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## Licensing Committee

**Tuesday 13th September 2022**

**10.00 am**

**Council Chamber, Council Offices,  
Brympton Way, Yeovil, BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



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The following members are requested to attend the meeting:

**Chairman:** David Recardo  
**Vice-chairman:** Wes Read

Jason Baker  
Dave Bulmer  
Adam Dance  
Karl Gill  
Jenny Kenton

Tony Lock  
Pauline Lock  
Kevin Messenger  
Crispin Raikes  
Paul Rowsell

Andy Soughton  
Martin Wale  
William Wallace

Any members of the public wishing to attend, or address the meeting at Public Question Time, are asked to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Monday 12 September, so that we can advise on the options for accessing the meeting.

The meeting will be viewable online by selecting the meeting at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

If you would like any further information on the items to be discussed, please contact Democratic Services at: [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 5 September 2022.

Jane Portman, *Chief Executive Officer*



This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the mod.gov app

## **Members questions on reports prior to the Meeting**

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

## **Information for the Public**

The Licensing Committee shall be responsible for those functions listed in part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers, in accordance with the Officer Scheme of Delegation, such as contested public entertainment licences, and applications for taxi driver licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003.

The Statutory Licensing Committee has responsibility for all activities under the Licensing Act 2003 and the Gambling Act 2005 except for policies and fees. Established under the Licensing Act 2003, it exercises the functions of the Licensing Authority which itself is the Council.

The Other Licensing Committee can be responsible for all other licensing matters. Established by the Council under discretionary power contained in Section 101 of the Local Government Act 1972.

It is lawful for the membership of the two committees to be the same, but they are differently constituted and run under different powers.

Meetings of the Licensing Committee are usually held bi-monthly at 10.00am on the second Tuesday of the month in the Council Offices, Brympton Way.

Licensing Committee agendas and minutes are published on the Council's website <https://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

The Council's Constitution is also on the web site.

Further information can be obtained by contacting the agenda co-ordinator - see details on the front page.

## **Recording and photography at council meetings**

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# Licensing Committee

Tuesday 13 September 2022

## Agenda

### *Preliminary Items*

**1. Minutes**

To approve as a correct record the minutes of the previous meetings held on Tuesday 14 June 2022 and Tuesday 12 July 2022. The draft minutes can be viewed at:  
<https://modgov.southsomerset.gov.uk/ieListMeetings.aspx?CId=435&Year=0>

**2. Apologies for Absence**

**3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

**4. Public Participation at Committees**

**a) Questions/comments from members of the public**

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern.

**5. Date of Next Meeting**

Councillors are asked to note that the next scheduled meeting of the Licensing Committee will be held on Tuesday 13<sup>th</sup> December 2022 at 2.00pm at the Council Offices, Brympton Way, Yeovil.

### *Items for Discussion*

**6. Statement of Principles under the Gambling Act 2005 (Pages 6 - 8)**

## Statement of Principles under the Gambling Act 2005

Executive Portfolio Holder: Adam Dance,  
Strategic Director: Kirsty Larkins, Director Service Delivery  
Service Manager: Michelle James, Principal Licensing Specialist  
Lead Officer: Anita Legg, Specialist, Licensing  
Contact Details: Anita.Legg@southsomerset.gov.uk or 01935 462137

### 1. Purpose of the Report

1.1 To advise the Licensing Committee that following the consultation process for the unamended Statement of Principles (Gambling Policy) no responses were received. It is therefore requested that Committee approve the unchanged Policy and agree to its referral for consideration and determination at Full Council at its meeting of 15 September 2022.

### 2. Public Interest

2.1 Section 349 of the Gambling Act 2005 requires that all licensing authorities prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act. The policy must be revised every three years or sooner if revisions are considered appropriate.

2.2. It was determined to consult on the unamended policy, which was conducted between 29 June 2022 and 31 July 2022. The Gambling Act 2005 only requires consultation on any amendments that have been made. As the policy is unamended, the Authority determined to consult for a one-month period. No responses were forthcoming.

2.4 The Licensing Committee is asked to make a recommendation to Full Council for publishing prior to adoption.

### 3. Recommendations

3.1 The Licensing Committee is recommended to:

1. Consider and agree to the Gambling Act, Statement of Principles
2. Refer the Statement to Full Council for final approval and implementation

### 4. Background

4.1 This is the seventh Statement of Principles for South Somerset District Council. The unamended Policy, is attached at **Appendix A**.

## **5. Financial Implications**

5.1 The government indicates that they expect the centrally set fees of the Gambling Act 2005 to cover the cost to the council of administering the gambling regime, which would include the preparation of the revised policy, policy, consultation etc.

## **6. Legal implications (if any) and details of Statutory Powers**

6.1 The Licensing Authority is required to act in accordance with the:

- provisions of the Gambling Act 2005; and have regard to and
- Guidance issued by the Gambling Commission

In writing its own Statement of Principles (Gambling Policy) to consider and determine applications

6.2 The integrity of the Statement of Principles has the potential to directly impact upon the Council's determination of applications under the Act and as such decisions made could be the subject of judicial review or appeal.

6.3 The Licensing Authority in determining applications and taking enforcement action pursuant to the Gambling Act 2005 will also have regard to the provisions of the Human Rights Act 2010.

## **7. Council Plan Implications**

7.1 This revised policy supports the Council Plan themes, The Protecting Core Services and Environment Areas of focus

- Deliver a high quality, effective and timely service to our customers

## **8. Carbon Emissions and Climate Change Implications**

8.1 This policy is primarily focused on setting out how the Council will deliver its statutory function under the Gambling Act 2005 and does not have any implications for Carbon Emissions and Climate Change.

## **9. Equality and Diversity Implications**

9.1 A stage 1 Equality Analysis (EqA) has been carried out which does not identify any impacts on any persons with protected characteristics.

## **10. Privacy Impact Assessment**

10.1 The policy which is the subject of this report does not in itself involve the processing or handing of personal data. The processing of application forms in accordance with this policy currently involves the handling of personal data and no changes are being made to how that data is processed. The consultation process is likely to result in personal data being processed. The responses would be handled by SSSC and any responses would have any personal details removed before being published.

## **Background Papers**

Gambling Act 2005  
Current Statement of Principles  
Gambling Commission Statutory Guidance

# **SOUTH SOMERSET DISTRICT COUNCIL**

## **GAMBLING ACT 2005**



# **STATEMENT OF PRINCIPLES**

## **2022 - 2025**



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*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities.*

PART 1

**Consultation Process**

In accordance with paragraph 349(1) of the Gambling Act 2005, a Licensing Authority must prepare and publish a Statement of Principles that it proposes to apply in exercising its functions.

The consultation process was undertaken prior to publication. The draft Statement of Principles was published on our website and the Council consulted widely across a widespread cross section of the community and with the statutory consultees before finalising and publishing.

Due consideration has been given to all responses and the Licensing Authority has had due regard to the Guidance and given appropriate weight to the views of all those consulted. In determining the weight given to particular responses the Licensing Authority has taken into account the following factors:

- Who has submitted the response (what is their expertise/interest);
- Relevance to the Licensing Objectives;
- How many others expressed the same or similar views; and
- How far those responses relate to matters that the Licensing Authority should include in this Statement of Principles.

