was confirmed that Wiltshire Police agreed that the role of the door staff was first to monitor the inside of the premises, however the frontage of the premises was large and to the advantage

of the licence holder therefore his door staff should also monitor this area as necessary. It was noted that most incidents of crime and disorder occurred immediately outside of the premises. Mr Olmez' representative advised that he had not repaired a broken window since the defendant had not yet paid the compensation.

Key points made by Duncan Craig, Mr Olmez' representative, were that:

- Although Mr Olmez accepted that he had not complied with the conditions of his licence this did not undermine the licensing objectives in such a significant way as to warrant revoking the licence. He did not consider the events at the premises sufficiently serious according to the Wiltshire Council Licensing Policy to warrant revocation;
- Revocation of the licence would be neither proportionate nor appropriate;
- Police CCTV demonstrated that the level of disorder associated with the premises was not excessive;
- The vast majority of incidents happened outside of the premises and so were not under the responsibility of the licence holder.
- A sanction against Mr Olmez was necessary. The suspension of the licence and appropriate training of the licence holder was offered by Mr Craig as a suitable sanction.
- Mr Olmez's application to vary the conditions of his license via a letter in October was an attempt to take steps to better manage his business

Questions were asked of Mr Craig and it was confirmed that the licence holder was formally offering a 4 week suspension of his licence and, if the licence was not revoked, he would use the opportunity to correct mistakes made. Mr Craig advised that the provision of three doorstaff was excessive and it would be more manageable for the premises to employ fewer. The Sub Committee questioned what constructive changes would occur if the licence was suspended and was advised that an application to vary the licence would be part of this. It was confirmed that the window of the premises was smashed by a customer who had also assaulted a female inside the shop.

Linda Holland made the following points in summation:

- According to the Statement of Licensing Policy significant or repeated breaches of licensing law and failure to comply with warnings were considered very serious;
- Mr Olmez had ample opportunity to address his non-compliance and showed no willingness to comply;

- Revocation was the only adequate step given the number of offences and breaches of licensing objectives at the premises.

Jacqueline Gallimore made the following points in summation:

- Wiltshire Police fully supported the case put forward by Linda Holland on behalf of the Local Authority;
- Wiltshire Police considered revocation of the licence the only appropriate action;
- The premises had a history of breaching its license conditions and the licensing objectives;
- Crime and disorder could have been prevented if the licence holder had the necessary door staff in place.

Duncan Craig made the following points in summation:

- The licensing authority had only recently decided to review the license;
- The premises licence holder wanted the opportunity to manage the premises appropriately;
- Breaches of the licence were minimal in relation to the premises itself and insufficient to warrant revocation.

The Sub Committee retired to consider the review application at 1:05pm and were accompanied by the Solicitor for Wiltshire Council and representatives from Democratic Services.

The Hearing reconvened at 2:30pm.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

**Resolved:**

The Western Area Licensing Sub Committee resolved to revoke the premises license for Best Favourite Chicken, 3 Market Street, Trowbridge for the reasons detailed below:

## **Reasons:**

The Sub Committee accepted the evidence presented by the Licensing Authority and Wiltshire Police that there had been numerous recorded incidents when the Licence holder had been found to be in breach of his premises licence conditions. In the main, these related to the provision of the required number of door supervisors. The Sub Committee also accepted the evidence of the police that many of the incidents of crime and disorder that had occurred and which were associated with the premises, may well have not taken place, or may have been defused at an early stage, had the required number of door staff been present at the relevant time. The Sub Committee therefore considered that the failure to comply with those conditions did undermine the licensing objectives of preventing crime and disorder and public safety.

The Sub Committee accepted that some of the incidents referred to by the police and the Licensing Authority in their evidence had occurred outside the premises. However, they were satisfied that many of these incidents were nevertheless connected with the licensable activities taking place on the premises.

In his submissions at the hearing, Mr. Olmez's representative referred to the fact that the incidents related to these premises were not included in the list of criminal activities set out in paragraph 11.27 of the S.182 Guidance, which were ones that should be taken seriously by licensing authorities and which could justify revocation of a premises licence, even in the first instance. However, the Sub Committee noted that this part of the Guidance primarily related to crime that was not directly connected with licensable activities, so was not directly relevant in this case. It also noted that Wiltshire Council's Statement of Licensing policy did identify that cases where the police were frequently called to incidents of crime and disorder; where there were repetitive breaches of conditions and/or where there was a failure to act on previous warnings were matters that could be considered as serious shortcomings.

The Sub Committee considered the suspension of the licence, as offered by the licence holder. However it concluded it would not be appropriate to do so, because, given the history of these premises, it did not have confidence that there would be any improvement in the management of the premises or compliance with existing conditions.

The possible amendment of conditions was considered. However, it was agreed that the existing conditions were appropriate to meet the licensing objectives and the main issue was a failure to comply with those conditions. Therefore there would be no benefit in adding or amending conditions.

The Sub-Committee therefore felt that revocation was the only appropriate option, given the persistent breaches of licence conditions and the clear failure by the licence holder to recognise and comply with his obligations under the licensing objectives.



In reaching its decision the Sub-committee took into account all of the written representations in addition to oral arguments presented at the hearing by all parties.

The Sub Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); 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 this decision. The decision of the Licensing Sub Committee does not take effect until the end of the period for appealing against that decision. In the event of an appeal being lodged, the decision made by the Licensing Sub Committee does not take effect until any appeal is heard and finally determined.

(Duration of meeting: 10.40 am - 2.28 pm)

The Officer who has produced these minutes is Libby Beale (Senior Democratic Services Officer) 01225 718214/ Elizabeth.beale@wiltshire.gov.uk

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

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## **BRIEFING NOTE**

### **Deregulation Bill and Legislative Reform**

#### **1. Purpose of Briefing Note**

- 1.1 Members of the Committee are asked to note the Legislative Reform (Entertainment Licensing) Order 2014 which came into force on 6 April 2015. This adds a few more exemptions to The Licensing Act 2003 relating to regulated entertainment.

#### **2. Deregulation of Entertainment Licensing**

- 2.1 Members will be aware that the following types of entertainment were previously licensable under The Licensing Act 2003:-

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (both indoors and outdoors)
- A performance of live music
- Any playing of recorded music
- A performance of dance, and
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

The Licensing Act 2003 has four underlying “licensing objectives”: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

#### **2.2 The following activities no longer require a licence from 6<sup>th</sup> April 2015:-**

##### **Live Music: (no licence required for):-**

- A performance of unamplified live music between 08:00 and 23:00 on any day, on any premises
- A performance of amplified live music between 08:00 and 23:00 on any day on premises licensed to sell alcohol ON the premises, provided that the audience does not exceed 500
- A performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on the premises, provided that the audience does not exceed 500.

- A performance of amplified live music between 08:00 and 23:00 on any day
  1. In a Church
  2. Village Hall
  3. Community Hall
  4. Or other similar community premises

That is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser get consent from a person responsible for the premises.