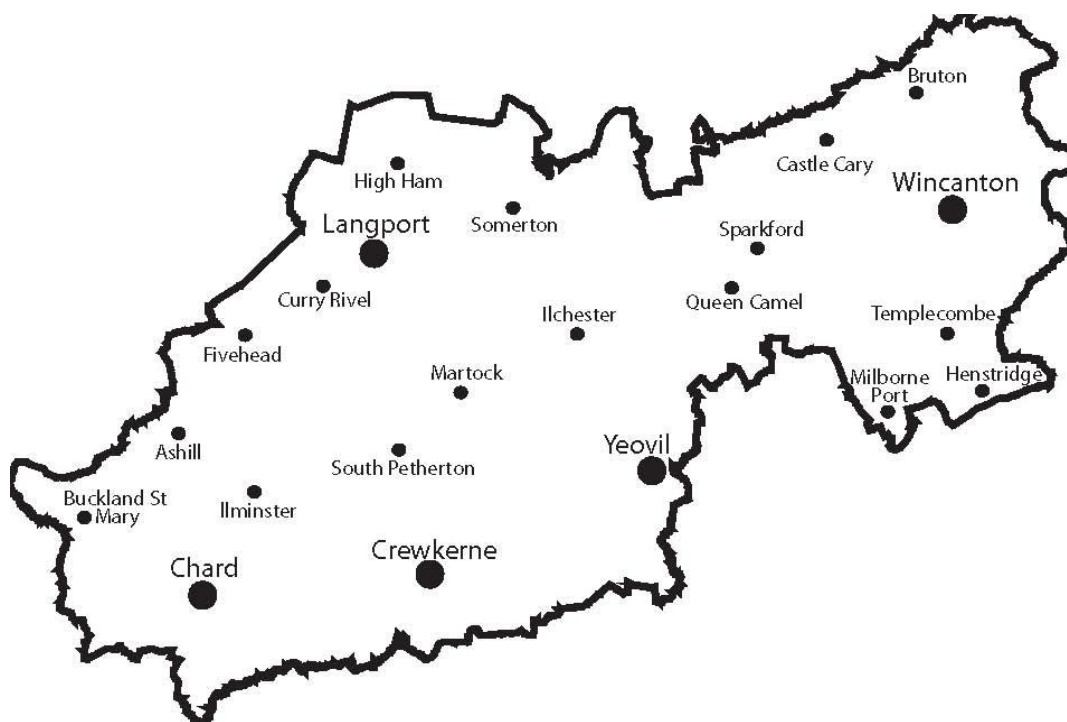
The newly adopted Statement of Principles advertised and published in accordance with Regulations.

The Statement of Principles will remain in force until the next successive 3 year period and may be subject to periodic reviews and further consultation. Following consultation, any revisions or amendments to the statement will be appropriately published in accordance with the regulations.

## 1. Introduction

### *Geographical Area covered*

South Somerset District Council is situated in the County of Somerset. The Council area has a population of 172,700 (Office for National Statistics). In terms of area it covers 370 square miles which is nearly 1/3 of Somerset. The Council area is mainly rural with several market towns.



Maps of the larger market towns in South Somerset showing the “Index of Multiple Deprivation” are shown in Appendix E. The key provided identifies an index of the most to least deprived areas of our area. The maps also show other information that applicants should be aware of.

### *Overview*

1.1. The Statement of Principles sets out the issues which the Licensing Authority will take into consideration when carrying out its functions throughout the District of South Somerset.

1.2. The Licensing Authority recognises the potential impact of gambling on the community within the District and will seek to address the needs of residents to ensure a safe and healthy environment in which to live and work, together with safe and well-run entertainment premises that will benefit the local economy.

### *1.3. Licensing authority functions*

Licensing authorities are required under the Act to:

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



## South Somerset District Council

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

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

1.4. In exercising their functions under the Act, the Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority think it -

- a) In accordance with any relevant code of practice under section 24
- b) In accordance with any relevant guidance issued by the Commission under section 25
- c) Reasonably consistently with the licensing objectives (subject to paragraphs (a) and (b), and
- d) In accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

1.5. In exercising its discretion under the Gambling Act 2005, the Licensing Authority must have regard to the Gambling Commission's Guidance and Codes of Practice and the Licensing Authority's own Statement of Principles - (this has been shortened to SOP throughout the rest of the document). "Must have regard" does not mean that the Licensing Authority must always following the Guidance to the letter; however the expectation is that there should be strong and defensible reasons from departing from it.

1.6. In exercising its functions under the Gambling Act 2005, the Licensing Authority must have regard to the Licensing Objectives as set out in Section 1 of the Act. These are:

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

1.7. The SOP has been prepared with the view that no statement will override the right of any person to make an application under this Act and will not undermine the right of any person to make representations on an application or to seek a review of that Licence where they are permitted to do so under the Act.

1.8. In considering applications and in making any decisions, the Licensing Authority will take into account the Human Rights Act 1998, in particular:

- Article 1, Protocol 1 – peaceful enjoyment of possessions.
- Article 6 - right to a fair hearing.
- Article 8 – respect for private and family life
- Article 10 – right to freedom of expression.

1.9. The SOP does not intend to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators; however, the Licensing Authority will require that prior to submission of a Premises Licence application (except in the case of tracks), the appropriate Operator's Licence has been obtained or applied for.

1.10. The Licensing Authority has considered the wide range of premises that will be licensed, including casinos, tracks, amusement arcades, bingo halls, betting offices, members' clubs and alcohol-licensed premises.

1.11. The Licensing Authority recognises the need to work closely with the Gambling Commission in exchanging information as and when required.

1.12. The Licensing Authority shall always seek to regulate gambling in the public interest.

#### *Declaration*

1.13. In producing the final statement, the Licensing Authority declares that it has had due regard to the three Licensing Objectives of the Gambling Act 2005, Guidance issued by the Gambling Commission and to any relevant formal responses from those consulted on the draft statement.

#### *Fees*

1.14. Premises Licence fees are set within the prescribed maximum levels in accordance with The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 and will be limited to full cost recovery. Fees for Permits and other services are set by the Secretary of State.

1.15. Information regarding the fees to be charged will be made available to the public via the Council's website or in writing upon request.

1.16. Where the annual fee for a premises licence or permit is not paid, the Licensing Authority will revoke it unless we believe it is attributable to administrative error.

1.17. Where a payment of an application fee is not honoured by the applicant's bank, the Licensing Authority will not regard the application as properly made and any licensable activity undertaken will be considered unlawful. .

1.18. All non-payment of annual premises licence and permit fees will be reported to the Gambling Commission.

#### *General Principles*

1.19. The Licensing Authority recognises that the responsibility for an individual's gambling is his or her own. The responsibility to exercise a duty of care is that of the Site Operator.



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All applicants for premises licences will be required to set out how they will ensure operation is reasonably consistent with the Licensing Objectives, as specified in section 1.6 above, and what measures they intend to employ to ensure compliance with them.

If an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account. Further information regarding the requirement for local risk assessments is provided in Part 4 below.

1.20. When determining whether to grant a premises licence the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide within the District of South Somerset. Every application to the Licensing Authority will be considered on its own merits and will be treated fairly and objectively in accordance with the three Licensing Objectives.

1.21. When considering the location of proposed gambling facilities, the Licensing Authority will consider the proximity of:

- Premises to local schools
- Premises to Centres for those with gambling problems
- Premises to Centres for, or used by, vulnerable and young persons
- Premises to residential areas where there is a high concentration of children and young people or where high levels of deprivation exist
- Premises to places of worship, particularly where Sunday Schools are in operation
- Premises to areas of known high criminal activity.

1.22. The Licensing Authority will not consider moral representations to gambling as these do not relate to the three Licensing Objectives and are not a valid reason for rejection. Where the Licensing Authority does reject an application for a Premises Licence, it will rely on reasons that demonstrate that the Licensing Objectives are not being met.

1.23. In all cases, however, the Licensing Authority will determine each application on its own merit and consider the type of gambling proposed. Any evidence provided by the applicant, whether in its risk assessment or otherwise the Licensing Authority shall take this into account when determining such applications.

1.24. The Licensing Authority will have regard to the Gambling Commission's Guidance to Local Authorities and the Council's SOP when considering applications where access to the licensed premises is through other licensed or unlicensed gambling premises.

1.25 The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups

### *Licensing Objectives*

*Preventing Gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime*

1.26. It is the responsibility of the Gambling Commission when issuing Operating Licences to ensure the operator is a suitable applicant. If, however, during the course of considering a Premises Licence application or at any other time, the Licensing Authority receives such information that causes it to question the suitability of the applicant, those concerns will be brought to the immediate attention of the Gambling Commission.





## South Somerset District Council

1.27. The Licensing Authority will consider the location of premises, particularly if such a premises is in an area where there was known to be organised crime. Where this is the case, the Licensing Authority in these circumstances would consider what controls, if any, would be appropriate to prevent such premises becoming a source of crime. In certain circumstances, the Licensing Authority may consider appropriate conditions to be attached to the Licence, such as Door Supervisors, CCTV, etc.

Conditions imposed by the Licensing Authority must be proportionate to the circumstances which it is seeking to address. In particular, it should ensure that the premises licence conditions are:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises (including the locality and any identified local risks) and the type of licence applied for
- Proportionate and related to the risks involved, scale and type of premises
- Reasonable in all other respects
- Not covered by other legislation.

1.28. The Licensing Authority recognises that disorder may be focused on premises and therefore expects an applicant to demonstrate an understanding of possible crime and disorder and to take such controls as are necessary to prevent it. Examples may include thought given to the way that gambling is conducted on the premises, company policy on prevention of crime and disorder, siting of large pay out machines. Consideration, where relevant, will be given to the placing of appropriate conditions on the licence governing opening hours for betting shops in residential areas which may include the use of Door Supervisors. Where the Licensing Authority imposes a Door Supervision condition, if the supervisor is required by the Private Security Industry Act 2001 to hold a licence under that Act, the requirement shall be a condition of the licence.

1.29. Where there are persistent levels of disorder, the Licensing Authority will liaise closely with the Gambling Commission to consider the suitability of the applicant or premises licence holder as an operator. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.

1.30. The Licensing Authority may seek legal advice when determining what action to take in circumstances in which disorder may be a factor and in determining this issue the Licensing Authority will consider each circumstance individually.

### *Ensuring Gambling is conducted in a fair and open way*

1.31. All gambling should be fair in the way it is played with transparent rules such that players know what to expect. Examples may include easily understandable information being made available on the rules and probability of winning/losing, ensuring the rules are fair and that advertising is not misleading. The Licensing Authority expects that where written rules are provided that they are of a font size not less than 11 where practicable and further that rules in appropriate larger font sizes are provided for those with visual impairments upon request with a notice displayed to that effect in a prominent position at the premises. Further the Licensing Authority expects that there are measures in place to ensure that the results of competitions/events are made public.

1.32. Generally, it is for the Gambling Commission to ensure this Licensing Objective is complied with, however, with regard to race tracks; the role of the Licensing Authority is more significant. The Licensing Authority, in certain circumstances, may seek to impose conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority may wish to know the nature of the venue, and where the operators will conduct on course



betting and whether or not there are any off course betting operators. The plan for a track shall include access to the place where gambling is to take place.

*Protecting Children and other vulnerable persons from being harmed or exploited by gambling*

1.33. As children and young persons are prohibited from the majority of gambling premises they must be prevented from entering adult only gaming environments; this Licensing Objective intends to prevent children and young persons from taking part in, or being in close proximity to, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at children or advertised in such a way that makes them attractive to children. The Licensing Authority will therefore consider whether specific measures are needed to protect children at particular premises. Such measures may include:

- staff training,
- company policies for protecting children and vulnerable persons,
- careful consideration of the siting of cash machines,
- additional requirements to provide supervision at entrances,
- steps taken to segregate gambling from non-gambling areas frequented by children
- supervision of gaming machines in non-adult gambling specific premises in order to prevent children or vulnerable young persons from being harmed or exploited by gambling.
- appropriate signage,
- location of machines
- numbers of staff on duty

These measures will be particularly relevant on mixed-use premises and on tracks where children have freedom of movement in betting areas on race days.

1.34. As regards 'vulnerable persons', it is noted that the Gambling Commission has not defined a 'vulnerable person' but states that it will assume that this group will include 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 issues, learning disability or substance abuse. Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, the Licensing Authority will consider whether any measures have been taken to protect such a group. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling and each application will be treated on its own merit. Furthermore, the Licensing Authority will expect to see evidence that measures have been put into place to protect this group of people during any inspections it may carry out.

1.35. With this Licensing Objective in mind, the Licensing Authority will take particular care when considering applications for more than one licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping centres.

1.36. The Licensing Authority recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, physically separating Family Entertainment Centres and Adult Gaming Centres, and supervision of entrances. In addition, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating. The Licensing Authority also expects that where children and young persons are permitted access to the premises that gaming machines of category C or above are not sited close to gaming machines of category D unless the area is physically separated.



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1.37. The Licensing Authority will pay particular attention to applications where access to the licensed premises is through another premises and will consider whether or not children can gain access (generally there can be no direct access between different types of gambling premises); where there is direct access, it will take into account the compatibility of the two establishments and its ability to comply with requirements of the Gambling Act. The Licensing Authority will also consider whether the co-location of the licensed premises with other facilities will create an arrangement that is likely to be prohibited under the Act. In any event, the Licensing Authority expects access to all adult areas in licensed premises shall be monitored in accordance with any mandatory conditions and Gambling Commission Codes of Practice.

1.38. The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings with careful consideration if they seek to develop multi-purpose developments and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling.

1.39. The Licensing Authority expects that all staff are suitably trained on the appropriate provisions of the Gambling Act 2005, its associated regulations and any amending legislation with special emphasis placed on age restrictions relating to gaming machines and social responsibility. Staff are expected to be vigilant to ensure compliance with the law.

### Exchange of Information

1.39. The Licensing Authority will work closely with the Gambling Commission, Avon and Somerset Constabulary and with Responsible Authorities where there is a need to exchange Information on specific premises e.g. where the Commission makes observations and representations on the suitability of the applicant for a premises licence or any other aspect of the application, the Commission and Licensing Authority shall discuss matters relating to that application and the appropriate action to take.

1.40. The Licensing Authority shall continue to submit annual returns to the Commission as they are an important source of information that can assist both in improving their work as risk based regulator and shall work together to ensure that the returns process is managed effectively.

1.41. The principle that this Licensing Authority will apply when exchanging information will be to act in accordance with the provisions of the Gambling Act 2005, which includes the provision that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

1.42. Where relevant, information will be protected and the confidentiality of those making representations will be maintained. Information will be shared between the Responsible Authorities and Gambling Commission. Contact details of those persons making representations and the details of the representations in question will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representation or applying for a review of a premises licence will be informed that these details will be disclosed

### *Register*

1.43. The Licensing Authority will maintain a Licensing Register of all Premises Licences and Permits issued which is available on the Council's website at: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk). The

register is available for inspection at the Council's offices between 09:00 and 17:00 Monday to Thursday and 09:00 to 16:30 on Friday. Where a hard copy is requested, the Licensing Authority may charge a reasonable fee for providing copies of such information.

#### *Planning Permission/Building Regulation Approval*

1.44. The Licensing Authority will only take into account relevant representations related to gambling and the three Licensing Objectives. The existence of a planning permission or building regulation approval for a premises or activity associated with gambling shall not be taken into account by the Licensing Authority in determining a Premises Licence application and any decision shall not constrain any later decision by the Authority under the law relating to planning or building.. Similarly, the existence of a gambling licence shall not prejudice the consideration of any planning or building regulation application related to a gambling activity or premises. The Licensing Authority does, however, strongly recommend that planning permission is sought prior to submitting an application in order to avoid disappointment

#### *Responsible Authorities*

1.45. The Licensing Authority will notify all Responsible Authorities of applications and these bodies will be entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, Premises Licences.

1.46. The Responsible Authorities are as listed in Appendix A. With regard to the Responsible Authority in relation to vulnerable adults, the Licensing Authority recognises the Secretary of State shall specify a particular body as being the Responsible Authority.