- A performance of amplified live music between 08:00 and 23:00 on any day, at the:-
  1. Non-residential premises
  2. Local authority
  3. School
  4. Hospital

Provided that the organiser gets consent on the relevant premises: the local authority concerned, the school or the health care provider for the hospital.

**Recorded Music: (no licence required for):-**

- Any playing of recorded music between 08:00 and 23:00 on any day on a premises that is licensed to sell alcohol ON the premises, provided that the audience does not exceed 500
- Any playing of recorded music between 08:00 and 23:00 on any day in a:-
  1. Church hall
  2. Village hall
  3. Community hall
  4. Or other similar community premises

That is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser get consent from a person responsible for the premises.

- Any playing of recorded music between 08:00 and 23:00 on any day, at the:-
  5. Non-residential premises
  6. Local authority
  7. School
  8. Hospital

Provided that the organiser gets consent on the relevant premises; the local authority concerned, the school or the health care provider for the hospital.

**Plays:-**

- Performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500

**Dance:-**

- Performances between 08:00 and 23:00 on any day provided that the audience does not exceed 500

**Films:-**

- a “not-for-profit” film exhibition held in a community premises between 08:00 – 23:00 on any day provided that the audience does not exceed 500 and the organiser gets consent from a person responsible for the premises and ensures that such screening abides by age classification ratings.

**Indoor sporting event:-**

- an event that takes place between 08:00 and 23:00 on any day provided that those present do not exceed 1000.

**Boxing or Wrestling entertainment:-**

- a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 – 23:00 on any day, provided that the audience does not exceed 1000.

**Cross activity exemptions; no licence is required between 08:00 and 23:00 on any day, with no limit on audience size for:-**

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that:-
  1. it takes place within moveable structure that accommodates the audience

2. that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Any activities that take place before 08:00 or after 23:00 will require either a premises licence or a Temporary Event Notice.**

2.3 One of the consequences of these changes is that, where a licence includes conditions that relate specifically to something that is now deregulated, those conditions are deemed to be suspended between the hours of 08:00 and 23:00. For example, a condition requiring doors and windows to be kept closed to prevent noise 'breakout' from recorded music will not be enforceable between 08:00 and 23:00.

2.4 However, the Licensing Authority, on considering an application for the review of a premises licence or club premises certificate, may determine that the suspension of conditions be lifted, or if such conditions are not on the licence, it may apply those conditions. This provision does provide a degree of safeguard to local communities; however there remain some potential implications arising from the deregulation.

2.5 The Licensing Authority are unsure of the impact that the new deregulations will cause at this stage, although In terms of the potential impact of activities on local residents, it is worth noting that noise legislation will still apply.

#### **2.6 The intention of the Deregulations is:-**

- to remove bureaucracy and cost from community entertainment activities and strengthen creativity and community participation
- to make it easier for schools, community groups and civil society organisations to put on cultural and sporting events by removing them from the entertainment licensing regime, and
- to grow the creative economy and remove burdens from small and medium businesses.

### **3. Other Deregulations**

#### **3.1 Personal licence renewals**

The requirement to renew a personal licence has now been abolished with effect from 1<sup>st</sup> April 2015. Personal Licences will remain in effect continuously unless surrendered or revoked.

#### **3.2 Sale of liqueur confectionery to children under 16: abolition of offence**

The Deregulation Act has abolished the offence of selling liquor confectionary to children under 16 with effect from 26<sup>th</sup> May 2015, after that date, a person of any age can purchase liquor confectionary (Chocolate Liquors) in England and Wales

### **3.3 Requirement to report lost or stolen licences**

The requirement to report lost or stolen licences to the police before applying for a duplicate licence has been abolished with effect from 26<sup>th</sup> May 2015

### **3.4 Temporary Event Notices**

The limit on the number of temporary events that can be held at a premise will be increased from 12 to 15 per year with effect from 1<sup>st</sup> January 2016. This is unlikely to have any adverse impact on the workload of Licensing Officers and an insignificant impact on income.

## **4 Deregulation Proposals**

### **4.1 The sale of alcohol at community events and ancillary business sales**

This will allow businesses which only occasionally supply alcohol to do so without the need to hold a premises licence or apply for a Temporary Event Notice (TEN) Instead a Community and Ancillary Notice (CAN) will be served to the local authority which formally advises that Authority of the intention for alcohol to be supplied. There will be criteria set out in formal guidance (not yet published) about when this type of notice is appropriate.

### **4.2 Late Night Refreshment**

Currently businesses selling hot food and drink after 11pm are required to hold a premises licence in order to do so. The Deregulation Bill seeks to give local authorities discretion to remove this requirement from certain areas. For example, it will be possible for local authorities to allow businesses outside the town centres to be exempt from licensing whereas those in the town centres might still require a licence.

**Members are asked to note the above.**

**Prepared by: Linda Holland – Public Protection Team Leader (Licensing)**

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**Wiltshire Council**

**Licensing Committee**

**27 April 2015**

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## **Gambling Policy Statement of Principles - Update**

### **Summary**

To provide background information concerning the new proposed Gambling Policy Statement of Principles.

### **Proposal(s)**

#### **It is recommended:**

That the Licensing Committee requests officers to carry out a 12 week consultation process on the proposed Gambling Policy Statement of Principles 2015-2018.

### **Reason for Proposal**

In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Principles under the Gambling Act 2005. This policy is to be reviewed every three years and be the subject of a full consultation process.

**Maggie Rae**  
**Corporate Director**

**Gambling Policy**

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**Purpose of Report**

1. To provide background information concerning the new proposed Statement of Gambling Principles.
2. To recommend that the Licensing Committee request officers to carry out a full consultation of the proposed Statement of Gambling Principles. As attached at Appendix 1.
3. To inform the Licensing Committee that at its meeting in September 2015, the committee will be required to consider recommending the finalised Statement of Gambling Policy to Full Council for consideration.

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

4. "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**

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

**Background**

6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Act 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 the Act.

Since starting on the revised statement the Gambling Commission has issued a new consultation document (end of March) the main focus of the consultation is on the Statement of Principles or Gambling Policy, and that the policy statement should now reflect:

- Local concerns, risk and features of the gambling landscape – for example demographics, socio –economic profile and the mix of gambling provided or desired.
- The importance of the statement as a regulatory tool and should also reflect the commission’s recent consultation on social responsibilities controls particularly around local risk assessments.

All councils will now be required to re-write their policies and have them in place for January 2016.

7. In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Statement of Gambling Principles under the Gambling Act. This policy is to be reviewed every three years and be the subject of a full consultation process.
8. The draft statement of principles attached already includes a number of the areas highlighted by the Gambling Commission, but will require some minor amendments to incorporate the Gambling Commissions requirements/ proposals once their 12 week consultation is finalised. A copy of the current Statement of Principles is attached as Appendix 2 for information.
9. Officers will arrange to carry out an extensive public consultation process over a twelve week period to consider the views of those affected and the public of Wiltshire.

### **Safeguarding Implications**

10. One of the key objectives of, the Gambling Act 2005 is ‘Protection children and other vulnerable persons from being harmed or exploited by gambling. Wiltshire Council’s Child Protection Team, are a Responsible Authority under the Gambling Act 2005. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

### **Public Health Implications**

11. The Licensing and Public Health teams work together within the council to ensure that the health impacts of Gambling are considered. With the Commissions proposed changes which offer Licensing Authorities the opportunity to carryout local area profiles, which will draw data about risk from a number of bodies including public health or to require operators to

carry out their own premises risk assessments, Public Health will have a greater role in ensuring the vulnerable are better protected.

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

12. There is minimal environmental impact of these proposals.

### **Corporate Procurement Implications**

13. There are no procurement implications contained within this report.

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

14. 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**

15. 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 undertake its statutory responsibilities and functions under the Act.

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

16. Criticism of the Council and compromise the reputation of the Wiltshire Council.

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

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

### **Financial Implications**

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

### **Legal Implications**

19. As stated, the Council is required, under the Gambling Act 2005, to prepare and publish a statement of principles in relation to the exercise of its functions under the Act. This statement must be kept under review and reissued for each three year period. The Statement, once adopted, is a material consideration to be taken into account when the Council is exercising any of its functions under the Act. When preparing its Statement, the Council is required to consult the police, person representing gambling businesses and person representing the interests of people likely to be affected by gambling. In accordance with the Act and the Council's constitution, the Statement must be approved by full Council.

20. The licensing service is a high profile regulatory service important for protecting the public but also for ensuring the development of the leisure industry and economic viability. Fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

### **Conclusions**

21. The adoption of a revised Statement of Gambling Principles by January 2016 is a statutory requirement.

### **Proposal**

22. That the Licensing Committee requests Officers to carry out a 12 week consultation process on the proposed Statement of Gambling Principles 2015-2018.
23. The Licensing Committee note that at its meeting in September 2015, the committee will be required to consider commending for approval the finalised Statement of Licensing Policy to Full Council.

### **Reason for Proposal**

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

**Maggie Rae**  
**Corporate Director**

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Report Author: Linda Holland, Public Protection Team Leader – Licensing

[linda.holland@wiltshire.gov.uk](mailto:linda.holland@wiltshire.gov.uk), 01249 706410

13 April 2015

### **Background Papers**

- Gambling Act 2005
- Gambling Commissions Guidance to Local Authorities 4<sup>th</sup> Edition
- Gambling Commissions strengthening Social Responsibility
- Gambling Commissions Guidance to Local Authorities 5th Edition ( In consultation)
- Wiltshire Councils Current Gambling Statement of Principles

### **Appendices**

1. Proposed Statement Of Principles
2. Current Statement of Principles

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# Wiltshire Council

## Gambling Act 2005

### Statement of Principles

2015 – 2018

**Draft April 2015**

**Linda Holland, Public Protection Team Leader (Licensing)**

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

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

***Social Responsibilities/Assessing Local Risk***

***Comes into force on 6 April 2016***

*Wording to follow from Gambling Commission*

***Social Responsibilities/Sharing Local Risk Assessments***

***Comes into force on 6 April 2016***

*Wording to follow from Gambling Commission*

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## 1.0 Introduction to Wiltshire

Wiltshire is a predominantly rural county in the south-west of England with a population of 476,816. Although centrally divided by the large expanse of Salisbury Plain, Wiltshire has many market towns and villages with mixed and vibrant communities. Wiltshire is also home to world-renowned cultural and heritage destinations such as Stonehenge and the internationally established WOMAD - World of Music, Arts and Dance Festival.

Larger populations live within the cathedral city of Salisbury to the south and in other towns such as Trowbridge and Chippenham to the north of Salisbury Plain. The armed forces and their families form a significant population group in Wiltshire, with numbers set to expand significantly in future years as the Ministry of Defence relocates service personnel from overseas locations to Wiltshire in 2015-19.



## 2.0 Overview

The Gambling Act 2005 provides the regime for licensing and regulation of commercial gambling in the UK and is intended to regulate the provisions of facilities for gambling and the use of premises for gambling. It defines three types of gambling:- gaming, betting, and participating in a lottery. A variety of licences and permits allows these gambling activities to take place. The task of granting these is shared between Licensing Authorities and the Gambling Commission. The Gambling Commission approve operating and personal licences; premises licences and other permissions are approved by the Licensing Authority.

Wiltshire Council Licensing Authority recognises the potential impact of gambling on the communities of Wiltshire. In adopting this policy, this Licensing Authority will seek to work with communities and partners to ensure that it helps to maintain strong and resilient communities. It will address the concerns of the public to maintain safe and high quality environments making Wiltshire an even better place to live, work and visit. It wishes to work together with premises licence operators/holders to assist the thriving and growing local economy whilst seeking to protect vulnerable persons from harm.

Licensing Authorities are required by the Gambling Act 2005 to publish and consult on a statement of the principles which they propose to apply when exercising their functions. This policy statement should also remain responsive to emerging risks and can be reviewed at any time, but must be reviewed at least every three years.

The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:-

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

In reviewing this statement of principles this Licensing Authority consulted widely with all necessary bodies and relevant stakeholders. The consultation process was conducted between May 2015 and July 2015 by way of a direct letter to those identified and also via publication on Wiltshire Council's website - [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

A list of those consulted is available from this Licensing Authority on request.

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

## 2.1 Licensing Authority Functions

This Licensing Authority's approach to exercising its functions under the Gambling Act 2005 is set out in this 'Gambling Statement of Principles'. When regulating gambling, this Licensing Authority will take into consideration the interests of the public using guidance from the Gambling Commission and taking into account the three licensing objectives, when carrying out its licensing functions:-

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

The Gambling Act 2005 will not be used by this Licensing Authority to resolve matters that can be dealt with by alternative legislation.

This Licensing Authority will not take into account demand or need for gambling when considering applications submitted to them; however layout, size and location of a premises are factors that will be considered, along with the style of operation. Applications will all be assessed on an individual basis.

Gambling is a complex issue and this Licensing Authority has identified the following points in order to carry out its role accurately. These are:-

- Gambling is defined in the Gambling Act 2005 as either gaming, betting, or taking part in a lottery;
- Gaming means playing a game of chance for a prize;
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not;
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

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 Provisional Statements;
- 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;
- Receive notifications from Alcohol Licensed Premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;

- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register Small Society Lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that this Licensing Authority will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

The National Lottery is regulated by the National Lottery Commission.

This Licensing Authority's functions under the Gambling Act 2005 will be carried out by the Licensing Committee, the Licensing Sub-Committee, and/or Officers acting under the delegated authority of the Licensing Committee.