#### *Body representing Children from Harm*

1.47. The Licensing Authority has designated in writing the body it considers competent to advise the Licensing Authority on the protection of children from harm. This body currently is:

#### **Somerset Local Safeguarding Children Board**

1.48. The reasons the Licensing Authority has chosen the above as a responsible authority competent to advise it on the protection of children from harm are that this body is:

- Answerable to democratically elected persons and is not answerable to a particular vested interest group.
- Responsible for the area covered by the Licensing Authority and this SOP;
- Experienced in dealing with the protection of children.

#### *Interested Parties*

1.49. Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Gambling Act 2005 defines interested parties as persons who:

- Live sufficiently close to premises to be likely to be affected by the authorised activities;
- Have business interests that might be affected by the authorised activities; or
- Represent persons in either of the above two groups.

*Principles of deciding on Interested Parties*

1.50. The Licensing Authority is required by regulations to state the principles that it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. With regard to specific premises, the Licensing Authority will consider whether a person is an interested party on a case-by-case basis, judging each on its own merit. The Authority will not apply a rigid rule to its decision-making.

1.51. 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/town councils likely to be affected will be considered 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 authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons confirming their wish to be represented will be sufficient.

1.52. The principles the Licensing Authority will apply when deciding whether a person is an interested party are:

- Size of the premises where larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities;
- Nature of the activities being conducted on the premises.
- Persons living sufficiently close to the premises

1.53. The Licensing Authority will take into account the following factors when interpreting 'sufficiently close':

- Size of the premises
- Nature of the premises
- Distance of the premises from the location of the person making the representation
- Potential impact of the premises, i.e. number of customers, routes likely to be taken by those visiting the establishment; and
- Circumstances of the complainant, i.e. interests of the complainant that may be relevant to the distance from the premises.

1.54. The Licensing Authority recognises 'sufficiently close to be likely to be affected' could have a different meaning for, for instance, a private resident, a residential school for children with behavioural or other problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its own merit.

*Persons with business interests that could be affected*

1.55. The Licensing Authority will firstly determine whether a person is an interested party and secondly whether or not their representation is relevant. Representations by such persons that do not relate to the Licensing Objectives but focus on demand and competition will not be considered as relevant.

1.56. The Licensing Authority would require to be satisfied that the relevant business is likely to be affected and shall not take into account representations put forward by a rival operator,



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anywhere in the country, simply because they are in competition within the same gambling sector. The following factors will therefore be relevant:

- Size of the premises.
- The 'catchment' area of the premises (i.e. how far people travel to visit).
- Whether the person making the representation has business interests in that catchment area that might be affected.
- Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation.

1.57. The Licensing Authority will decide upon representations from those persons with business interests on an individual basis.

*Persons representing persons living sufficiently close and/or having business interests that may be affected*

1.58. With regard to persons representing persons living sufficiently close and persons having business interests that may be affected, the Licensing Authority will take into account trade associations, trade unions, residents and tenants' associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless the organisation can demonstrate that they have a member 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.

1.59. Where individuals wish to approach councillors to represent their views, care will be taken that the councillors are not part of the Licensing Committee dealing with the licence application. In the case where a councillor represents an interested party, in order to avoid conflict of interests, that councillor shall not be part of the Licensing Committee dealing with the licence application. If there are any doubts, councillors will be asked to contact the Council's Legal team to gain further advice.

1.60 Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premises under consideration, puts themselves forward as representing the interests of residents in the vicinity, the Licensing Authority will normally ask them to provide evidence that they are acting as representatives of others.

### Representations

1.60. Only Responsible Authorities and Interested Parties may make representations. Where there are representations, the Licensing Authority will encourage negotiation between the objector and the applicant as to the possible use of conditions on the licence.

1.61. Where there are representations, the Licensing Authority will determine whether they will be admissible and will consider carefully whether the representations are relevant. Relevant representations must be relevant to the three Licensing Objectives, raise issues under the SOP, raise issues under the Gambling Commission Guidance or raise issues under the Gambling Commission's Codes of Practice.

1.62. Representations are not relevant where for example, they can be addressed by other legislation, such as Planning or Building Control; these are examples and the list is not exhaustive. Each case will be decided upon the facts.

1.63. Representations will not be considered as relevant where they relate to demand or competition and must only be based on the licensing objectives of the Gambling Act.

1.64. Representations are not relevant where they are vexatious or frivolous and before a decision is made as to whether it is relevant or not, the Licensing Authority will consider:

- Who is making the representation and whether there is a history of making representations that are not relevant
- Whether or not it raises a relevant issue, or
- Whether it raises issues specifically to do with premises that are the subject of the application

1.65. The Licensing Authority strongly recommends that representations are submitted at the earliest opportunity prior to the end of the prescribed consultation period to allow the maximum time to negotiate an appropriate solution.

#### Conditions

1.66. Any conditions attached to a Premises Licence will take into account any mandatory and default conditions, 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.

1.67. Decisions upon individual conditions will be made on a case-by-case basis. The Licensing Authority will expect the applicant to offer his/her own suggestions as to the way in which the Licensing Objectives can be achieved. The Licensing Authority may, however, exclude a condition and substitute it with one that is either more or less restrictive. In this instance, the Licensing Authority will give clear and regulatory reasons for so doing.

1.68. Where there has been a breach of the licence conditions, the Licensing Authority shall have regard to the Council's Environmental Health Enforcement Policy before determining what action (if any) shall be taken. .

#### Door Supervisors

1.69. If there are concerns that premises are likely to attract disorder or be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.

1.70. Where door supervisors are imposed as a condition on a Premises Licence (except casino or bingo premises), Section 178 of the 2005 Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority or replacement body.



## 2. Decision Making

### Committee Terms of Reference

The Licensing Sub-Committee consisting of three councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward councillors will not sit on a panel involving an application within their ward.

Where a councillor who is a member of the committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

The Licensing Sub-Committee will refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision under the Gambling Act 2005 shall be accompanied with clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Table shown at Appendix D sets out the agreed delegation of decisions and functions to Licensing Committee, Licensing Sub-Committee and Officers.

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

## **PART 2 - Premises Licences, Permits and Other Authorisations**

### **2. Premises Licences**

#### *General*

2.1. Premises Licences authorise the provision of gambling facilities for the following:

- Casino Premises
- Bingo Premises
- Betting Premises, including race tracks used by betting intermediaries
- Adult Gaming Centres (AGCs)
- Family Entertainment Centres (Licensed FECs)

2.2. Premises Licences will only be granted to those issued with an Operating Licence issued by the Gambling Commission except in the case of Tracks (where the occupier may not be the person offering gambling).

#### *Plans*

A scaled plan of the premises shall accompany the application for the grant of the premises licence and where a variation application includes a material change of the layout of the premises. Whilst there is no set scale, it is recommended that it is scale 1:100 and must at least be clear and legible in all respects and show all of the information contained within the current regulations including the location of all gaming machines and counter; it is also expected that the location of any security devices are shown.

Once a premises licence has been granted, should there be any changes to the layout of the premises; the operator should contact the Licensing Authority to discuss whether these changes are considered to be material changes, which require a variation application to be submitted.

2.3. Other forms of authorisations are as follows:

- Unlicensed Family Entertainment Centres (UFEC) Permits
- Prize Gaming Permits
- Licensed Premises Gaming Machine Permits
- Club Gaming Permits
- Club Gaming Machine Permits

2.4. For the purposes of this Act, premises are defined as including 'any place'. Section 152 prevents more than one premises licence applying to any place but there is no reason in principle why a single building could not be subject to more than one premises licence provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach is taken to allow large multiple unit premises such as pleasure parks, tracks or shopping centres to obtain discreet premises licences where appropriate safeguards are in place. The Licensing Authority will pay particular attention to issues about sub-division of a single plot and will ensure that the mandatory conditions relating to access are observed".

#### *Casino Premises*

#### *General Principles*

2.5. Currently no casino licences can be applied for in the South Somerset area; however should there be a change in legislation to permit this, the Licensing Authority recognises that





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applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must:

- (a) hold or have applied for an Operating Licence; or
- (b) have the right to occupy the premises.

2.7. The Licensing Authority will not consider unmet demand when considering applications for casino premises licences and each application will be taken on its own merit.

2.8. In determining the principles, the Licensing Authority intends to apply in making any determination for a Casino Premises Licence the Licensing Authority has paid specific regard to:

- Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community. The Licensing Authority does however recognise that persons who gamble beyond their means do not necessarily emanate from Casinos and could come from other gambling premises and therefore this matter is not entirely the responsibility of Casinos.
- Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Any provision that is made for ensuring that gambling is conducted in a fair and open way.
- Likely effects of an application on employment and regeneration;
- Design and location of the proposed development;
- Range and nature of non-gambling facilities to be offered as part of the proposed development; and
- Any financial and other contributions and these considerations shall be taken into account in evaluating competing applications

2.9. The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any such contract, arrangement or other relationship.

2.10. The Licensing Authority's decision will not be prejudged and where advice is sought this will be impartial advice.

### *Bingo Premises*

2.11. In accordance with the Gambling Commission's Guidance, the Licensing Authority recognises that 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. The Licensing Authority shall carefully consider applications for Bingo licences within arcades or other venues frequented by families and children

2.12. The Gambling Commission has issued Codes of Practice relating to Bingo premises and the Licensing Authority expects all applicants to comply with these codes. The Licensing Authority shall determine Bingo Premises Licence applications in accordance with the Guidance issued by the Gambling Commission concerning primary activity.

2.13. Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice and advice issued by

the Gambling Commission. High turnover bingo will require a Bingo Operating Licence. Definitions of low and high turnover bingo are stated in the Glossary at the back of this SOP.

2.14. With regard to turnover, where the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will inform the Gambling Commission accordingly.

2.15. The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises, including segregation of Category C machines to prevent access to children.

#### *Betting Premises*

2.16. The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises and children will not be permitted entry to a premise with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. In addition, the Licensing Authority recommends that an applicant for gaming machines in such premises considers carefully the location of betting machines to ensure that they are not in sight of the entrance to the premises.

2.17. Whilst the Licensing Authority has discretion to attach a condition to the licence relating to the number, nature and circumstances of use of betting machines; it will only do this where there is clear evidence that such machines have been, or are likely to be, used in breach of the Licensing Objectives, or not in accordance with the relevant code of practice or guidance issued by the Gambling Commission.

When determining the application either for the grant or variation of the licence or upon review, the Licensing Authority will take into account the following:

- Size of the premises;
- Number of counter positions available for person to person transactions; and
- Ability of staff to monitor the use of the machines by children and young or vulnerable persons.

2.18. The Licensing Authority shall determine Betting Premises Licence applications in accordance with the Guidance issued by the Gambling Commission.

#### *Tracks*

2.19. The Licensing Authority is aware that the Gambling Commission may provide further specific guidance as regards tracks and recognise that tracks are different from other premises in that there may be more than one Premises Licence in effect and that the track operator may not be required to hold an 'Operators' Licence as there may be several premises licence holders at the track who will need to hold their own operator licences. As children and young persons will be permitted to enter track areas where facilities for betting are provided e.g. dog racing and/or horse racing, the Licensing Authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities; it shall also expect applicants to offer their own measures to meet the Licensing Objectives, however, appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV
- Door supervisors
- Supervision of entrances/exits/machine areas
- Physical separation of areas

- Notices / signage
- Specific Opening Hours
- Location of entry and gaming machines

This list is neither mandatory nor exhaustive; it is merely indicative of example measures.

2.20. The Licensing Authority will consider on its own merit applications for venues such as athletics tracks or sports stadium for track betting licences to cover the whole track.

2.21. Where appropriate, in order for the Licensing Authority to gain a proper understanding of what it is being asked to licence, applicants will be required to:

- Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the race track;
- In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facilities;
- Evidence measures taken to ensure the third Licensing Objective will be complied with;
- Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for, that purpose.
- Areas of the track that will be used by on course operators visiting the track on race days shall be defined.
- Any temporary structures erected on the track for providing facilities for betting shall be defined.
- Location of any gaming machines (if any) shall be defined.

2.22. 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.

2.23. The Licensing Authority recommends that applicants consult the Gambling Commission and the Licensing Authority prior to submission of their application.

#### *Betting and Gaming Machines on Tracks*

2.24. With regard to gaming machines on tracks, the Licensing Authority will consider carefully the location of any adult gaming machines at tracks to ensure that these machines are in areas which children are excluded, though it is recognised that children and young persons are not prohibited from playing Category D machines on a track.

2.25. The Licensing Authority recognises the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines. It is the responsibility of the track operator to ensure compliance with the law in preventing children from using these machines. It is for this reason the Licensing Authority may consider restricting the number and location of machines, however, each application will be considered on its own merit.

#### *Self-contained betting offices on Tracks*

2.26. In general, the rules that apply to betting premises away from tracks will apply to self-contained betting premises on tracks and the Licensing Authority will consider future guidance from the Gambling Commission about how such premises should be delineated, both to make it clear to the public that they are entering a 'betting office' and to prevent the entry of children



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and young persons. Applicants are recommended to consider the Gambling Commission's view that it would be preferable for all self-contained premises operated by off course betting operators on track to be the subjects of separate premises licences; this would thus ensure that there was clarity between the respective responsibilities of the track operator and the off course-betting operator running a self-contained unit on the premises.

2.27. On advice from the Gambling Commission, the Licensing Authority may 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. The Licensing Authority would welcome other suitable methods.

### GAMING CENTRES

2.28. The Licensing Authority has determined to include in this SOP the current South Somerset District Council criteria, which sets out the principles with regard to access to and separation between AGCs and LFECs/UFECs, as follows:

2.29. To ensure that advice given to applicants regarding the division between AGCs and LFECs or UFECs in amusement arcades is consistent, the following standard shall be adopted:

- (a) All partitions shall be permanently fixed and clearly marked with prominent signage at the entrance to the over 18's area;
- (b) Partitions shall be opaque to prevent view into the AGC premises by children or young persons;
- (c) No part of any partition shall be formed from any part of a gaming machine or any other type of machine;
- (d) Partitions shall be a minimum height of 2.00 metres (6 foot 7.4 inches);
- (e) Partitions shall be a maximum height of 0.15 metres (6 inches) from the floor;
- (f) Access for customers between licensed areas can be by way of an artificially formed unlicensed area, e.g. a lobby

2.30. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

2.31. In determining each application, regard will be given to this SOP and in particular the Licensing Objective: Protection of children and vulnerable persons from being harmed or exploited by gambling.

#### *Adult Gaming Centres*

2.32. As no one under the age of 18 is permitted to enter an Adult Gaming Centre, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to offer their own measures to meet the Licensing Objectives and comply with all mandatory conditions and Gambling Commission Codes of Practice. However, appropriate measures may cover issues such as:

- Proof of Age schemes
- Appropriately managed CCTV

- Door Supervisors
- Supervision of entrances/machine areas
- Statutory requirement to display Gambling Helpline stickers
- Physical separation of areas
- Location of entrances
- Notices/Signage

The list, however, is not mandatory, nor is it exhaustive and applicants are recommended to consider this Licensing Objective very carefully when applying for an Adult Gaming Centre Premises Licence.

2.33. Where the Adult Gaming Centre is situated in a complex such as a shopping centre or service station, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access.

#### Family Entertainment Centres (FECs)

2.34. There are two classes of Family Entertainment Centres. Licensed FECs provide Category C and D machines and require a Premises Licence. Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits (see p22).