## **2.2 Responsible Authorities**

This Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Gambling Act 2005 to designate, in writing, a body which is competent to advise the Licensing Authority about the protection of children from harm.

The principles are:-

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

In accordance with the suggestion in the Gambling Commission's Guidance for Local Authorities, this Licensing Authority designates the Children's Services Department of Wiltshire Council for this purpose.

Responsible Authorities will be notified by this Licensing Authority of all premises licence applications. The Responsible Authorities are permitted to make representations in relation to premises applications.

The contact details of all the Responsible Authorities under the Gambling Act 2005 will be available via Wiltshire Council's website - [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)



## 2.3 Interested Parties

Interested Parties can make representations for or 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).

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

- Each case will be decided upon its merits;
- This Licensing Authority will not apply a rigid rule to its decision making;
- It will consider the examples of considerations provided in the Gambling Commission's Guidance for Local Authorities at 8.14 and 8.15;
- It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission recommended in its guidance that the Licensing Authority states that Interested Parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This Licensing Authority will not generally view these bodies as Interested Parties unless they can demonstrate they have been requested by one of their members who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested Parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be Interested Parties. Other than these however, this Licensing Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

Individuals are encouraged to approach the local Councillor or Council to ask them to represent their views.

## **2.4 Exchange of Information**

Licensing Authorities are required to include in their statement of principles how they will exercise their functions under section 29 and 30 of the Gambling Act 2005 with respect to the exchange of information between them and the Gambling Commission.

In addition, under section 350 of the Gambling Act 2005, the exchange of information between the Licensing Authority and other persons is set out in Schedule 6 to the Gambling Act 2005.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.

This Licensing Authority will have regard to the guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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.

The Licensing Authority will work closely with the Gambling Commission, Wiltshire Police and with the other Responsible Authorities where there is a need to exchange information on specific premises.

## **2.5 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 – [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

This Licensing Authority considers non-payment of annual fees seriously and, in accordance with Paragraph 193 of the Gambling Act 2005, where the Premises Licence Holder fails to pay the annual fee, this Licensing Authority will revoke the licence. This will be disapplied if the Licensing Officers considers that a failure to pay is attributable to administrative error. In relation to permits, this Licensing Authority will cancel the permit if the permit holder fails to pay the annual fee due.



## **2.6 Declaration**

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

### 3.0 Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:-

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

#### **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 be taking a leading role in preventing gambling from being a source of crime. This Licensing Authority is aware that it falls to the Gambling Commission to ensure the suitability of an operator before issuing an operating licence. However, this Licensing Authority will bring to the attention of the Gambling Commission any information that is brought to its attention, during the course of processing a premises licence application or at any other time, which could question the appropriateness of an applicant.

Where an area has known high levels of crime this Licensing Authority will consider carefully whether gambling premises are suitable to be located there. If there are concerns over a premises location, in order to prevent that premises from becoming a source of crime, certain conditions could be considered by this Licensing Authority to be attached to the licence. These could include door supervisors or CCTV etc.

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

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

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

The Gambling Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This is

because this will usually be concerned with either 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.

### **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.

It does not however seek to disallow particular groups of adults from gambling in the same way that it does children. 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 this licensing objective on a case by case basis. In order to protect vulnerable persons, this Licensing Authority will consider whether any special considerations apply to a particular premises. These considerations could include self barring schemes or providing information in the form of leaflets or helpline information from relevant organisations.

Additional statements on new mandatory requirements to follow:-

#### ***Social Responsibilities/Assessing Local Risk***

***Comes into force on 6 April 2016***

*Wording to follow from Gambling Commission*

#### ***Social Responsibilities/Sharing Local Risk Assessments***

***Comes into force on 6 April 2016***

*Wording to follow from Gambling Commission*

## 4.0 Premises Licences

A premises is defined in the Gambling Act 2005 as “any place”. It is possible for a single building to be subject to more than one premises license, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can 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). There will be specific issues that this Licensing Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Gambling Act 2005. In addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Gambling Act 2005.

This Licensing Authority will take specific care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular 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.

The following factors will be taken into consideration by this Licensing Authority when looking at premises licence applications:-

- 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.

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.

## **4.1 Adult Gaming Centres**

As no one under the age of 18 is permitted to enter an Adult Gaming Centre, this Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect the applicant to satisfy this Licensing Authority that there will be sufficient measures to meet the licensing objectives and comply with all mandatory conditions and the Gambling Commission Codes of Practice, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives. The list below is not mandatory, nor 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.

Where Adult Gaming Centres are 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.

## **4.2 Betting Premises**

Betting is defined by the Gambling Act 2005 as the making or accepting of a bet on the outcome of a race, competition or other event or process; 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.

## **4.2 (a) Betting Machines**

This Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children (it is an offence for those under 18 to bet) and vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

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.

## **4.2 (b) Tracks**

*(Defined as: a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place)*

This Licensing Authority is aware that tracks differ greatly from other premises and may be subject to one or more than one 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. The need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that 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. This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities.

It is expected from this Licensing Authority that individual applicants will offer measures to meet the licensing objectives. This list is not mandatory, nor 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.

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.

#### **4.2 (c) Conditions on rules being displayed**

The Gambling Commission has advised in its Guidance for Local Authorities that "...Licensing Authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

#### **4.2 (d) Betting Machines and Tracks**

This Licensing Authority will expect the track operator to ensure that their premises complies with all the legislation set out in the Gambling Act 2005 to prevent children from using machines at tracks. Children are allowed to play Category D machines at tracks; however this Licensing Authority will be looking at the location of any adult gaming machines throughout the track premises, in order to guarantee that they are situated where children would be excluded.

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.

### **4.3 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.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted this Licensing Authority will ensure that:-

- no more than 8 category B3 or B4 machines are provided in the premises;
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The Licensing Authority is aware that there is no restriction on the number of category C or D machines that can be on a premises.

Records may be checked by this Licensing Authority if they suspect a Licensee or Club is exceeding the turnover limit required in a 7-day period. Where appropriate the Gambling Commission will be consulted.

Bingo permitted on Alcohol Licensed Premises needs to be low level bingo. There is an expectation that information issued by the Gambling Commission will be complied with by the applicant; record keeping being a specific area of compliance.

'High level' bingo will require a Bingo Operating Licence.

When looking at the suitability and layout of a bingo premises the Licensing Authority will take into consideration guidance issued by the Gambling Commission.

### **4.4 Casinos**

This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

Casino premises licences will have conditions attached by this Licensing Authority in accordance with the Gambling Commission's Guidance outlined in paragraph 9 and their Licence Conditions and Codes of Practice.



#### **4.5 Licensed Family Entertainment Centres**

There are two classes of Family Entertainment Centres (FEC); Licensed and Unlicensed. Licensed Family Entertainment Centres require a premises licence and can provide Category C and D machines. Whereas, Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits (See permit section for further details).

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. This list is not mandatory, nor exhaustive, and is merely indicative of example measures:-

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

Clear separation between machines is needed in Licensed Family Entertainment Centres to make certain that children are not permitted access.

This Licensing Authority will refer to the Gambling Commission's website to ensure that up to date conditions are applied in relation to the way in which the area containing the category C machines should be defined. This will include any mandatory or default conditions.

There is an expectation from this Licensing Authority that all applicants of Licensed Family Entertainment Centres will meet the licensing objectives, comply with the Codes of Practice issued by the Gambling Commission as well as all relevant mandatory conditions.

## 5.0 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. A Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.

### 5.1 Alcohol Licensed Premises Gaming Machine Permits

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.

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

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

If a premises wishes to have more than 2 gaming machines, then it needs to apply for a permit and this Licensing Authority must 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. It will be expected of the applicant to satisfy this Licensing Authority that there will be sufficient measures put in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy this Licensing Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. The presence of notices and signage may also help. 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.

It is recognised that some alcohol licensed premises may apply for a gambling premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that 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.

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

## **5.2 Club Gaming and Club Machines Permits**

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

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."

The Gambling Commission Guidance also notes that 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 person's;
- (c) an offence under the Gambling Act 2005 or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Gambling Commission or the Police.

There is also a 'fast-track' procedure available under the Gambling Act 2005 for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for Local Authorities states:- "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the ground upon

which an Authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:-

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

There are statutory conditions on club gaming permits that the holder must comply with regarding 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.

Commercial clubs can only apply for Club Machine Permits and are expected to abide by the codes of practice from the Gambling Commission and with the Secretary of State's statutory stakes and prize limits.

### **5.3 Prize Gaming Permits**

The Gambling Act 2005 states that a Licensing Authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit".

This Licensing Authority has prepared a statement of principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

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.

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 (1:100);
- confirmation that the limits of stakes and prizes comply with the regulations and the law and that staff are knowledgeable of the limits and stakes;
- 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.

It should be noted that there are mandatory requirements in the Gambling Act 2005 which the permit holder must comply with. The Licensing Authority cannot attach conditions. The conditions in the Gambling Act 2005 are:-

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

If this Licensing Authority intends to refuse an application for a prize gaming permit they will inform the applicant in writing and allow the applicant to make a representation against the decision.

#### **5.4 Unlicensed Family Entertainment Centre**

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

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications.

Safeguarding children will be a principal concern to this Licensing Authority when dealing with Unlicensed Family Entertainment Centres. Before granting a permit to an applicant for an Unlicensed Family Entertainment Centre this Licensing Authority will need to be satisfied that the premises will be used as such.

Applicants wishing to apply for a permit will need to show:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (these that are set out in Schedule 7 of the Gambling Act 2005; and

- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

#### **5.4 (a) Statement of Principles**

Additional information will be requested from this Licensing Authority when a permit is applied for by an applicant, such as:-

- 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.

Renewals of Unlicensed Family Entertainment Centres are not subject to this statement of principles.

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.

Should the application be refused applicants have the right to appeal against the Licensing Authority's decision of refusal.

Refusals of a renewal application will occur if the premises has refused access to an Authorised Authority Officer without reasonable excuse; or by in renewing the permit it would have a detriment to the licensing objectives, principally non-compliance issues.

Unless a permit lapses or is surrendered it can remain for 10 years.

#### **5.4 (b) Statement of Principles relating to Direct Access between Adult Gaming Centres and Un/Licensed Family Entertainment Centres**

Applicants must consider the protection of children and other vulnerable persons from being harmed or exploited by gambling; therefore they must ensure that children do not have 'direct access' to adult premises and are not attracted to adult only areas.

There is no definition of 'direct access' therefore this Licensing Authority will look at each application on a case by case basis with regards to access. It may be preferable that there is an area that separates the premises from other areas that the public use for purposes other than gambling, so there is no direct access.

The principles below can be applied:-

- 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.

If legislation offers further definitions of either 'direct access' or 'separation' this Licensing Authority will recognise that.

## 6.0 Small Society Lotteries

It is illegal to run a Lottery that does not fit into one of the categories permitted by the law contained in the Gambling Act 2005. 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. There are further Exempt Lotteries that do not require registration with the Licensing Authority, but are still subject to regulations laid out in the Gambling Act 2005.

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.

Small Society Lotteries are Lotteries promoted for the benefit of a Non-Commercial Society. Such Societies are organisations that have distinct aims and objectives and meet the definition of a Non-Commercial Society set out in the Gambling Act 2005.

For a Society to be Non-Commercial it needs to be established and conducted:-

- for charitable purposes;
- 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.

Types of Lottery that **require** permission:-

- Small Society Lotteries – the Society in question must be set up for Non-Commercial purposes. There is a top limit of £20,000 in tickets sales.
- Large Society Lotteries – similar to the Small Society Lottery, but there is a minimum of £20,000 in ticket sales.
- Licensing Authority Lotteries – run by the Licensing Authority, to help with any expenditure it normally incurs.

Types of Lottery that **do not require** permission;

- Private Society Lotteries – any group or Society except those set up for gambling. The proceeds of the Lottery must go to the purposes of the Society.
- Work Lotteries – these can only be run and played by colleagues at a particular place of work. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.
- Residents' Lotteries – these can only be run and played by people living at a particular address. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.
- Customer Lotteries – these can only be run by a business, at its own premises and for its own customers. No prize can be more than £50 in value. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.



- Incidental Non-Commercial Lotteries – these are held at Non-Commercial events, such as school fetes etc. All the sales and the draw must take place during the main event, which may last more than a single day. Prizes cannot total more than £500.

*These limits and definitions are correct as of the date of publication of this document, however they may be subject to change in the future by Government Legislation and any amendments to these definitions or limits will be corrected in the appendices of this policy.*

Those wishing to run a Lottery may wish to seek independent legal advice to clarify which type of Lottery category their Lottery will fall into.

### **6.1 Rules of Small Society Lotteries**

For a Society to run a Small Society Lottery, no more than £20,000 worth of tickets can be put on sale for each Lottery and the accumulative total in proceeds from the lotteries cannot surpass £250,000 in a year. The Society must register with the Licensing Authority. If the Society is approaching its yearly limit and believes that it will be exceeded by the end of the year it is responsible for applying to the Gambling Commission for a licence before it exceeds the limit.

If a Society has registered with the Licensing Authority and wishes to sell tickets for a lottery by means of remote communication (internet, telephone etc.) the Gambling Commission does not require them to hold a remote gambling licence.

Even those Small Societies who's Lotteries fall below the staking and prize levels that would require them to have an operating licence are still required to register with the Licensing Authority.

This Licensing Authority will take into consideration the Guidance set out by the Gambling Commission when exercising its functions with regard to Small Society and Exempt Lotteries.