#### *Licensed Family Entertainment Centres*

2.35. Children and young persons may enter Licensed FECs but are not permitted to play Category C machines. The Licensing Authority will expect the applicant to ensure that there will be sufficient measures to prevent under 18 year olds having access to the adult only gaming machine areas. The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. However, appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV, specifically sited where the adult machines are likely to be situated
- Door supervisors
- Controlled supervision of entrances and machines
- Statutory requirement to display Gambling Helpline stickers
- Physical segregation of machines and areas
- Appropriate Notices and signage
- 

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

2.36. With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare as appropriate measures.

2.37. With regard to segregation of Category C machines in licensed FECs, the Licensing Authority shall take the same approach with Bingo premises in that it will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of the premises, including segregation of Category C machines to prevent access to children.

2.38. Applicants are recommended to visit the Gambling Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) in order to familiarise themselves with the conditions applicable to these premises.

2.39. With regard to direct access between premises, the Licensing Authority expects applicants to comply with the Guidance issued by the Gambling Commission and relevant legislation. However, applicants are recommended to discuss their proposals with the Licensing Authority and each case will be treated on its own merit.

#### *Vessels and Vehicles*

2.40. Licences may be granted for passenger vessels. However, not all forms of permits are available to vessels. The Licensing Authority will in particular consider the promotion of the Licensing Objectives on board a vessel. Vehicles may not be the subject of a Premises Licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle.

2.41. The Licensing Authority will have jurisdiction over gambling conducted on vessels on all inland waterways, at permanent moorings and on all aircraft on the ground or in domestic air space.

#### *Travelling Fairs*

2.42. Travelling fairs do not require any authorisation to provide gaming machines and may provide an unlimited number of Category D gaming machines. However the Licensing authority will carefully consider whether an operator falls within the statutory definition of travelling fair (provided by section 286 of the Act) and be “wholly or principally” providing amusement and that the facilities for gambling amount to no more than ancillary amusement at the fair.

2.43. The 27-day statutory maximum for the land being used as a fair is per calendar year, and that this applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land that crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

#### *Gaming Machines*

2.44. The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, such machines by children and young persons and their separation from Category C and B machines where those are also located in the same premises building.

2.45. The Licensing Authority has particular concerns about illegally sited “gaming machines.” The provision of these machines may be illegal because they are:

- Provided in prohibited places such as takeaways and taxi offices;
- Provided without a relevant permit;
- The gaming machines are provided from an unregistered supplier and/or are uncategorised.

2.46. There are a variety of reasons why the provision of gaming machines may be illegal and operators are advised to seek the advice of the Licensing Authority or the Gambling Commission before making them available. Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.

2.47. Where the Licensing Authority has concerns about the manufacture, supply or repair of a gaming machine it will bring this to the attention of the Gambling Commission.



2.48. In circumstances where illegal machines are being provided, the following actions may be taken by the Authority:

- Initial enforcement, visit and verbal/written warning issued to remove the machines;
- Removal of the machines by the Licensing Authority or in partnership with the Gambling Commission and/or Avon and Somerset Constabulary
- Prosecution and/or destruction of machines

#### *Permits*

2.49. The Act 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.

2.50. The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications.

2.51. Where a Permit is granted, the Licensing Authority will issue the Permit as soon as is reasonably practicable.

Easily understandable information should be readily available to all players placing a stake to gamble, explaining the rules of the game and the probability of losing or winning.

Social Responsibility Stickers/notices will be clearly displayed in a prominent position on all gaming machines at the point of play, to include category stickers/notices and also 'Gamcare' stickers/notices

Where the premises have category D gaming machines at the premises, the Licensing Authority have the following expectations on compliance:

Staff shall wear ID badges so that customers can easily identify them for assistance; those badges shall clearly identify supervisors or duty managers, particularly when the main manager is not actively supervising on the premises.

Where gaming machines (including pushers and grab machines) are deployed, management shall carefully consider the methods employed when displaying prizes that entice customers - particularly children (where permitted to do so) and vulnerable persons to gamble

Where the higher value prizes are displayed in gaming machines (e.g. pushers) Officers and customers expect to see that the majority of these prizes are capable of being won, as opposed to simply being on display but out of reach as a true prize (e.g. lots of £5 notes taped onto the inside). This is to ensure children/vulnerable persons are not confused, and to ensure there is no ambiguity as to the number of prizes on offer when they place their stake into the gaming machine to gamble).

Where there are 'grabbers' (non-complex gaming machines) deployed in a premises that could be frequented by children it is important that management take extra measures (perhaps with signage) to explain that these are 'gaming machines' and not 'skill machines'. This is because children may think that all 'grabbers' are games of skill and this of course could be very misleading.

Officers shall expect to see measures that provide customers with the facility of a 'Self Exclusion Policy' and employees will need training on this.

*Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits*

2.52. Where a premise is not subject to a Premises Licence and it is wished to provide gaming machines there, an application can be made 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. It is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar; typically, the machines would be in a designated enclosed area.

2.53. The Licensing Authority must be satisfied that the premises will be used as an Unlicensed Family Entertainment Centre and the Chief Officer of Police for Avon and Somerset Constabulary must be consulted on all applications.

2.54. When determining a permit, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and although not required to, will have regard to the three Licensing Objectives.

2.55. As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues and the Licensing Authority will expect applicants to demonstrate:

- A 1:100 scaled plan of the premises (or if not 1:100 the plan must be clear and legible in all material respects) showing the boundary of the permitted area;
- Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
- Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
- Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
- Policies and procedures in place to protect children from harm. Harm in this case 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 such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises or suspected truant school children on the premises; the suitability of staff, taking into account convictions for violence, dishonesty, sexual offences, certain motoring offences and DBS checks for staff.
- The amount of space around gaming machines to prevent jostling of players or intimidation;
- Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
- Numbers of staff employed;
- Current Public Liability Insurance documents
- Applicant's previous history and experience of running similar premises
- Any other such information the Licensing Authority will from time to time require.



In addition to the above, the Licensing Authority will also expect that:

- The applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).

2.56. Where the permit is refused, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made. The Licensing Authority shall also expect that the information as specified above at 2.56 shall be available to its officers when conducting an inspection of the premises

2.57. Where the Permit has been granted, the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless it has lapsed, surrendered or has been forfeited.

2.58. Applications for unlicensed FEC permits will be available on the Council's website or by contacting the Licensing Service.

#### *Renewal of Unlicensed Family Entertainment Permit*

2.59. The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives. In the case of an unlicensed family entertainment centre, exceptional regard shall be given to the duty to protect children and other vulnerable persons from being harmed or exploited by gambling.

#### *Alcohol-Licensed Premises Gaming Machine Permits*

2.60. With regard to gaming machines on premises that sell alcohol, the applicant is entitled to up to 2 gaming machines of Category C or D machines, subject to the applicant notifying the Licensing Authority in writing and paying the prescribed fee.

2.61. Where an applicant wishes to operate more than 2 gaming machines, they must submit a licensed premises Gaming Machine Permit application. Where an applicant seeks more than 2 gaming machines, the Licensing Authority will determine the amount in each case and once a decision has been reached, such number will be specified on the gaming machine permit. It is important for applicants requiring more than 2 alcohol-licensed Gaming Machine Permits for the Licensing Authority to be assured that the location of the gaming machines in the alcohol-licensed premises are located in accordance with the mandatory conditions. The location of all machines shall comply with the Gambling Commission's Code of Practice on location and operation of such machines and it is expected that the applicant will provide a plan of the proposed location of these machines to assist the Licensing Authority in its determination.

2.62. The Licensing Authority may remove the automatic authorisation where:

- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives and is not compliant with the mandatory conditions relating to location and operation of machines,

- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act, (i.e. that the procedure has not be followed and/or that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with);
- The premises are mainly used for gaming,
- An offence under the Gambling Act has been committed on the premises.

2.63. The applicant must comply with any Code of Practice issued by the Gambling Commission and consider such measures to ensure that under 18s do not have access to the adult only gaming machines. The Licensing Authority expects applicants to show:

- Category C Gaming machines are sited close to the bar;
- Category C Gaming machines are sited where staff can monitor them;
- Appropriate notices and signage;
- Provision of information leaflets/help line numbers for organisations such as GamCare.