Participants of a Lottery should be a minimum of 16 years of age, it would be an offence if anyone younger was permitted to enter a Lottery; therefore those Societies whom are licensed need to have written policies and procedures that state how they are going to manage their Lotteries and therefore prevent cases of under-age play.

### **6.2 Proceeds and Prizes**

There is no maximum price for a lottery ticket.

Rollovers are allowed providing the maximum single prize limit is not breached.

A Small Society Lottery must apply a minimum of 20% of the gross proceeds of each Lottery directly to the purposes of the Society. Up to a maximum of 80% of the gross proceeds of each Lottery may be divided between prizes and the expenses of the Lottery. The maximum prize in a single Lottery is £25,000 in the case of a Small Society Lottery.

### **6.3 Policy**

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.

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.

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

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 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.

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.

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.

### **6.4 Social Responsibility**

Lotteries are a form of gambling and therefore it is the responsibility of the Society running the Lottery to make sure that children and vulnerable people are not exploited by their Lottery.

## 7.0 Temporary/Occasional Use Notices

### 7.1 Temporary Use Notices

Under Part 9 of the Gambling Act 2005 a Temporary Use Notice allows 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 gambling.

A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence and there are a number of statutory limits as regards Temporary Use Notices. Regulations state that temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

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. This is not the same as the references to 'premises' in Part 8 of the Gambling Act 2005. The reference to 'a set of premises' prevents one large premises from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.

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

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.

If this Licensing Authority feels 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, it will object.

Acknowledgement to the applicant will be made by this Licensing Authority when they are in receipt of a Temporary Use Notice.

### 7.2 Occasional Use Notices

Section 39 of the Gambling Act 2005 provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a full premises licence. Licensing Authorities and track operators and occupiers should note that the processes set out in the Gambling Act 2005 for applying for an Occasional Use Notice are different to those for Temporary Use Notices.

While tracks are normally thought of as permanent racecourses, this Licensing Authority would note that the meaning of ‘track’ in the Gambling Act 2005 covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place.

This means that land which has a number of uses, one of which fulfils the definition of track, can qualify for the Occasional Use Notice provisions (for example agricultural land upon which a point-to-point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

This Licensing Authority will, however, consider what constitutes a ‘track’ on a case-by-case basis and will keep a record of the number of notices served to ensure that the statutory limit of 8 days in a calendar year is not exceeded.

### **7.3 Travelling Fairs**

The Gambling Act 2005 defines a travelling fair as “wholly or principally” providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines, but must comply with the legal requirements about the way the machine operates.

It will fall to this Licensing Authority to decide:

- whether the applicant falls within the statutory definition of a travelling fair
- whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met
- and 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.

It should be noted that the 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## 8.0 Decision Making

### 8.1 Representations

Licensing Authority Officers will make the decision as to whether representations received for applications are irrelevant, frivolous or vexatious. 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.

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.

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.

Those wishing to make a representation against an application are encouraged to do so as soon as possible in order to allow time for both parties to mediate and come to an amicable resolution. This could involve the voluntary agreement of the applicant to place conditions on their licence.

The decision of the Licensing Authority Officer that the representation is not accepted cannot be appealed against.

### 8.2 Conditions

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

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as a way in which the licensing objectives can be met effectively.

If there is a breach of licence conditions these will be dealt with by enforcement action (see Inspection and Enforcement section for further details).

### **8.3 Door Supervisors**

The Gambling Commission advises in its Guidance for Local Authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. Where operators and Licensing Authorities decide that supervision of entrances/machines is appropriate for particular cases, it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

### **8.4 Delegated Powers**

Licensing Authority 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. Licensing Authority Officers will also be responsible for determining whether a Licensing Sub-Committee is needed to decide upon applications and representations for reviews of premises licences or permits.

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

The decision of the Licensing Sub-Committee will be sent to the applicant and all of those who had made a relevant representation. The decision will be clear, concise and include the reasons for the decision.

### **8.5 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 he or she:-

- Expects to be constructed
- Expects to be altered; or
- Expects 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 can accept more than one provisional statement for a premises.

When a provisional statement has been granted, this Licensing Authority is restricted by what it can consider when the premises licence application is submitted for the same premises. In terms of representations about premises licence applications, 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 Local Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

- which could not have been raised by objectors at the provisional licence stage; or
- which, in the 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.

## 9.0 Inspection and Enforcement

### 9.1 Enforcement

The Gambling Commission will be the enforcement body for operating and personal licences along with illegal gambling. The Licensing Authority will take the lead in ensuring compliance with licences/permits and any relevant Gambling Commission Codes of Practice.

This Licensing Authority will be guided by the Gambling Commission's Guidance for Local Authorities when it comes to enforcement action they will take against premises. The action will be:-

- **Proportionate:** regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

### 9.2 Inspection

This Licensing Authority aims to inspect premises on a risk based approach to secure compliance with the Gambling Act 2005, the Gambling Commissions Code of Practice and the licensing objectives.

Authorised Officers will have the discretion as to the frequency of inspections and which premises require an inspection while gambling activities are taking place. Where appropriate joint visits will take place encompassing a number of relevant agencies.

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

This Licensing Authority will inspect those premises that are a higher risk or have a history of complaints more frequently than those premises with lower perceived risks.

### 9.3 Complaints

Wiltshire Council as the Licensing Authority will investigate all complaints received related to gambling activities and will have regard for the licensing objectives when addressing any complaints. Licensing Authority Officers will refer complaints to or liaise with other relevant agencies/council services as appropriate in order to get complaints addressed.



## 9.4 Reviews

The Gambling Act 2005 sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted.

Requests for a review of a premises licence can be made by Interested Parties or Responsible Authorities; however, it is for the Licensing Authority to decide whether the application for review is accepted. Consideration will be made as to whether the request:-

- is frivolous, vexatious or
- will certainly not cause this authority to wish alter/revoke/suspend the licence, or
- whether it is substantially the same as previous representations or requests for review.
- 

This will be on the basis of whether the request for the review is relevant to the matters listed below:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this Licensing Authority's Gambling statement of principles

When a valid representation against a premises or a valid application for a licence to be reviewed has been received by this Licensing Authority from an Interested Party; this Licensing Authority may arrange for a meeting between the Interested Party and Licence Holder in order to try to reach an appeasement in relation to the issues raised. This may not always be appropriate and therefore the Licensing Officer may deem a hearing by the Licensing Sub-Committee necessary.

This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

In a hearing to determine an application for a licence or consider a review application, the overriding principle adopted by this Licensing Authority is that each application will be considered on its own individual merits. Licence conditions applied at such a hearing will be tailored to the individual premises and activities and only those necessary to meet the licensing objectives will be applied.

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

- the modification of the conditions of the licence;

- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor;
- the suspension of the licence for a period not exceeding three months;
- the revocation of the licence.



## **GAMBLING ACT 2005**

# **STATEMENT OF PRINCIPLES**

**(PUBLISHED April 2009)**

**To come into effect 29 June 2009**

**WILTSHIRE COUNCIL STATEMENT OF PRINCIPLES  
Gambling Act 2005**

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## **PART A**

### **1. The Licensing Objectives**

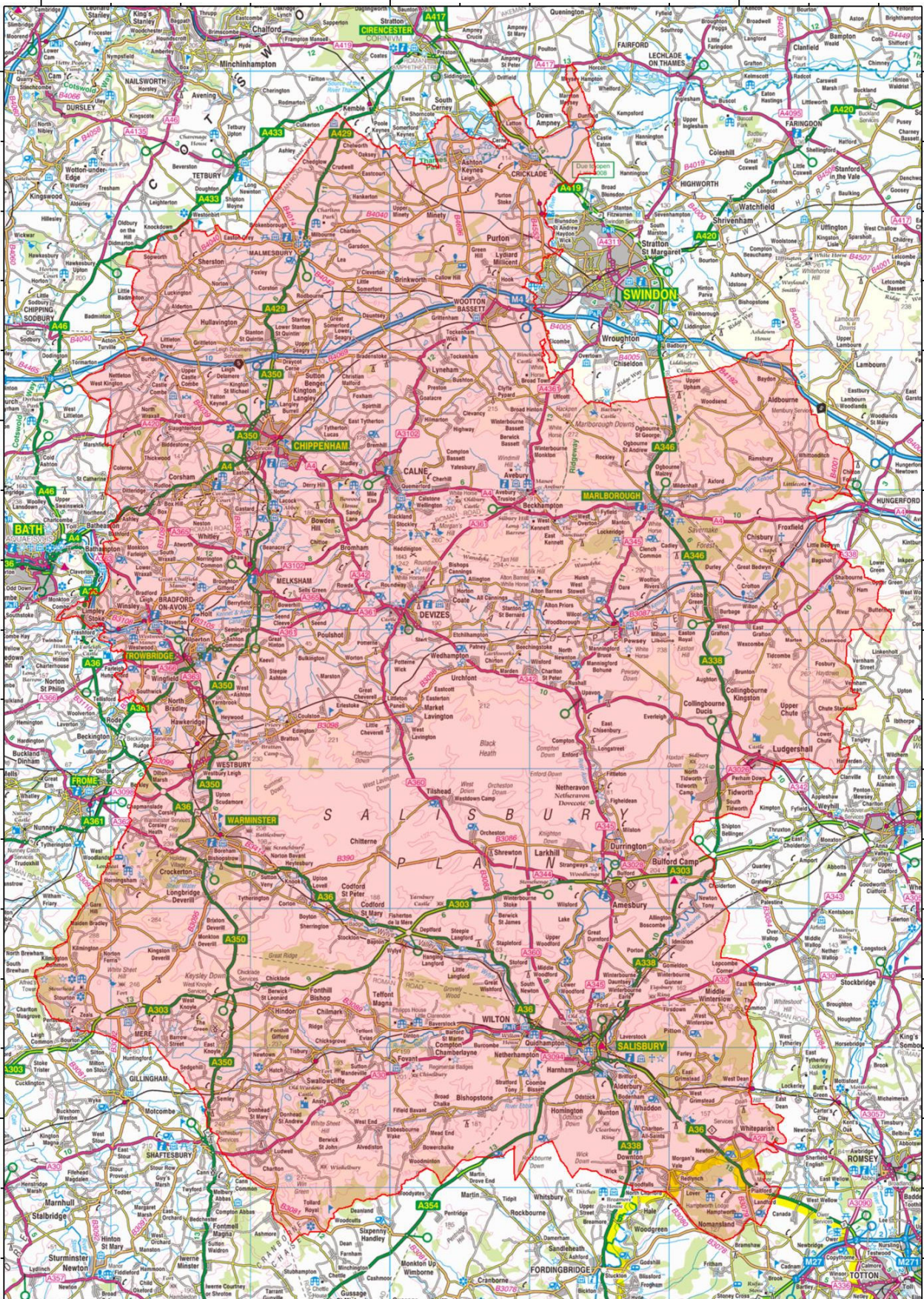
- 1.1 In exercising most of their functions under the Gambling Act 2005, Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This Licensing Authority (The Wiltshire Council) is aware that, according to Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with the Authority’s statement of licensing policy

### **2. Introduction**

- 2.1 Wiltshire is a predominantly rural county in the south-west of England. Covering 32,5534 hectares, it has a population of 433,000, nearly all of whom live in towns or villages with fewer than 5,000 people. Bigger concentrations of population can be found in the cathedral city of Salisbury, the county town of Trowbridge, and Wiltshire’s many market towns. The Armed Forces have a significant presence particularly in the south of the County.



# Wiltshire Council



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- 2.2 Licensing Authorities are required by the Gambling Act 2005 to publish and consult on a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amendments consulted upon. The statement must then be re-published.
- 2.3 Wiltshire Council has consulted widely upon this statement before finalising and publishing.
- 2.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police;
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
  - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority’s functions under the Gambling Act 2005.
- 2.5 The consultation process was in two stages. The first stage consultation took place between November 2008 and December 2008, any relevant comments made were incorporated in the second draft, which was more widely consulted on between December 2008 and February 2009. We have followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector, and the Wiltshire Compact Code of Practice on Communication and Consultation.
- 2.7 The policy was approved by the Implementation Executive at its meeting on May 2009 and is published via our website. Copies will be placed in the public libraries of the area as well as being available in all Council Offices.
- 2.8 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

- 3.1 In producing the final statement of policy, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

### **4. Responsible Authorities**

- 4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority’s area; and
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 4.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Childrens & Families Branch of Wiltshire Council for this purpose.
- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 will be available via the Council's website at: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

## 5. Interested Parties

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

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

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

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

- Each case will be decided upon its merits.
- This Authority will not apply a rigid rule to its decision making.
- It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 and 8.15.
- It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.3 The Gambling Commission recommended in its guidance that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This authority will not generally view these bodies as interested parties unless they can demonstrate they have been requested by one of their members who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

- 5.4 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected, will be considered to be interested parties. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.



- 5.5 Individuals are encouraged to approach Councillors to ask them to represent their views. Care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Department at Wiltshire Council.

## **6. Exchange of Information**

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will have regard to the Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 The protocols established by the Gambling Commission and Local Authorities Co-ordinators of Regulatory Services (LACORS) as regards information exchange with other bodies will be followed as necessary.

## **7. Enforcement**

- 7.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

7.2 This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities which will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

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

7.4 This Licensing Authority will adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. Any risk criteria, regulations or Codes of Practice regarding for example mandatory or default conditions, published by the Gambling Commission will taken into account.