#### *Gaming in alcohol-licensed premises*

2.64. The Licensing Authority recognises that low-level gaming may take place in alcohol-licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. Gaming in alcohol-licensed premises should therefore be supervised by a nominated gaming supervisor, i.e. the Designated Premises Supervisor and all gaming should comply with the Codes of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the applicant must be aware of and adopt these Codes of Practice and any subsequent guidance issued by the Gambling Commission and to ensure that all gaming in such premises is suitably managed.

#### *Prize Gaming Permits*

2.65. Prize Gaming Permits must be obtained when there is no premises licence in place to allow prize gaming. Where a premises licence is in force, e.g. a casino, bingo hall, AGC, FEC a prize gaming permit cannot be obtained in addition. By virtue of the casino premises licence, casinos are able to offer prize gaming and betting. Large casinos, as determined by the Government are able to offer bingo in addition. As children and young persons may participate in equal chance prize gaming, and given that certain premises will particularly appeal to children and young persons, the Licensing Authority will consider the following matters when exercising its function to determine the suitability of an applicant for a Prize Gaming Permit:

- A 1:100 scaled plan of the premises (or if not 1:100 the plan must be clear and legible in all material respects) showing the boundary of the permitted area.
- Policies and procedures in place to protect children from harm. Harm in this case 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 such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises or suspected truant school children on the premises; such training should be documented signed and dated by staff to prove that training has been undertaken and understood;

- Suitability of staff, taking into account convictions for violence, dishonesty, sexual offences, certain motoring offences and DBS checks;
- Evidence that staff are aware of the limits to stakes and prizes as set out in the Regulations and that the gaming is offered within the law;
- Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
- Numbers of staff employed;
- Current Public Liability insurance documents and any other such information the Licensing Authority may from time to time require;
- Any other policies or procedures in place to protect children from harm.

2.66. Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and offering the applicant an opportunity to make representations orally or in writing or both.

2.67. Where an application is granted the Licensing Authority will issue it as soon as is reasonably practicable.

#### *Club Gaming and Club Machine Permits*

2.68. Members Clubs and Miners' Welfare Institutes (not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit. Before granting a Permit, the Licensing Authority must be satisfied that the premises meets the requirements of a members' club and may grant the permit provided the majority of members are over 18. It is recognised that there may be further guidance on this matter and as such may require a minor change to the SOP with no requirement for consultation. The Licensing Authority expects the holder of a Club Machine Permit or a Club Gaming permit to comply with the Gambling Commission's Codes of Practice and the Secretary of State's statutory stakes and prizes limits.

2.69. The Licensing Authority recognises that there is a 'fast track' procedure where a Club Premises Certificate is held under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which the Licensing Authority can refuse a permit are reduced. The Licensing Authority has the power to keep such Permits under review in particular where the bona fide use of the premises as a club, is called into question.

#### *Gaming in Commercial Clubs*

2.70. A commercial club is a club that is established as a commercial enterprise and differs from a members' club, which is conducted for the benefit of its members. Where the Club is a Commercial Club, the applicant may only apply for a Club Machine Permit, they may not apply for a Club Gaming Permit. The Licensing Authority expects the commercial holder of a Club machine permit to comply with the Gambling Commission's Codes of Practice and the Secretary of State's statutory stakes and prizes limits.

#### *Temporary Use Notices (TUN)*

2.71. 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 TUNs. Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' prevents one large premise from having a temporary use notice in effect for more than 21 days in a 12 month period by giving notification in relation to different parts of

the premises and re-setting the clock. The Licensing Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site.

2.72. In considering whether a place falls within the definition of a 'set of premises' the Licensing Authority will look at the ownership/occupation and control of the premises and the Licensing Authority will consider whether different units are in fact different 'sets of premises'. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as one premise and would not be granted a temporary use notice for each of its exhibition halls.

2.73. On receipt of a TUN, the Licensing Authority will send a written acknowledgement as soon as is reasonably practicable and this may be by way of e-mail.

2.74. The Licensing Authority may 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. The Licensing Authority and other bodies to which the notice is copied may give notice of objection but they must have regard to the Licensing Objectives and where there are such objections, they must give a notice of objection to the person who gave the TUN, such notice will be copied to the Licensing Authority.

2.75. The Licensing Authority shall give a counter-notice where it appears that the effect of the TUN would be to permit gambling on a set of premises for more than 21 days.

#### *Occasional Use Notices (OUN)*

2.76 The OUN dispenses with the need for a Betting Premises Licence where betting takes place on a track for up to 8 days in a calendar year. The Licensing Authority will maintain a register of all such Notices.

2.77. Tracks are normally thought of as permanent race courses, but the meaning of track not only covers 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. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify. The Licensing Authority will, however, consider what constitutes a 'track' on a case-by-case basis and will ensure that the statutory limit of 8 days in a calendar year is not exceeded.

## Part 3

### *3.0 Local Area Profiling*

3.1. The Gambling Commission (the Commission) has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. The change in national policy is intended to provide a well-evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

3.2. The risk based approach provides a better understanding of, and enables a proportionate response, to risk; this approach includes looking at future risks and thinking of probable risks. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

3.3. Gambling operators are required to undertake a risk assessment for all of their premises; and must also undertake a review of those assessments when certain triggers are met; these triggers, along with the Council's views on what would instigate either a new assessment or the review of an existing one are detailed within this part of the document.

3.4. The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Council has tried to assist operators in this process by providing specific information within this SOP on its concerns surrounding gambling within the district and the impact that it considers that premises can have on the licensing objectives. Maps of the larger towns within South Somerset are contained within Appendix E and identify areas where the Licensing Authority require applicants and operators to take extra care when producing risk assessments and identify in detail all the measures they will put in place to mitigate any risk. The maps will be updated where data becomes available and placed on our website and as such are not part of the SOP, but have been included as information currently available.

3.5 Applicants and operators will need to consider factors such as:

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors,
- Whether it is a family orientated area, popular with children and young people.
- Transport links and parking facilities.
- Educational facilities.
- Community centres.
- Hospitals, mental health or gambling care providers.
- Homeless or rough sleeper shelters, hostels and support services.
- The ethnicity, age, economic make-up of the local community.
- Significant presence of young children
- High crime/unemployment area
- Alcohol or drug support facility nearby
- Pawn broker/pay day loan businesses in the vicinity.
- Other gambling premises in the vicinity.
- Community centres.

### **Significant changes in local circumstances**

3.6. Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

3.7. The following lists sets out some examples of what the Licensing Authority considers 'significant' changes in local circumstances:

- Any substantial building development or conversion of existing premises in the local area, which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby.
- Any new pay day loan or pawn brokers open in the local area
- Changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g.. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).
- A new premises involving gambling activity opens in the local area.
- 

3.8 The list above is not an exhaustive list of significant changes in local circumstances. The Licensing Authority will provide information to gambling operators when it feels a significant change has occurred in the local area. The Licensing Authority will set out what that change is and may provide information on any specific concerns it may have that should be considered by operators. However, operators must also consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possibly an amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

### **Significant changes to the premises**

3.9 From time to time, operators will undertake to refresh the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

3.10 The following list sets out some examples of what the Licensing Authority considers to be significant changes to the premises (some of which may also require a variation to the existing premises licence). As with the examples of significant changes in local circumstances set out above, the following list is not an exhaustive list of significant changes to premises - operators must consider whether any change that they are proposing to their premises is one that may be considered significant.





- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies, which are different to those of the previous licensee.
- Any change to the operator's internal policies, which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises, which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self-Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.