7.5 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

7.6 This Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 This Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Team, Public Protection Service, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire BA14 8JN.

## 8. Licensing Authority functions

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*

- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that the Licensing Authority will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

8.3 The Gambling Commission has recommended that Licensing Authorities include a list of licensable activities in their policy statements. LACORS has requested a definitive list from the Gambling Commission and this will be incorporated into this policy statement once provided.

## **PART B PREMISES LICENCES**

### **1. General Principles**

- 1.1 Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is appropriate.
- 1.2 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of licensing policy.
- 1.3 It is appreciated that in the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 17) and also that unmet demand is not a criterion for a licensing authority.
- 1.4 *Definition of “premises”*** - Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. 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. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 1.5 This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:
- Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware 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.
  - Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). There will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. In

addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

- 1.6 It should also be noted that an applicant cannot obtain a full Premises Licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This Authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.
- 1.7 *Location*** - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. This Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 1.8 *Duplication with other regulatory regimes*** - This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.9 *Licensing objectives*** - Premises licences granted must be reasonably consistent with the licensing objectives.
- 1.10 *Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*** - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.
- 1.11 *Ensuring that gambling is conducted in a fair and open way*** - This Licensing Authority has noted that the Gambling Commission has stated that it

would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks. For clarification see section 7.

- 1.12 Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 1.13 This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 1.14 When referring to "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 1.15 Conditions** - Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
  - directly related to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale and type of premises; and
  - reasonable in all other respects.
- 1.16 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 1.17 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

- 1.18 This Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
  - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 1.19 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 1.20 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. This licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.21 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
  - conditions relating to gaming machine categories, numbers, or method of operation;
  - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
  - conditions in relation to stakes, fees, winning or prizes.

**1.22 Door Supervisors** - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. Where operators and licensing authorities decide that supervision of entrances / machines is appropriate for particular cases, it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

## 2. Adult Gaming Centres

- 2.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 2.2 This licensing authority may consider measures to meet the licensing objectives such as:

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

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

### **3. (Licensed) Family Entertainment Centres:**

3.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, 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.

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

- 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.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

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

### **4. Casinos**

4.1 *No Casinos resolution* – This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.



4.2 *Licence considerations / conditions* - The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for local authorities - 17.30) This guidance will be considered by this licensing authority when it is made available.

4.3 *Betting machines* - This Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## 5. **Bingo premises**

5.1 This Licensing Authority notes that the Gambling Commission's Guidance states:

18.4 - It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

## 6. **Betting premises**

6.1 *Betting machines* - This Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. **Tracks** (*Defined as: a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place*)

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

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

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

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

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

7.4 *Gaming machines*:- This Licensing Authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

7.5 *Betting machines* - This Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

7.6 *Condition on rules being displayed* - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

7.7 *Applications and plans* - This Licensing Authority awaits regulations setting-out any specific requirements for applications for premises licences but notes the Gambling Commission's suggestion that "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they

should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.” and that “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.”

- 7.8 This licensing authority also notes that in the Commission’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **8. Travelling Fairs**

- 8.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **9. Provisional Statements**

- 9.1 This Licensing Authority notes the Guidance for the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.
- 9.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or
  - (b) which, in the authority’s opinion, reflect a change in the operator’s circumstances.
- 9.3 This authority has noted the Gambling Commission’s Guidance that “A licensing authority should not take into account irrelevant matters.... One

example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

## 10. Reviews:

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of licensing policy.
- 10.2 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## PART C

### Permits / Temporary & Occasional Use Notice

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

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing Authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

- 1.3 Statement of Principles = This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Licensing Authority will also expect that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.
- 2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the 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 harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. 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.
- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most

likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

- 2.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))**

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
  - that they understand the limits to stakes and prizes that are set out in Regulations;
  - and that the gaming offered is within the law.
- 3.3 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
  - the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - participation in the gaming must not entitle the player to take part in any other gambling.

### **4. Club Gaming and Club Machines Permits**

- 4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance

as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

- 4.2 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."
- 4.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.
- 4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **5. Temporary Use Notices**

- 5.1 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other

things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

**6. Occasional Use Notices:**

- 6.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.



**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING COMMITTEE OR SUB-COMMITTEE</b>	<b>OFFICERS</b>
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
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	
Applications for other permits			X

Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
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

## **APPENDIX B**

### **List of Consultees**

### **List of Responsible Authorities**

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- the Gambling Commission
- the Police
- the Fire Service
- the Local Planning Authority
- Environmental Health
- HM Revenue and Customs
- In relation to a vessel, a Navigation Authority, the Environment Agency, the British Waterways Board or 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):
- A body designated in writing that is competent to advise the Authority in matters relating to the protection of children from harm:

### **Trade Organisations**

- Wessex Association of Chambers of Commerce
- Federation of Small Businesses (Western Region)
- Bingo Association
- British Beer and Pub Association (BBPA)
- Association of British Bookmakers (ABB)
- Racecourse Association Ltd
- British Amusement Catering Trade Association (BACTA)

### **Other**

- NHS Wiltshire
- Wiltshire Parish Councils
- Wiltshire Community Safety Partnership
- Wiltshire Trading Standards
- Current Holders of Betting Office and Bookmakers permits in Wiltshire Council
- Gaming Machine Suppliers who regularly apply for Gaming Permits in Wiltshire Council
- Gamcare
- Gamblers Anonymous

## FURTHER INFORMATION

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6500  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Department for Culture Media & Sport  
2-4 Cockspur Street  
London  
SW1Y 5DH

Tel: 020 7211 6200  
Website: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)

General Enquiries  
Open Monday to Friday 9:30 a.m. – 4:30 p.m.

## APPENDIX C

### GLOSSARY OF TERMS

<b>Act</b>	The Gambling Act 2005
<b>Betting Machine</b>	A machine which has been designed or adapted for use to bet on future real events, such as horse racing, and used as a substitute for placing a bet over the counter.
<b>Code of Practice</b>	Any relevant code of practice under Section 24 of the Gambling Act 2005
<b>Council</b>	Wiltshire Council
<b>Council Area</b>	The area administered by Wiltshire Council (as shown on map on page 4)
<b>DCMS</b>	Department of Culture, Media and Sport
<b>Default Condition</b>	A specified condition provided by regulations to be attached to a licence, unless excluded by Wiltshire Council
<b>Guidance</b>	Guidance issued to Licensing Authorities by the Gambling Commission (April 2006) as required by Section 25 of the Gambling Act 2005
<b>LACORS</b>	Local Authorities Co-ordinators of Regulatory Services
<b>Licensing Authority</b>	Wiltshire Council
<b>Mandatory Condition</b>	A specified condition provided by regulations to be attached to a licence
<b>Notifications</b>	Notification of temporary and occasional use notices
<b>Premises</b>	Any place, including a vehicle, vessel or moveable structure
<b>Regulations</b>	Regulations made under the Gambling Act 2005

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