## **PART 4**

### **4. LOTTERIES**

4.1. Promoting or facilitating a lottery will fall within 2 categories:

- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);  
or
- Exempt Lotteries – these are:
  - ❖ Incidental Non-Commercial Lotteries
  - ❖ Private Lotteries: - Private Society Lottery, Work Lottery, Residents' Lottery
  - ❖ Customer Lotteries
  - ❖ Small Society Lotteries

4.2. Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. Small society lotteries require registration with the Licensing Authority; although the other types of exempt lotteries do not require a licence or registration the society MUST follow the legislation contained within the Act to ensure that the arrangements for lottery are legal to avoid an offence being committed. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes relating to small society lotteries will be made available on the Council's website.

4.3. Applicants for small society lottery registrations must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area, it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

4.4. Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance issued by the Gambling Commission. In exercising its functions with regard to small society and other exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's Guidance.

4.5. The Licensing Authority will keep a Public Register of all applications to register a small society for lottery purposes. When the entry on the Register is completed, the Licensing Authority will notify the applicant of registration and is required to notify Gambling Commission. In addition, the Licensing Authority will make available for inspection by the public; the financial statements/returns submitted by Societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not exceeded. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably by an electronically scanned return sent by e-mail to [licensing@southsomerset.gov.uk](mailto:licensing@southsomerset.gov.uk).

4.6. The Licensing Authority will refuse applications for registration if in the previous five years, either an Operating Licence held by the applicant for registration has been revoked, or an application for an Operating Licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.



4.7. The Licensing Authority may refuse an application for registration if in their opinion:

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

4.8. The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the promoter to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society.

4.9. Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.

4.10. The Licensing Authority may revoke the registered status of a society if it thinks that they would have been obliged or permitted to refuse an application for registration if it were being made anew; however, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

4.11. Where a Society employs an external lottery manager, it will need to satisfy itself that that person holds an Operator's Licence issued by the Gambling Commission; the Licensing Authority will expect this to be verified in writing by the Society.

4.12. Where the annual fee is not paid by the due date the Licensing Authority will cancel the small society lottery registration; however this is subject to the discretion of the Licensing Manager who shall determine whether cancellation shall apply on a case by case basis. The onus is firmly placed on the society to ensure they pay the annual fee by the due date.

4.13. Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping centres) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door.

4.14. The Licensing Authority requires all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.

4.15. The Licensing Authority is permitted to inspect the records of the lottery for any purpose related to the lottery; it is likely to do so where:

- The society has failed to complete the statement of return correctly on two or more occasions,
- The society fails to submit a statement of return for a lottery the society has held within 3 months of the draw taking place

## **PART 5**

### *5. Delegated Powers*

5.1. Decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at Appendix D. This is aimed at underlining the principles of timely, efficient and effective decision-making.

## **PART 6**

### *6. Inspection and Enforcement*

6.1. In respect of compliance, the Licensing Authority will take the lead in ensuring compliance with the licence conditions and any relevant Codes of Practice. The Gambling Commission will be the enforcement body for the Operator and Personal Licences and illegal gambling. Concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

6.2. In order to ensure compliance with the law, the Licensing Authority has prepared a risk based Inspection Programme and will carry out regular 'routine' programmed inspections, based on risk assessment and will also carry out 'non routine' ad hoc inspections. Where 'one off' events take place under a Temporary Use Notice or Occasional Use Notice, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.

6.3. High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

6.4. In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:

- Article 1, Protocol 1 – peaceful enjoyment of possessions.
- Article 6 – right to a fair hearing
- Article 8 – respect for private and family life
- Article 10 – right to freedom of expression

6.5. Any decision to instigate legal proceedings will take into account the Somerset Authorities Environmental Health Enforcement Policy, which incorporates the Department for Business Enterprise and Regulatory Reform Regulators Compliance Code. In addition, the Licensing Authority shall adopt a positive and proactive approach towards ensuring compliance by:

- Helping and encouraging licence/permit holders understand and meet their regulatory requirements more easily; and
- Responding proportionately to regulatory breaches.

6.6. The Licensing Authority shall aim to protect and enhance the safety of people who live in, work in, or visit the District of South Somerset through the application and enforcement of licensing legislation and the promotion of the Licensing Objectives.

6.7. Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising its 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.

The Licensing Authority in carrying out its regulation functions will follow the Statutory Code of Practice for Regulators.

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

6.8. The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

*Enforcement in relation to Bookmakers*

6.9. The Licensing Authority recognises that certain bookmakers have a number of premises within the area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single named point of contact, who should be a senior individual, and whom the Licensing Authority will contact first should any compliance queries or issues arise.

6.10. The Licensing Authority's Enforcement Policy is available on the Council's website at <http://www.southsomerset.gov.uk/environment/environmental-health/environmental-enforcement/> and from the Council's offices.

## **PART 7**

### *7. Licensing Committee*

7.1. The Licensing Committee shall consist of a maximum of 15 Members and the Licensing Sub-committees shall consist of 3 Members; they will hear any relevant representations from Responsible Authorities and Interested Parties. Any of these individuals or groups may specifically request a representative to make representations on the applicant's behalf; this could be a legal representative, a friend, an MP or a Ward Councillor. Legal representatives and friends will be expected to provide confirmation from the Interested Party that they have been instructed to act on their behalf.

7.2. Committee members shall not place themselves in situations where their honesty or integrity may be questioned, will make decisions on their merit and will reach their own conclusions on the issues laid before them and will act in accordance with those conclusions taking into account as necessary and proper, the views of others.

7.3. The decision determined by the Licensing Committee or the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other legislation.

7.4. Where a hearing is convened, the Licensing Authority strongly recommends all applicants and objectors attend the hearing as it will allow the Committee or Sub-Committee to ask any relevant questions pertinent to the application.

### Reviews

7.5. A Premises Licence may be reviewed by the Licensing Authority itself on its own volition. Requests for a review can also be made by Responsible Authorities or Interested Parties; however, it is for the Licensing Authority to decide whether the review is to be progressed. This will be on the basis of whether the request for the review is relevant to the following:

- 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 Statement of Principles.

7.6. The Licensing Authority will also consider whether the request for review is frivolous, vexatious or repetitious.

### Appeals

7.7. There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to the South Somerset Magistrates' Court. Any application for an appeal should be accompanied by a fee payable to the court.

7.8. The Licensing Authority will give clear and comprehensive reasons for any rejection of an application and in accordance with good practice will give reasons in relation to all decisions it reaches. These reasons will address the extent to which the decision has been made with regard to the Statement of Principles and the Gambling Commission's Guidance and the reasons will be submitted to all parties concerned.

7.9. Once an appeal decision has been made, the Licensing Authority will implement this without delay unless ordered by the Court to suspend such action.

*Complaints*

7.10. All complaints in the first instance should be addressed in writing to the Licensing Manager, Licensing Service, South Somerset District Council, The Council Offices, Brympton Way, Yeovil BA20 2HT or my email to [nigel.marston@southsomerset.gov.uk](mailto:nigel.marston@southsomerset.gov.uk)

7.11. The Licensing Authority will investigate all relevant complaints. Complainants will initially be encouraged to raise the complaint directly with the permit/licence holder (where appropriate). Where the complaint is valid, the Licensing Authority will endeavour to seek a resolution through informal means.

*Amendments*

7.12. Where there are any amendments to the Statements of Principles; the amended version shall be placed on the Council's website

## APPENDIX A

### RESPONSIBLE AUTHORITIES DETAILS

RESPONSIBLE AUTHORITY	ADDRESS	TELEPHONE NUMBER
<b>Avon and Somerset Constabulary</b>	Liquor Licensing PO Box 3259 Bristol BS2 2EJ	0117 945 5195
<b>Devon &amp; Somerset Fire and Rescue Service</b>	The Station Officer The Fire Station Yeovil Somerset BA20 1JF	01935 382000
<b>Gambling Commission</b>	Victoria Square House Victoria Square Birmingham B2 4BP <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>	Tel: 0121 230 6666 Fax: 0121 230 6720
<b>HM Revenue and Customs</b>	NRU – Betting and Gaming Portcullis House 21 India Street Glasgow G2 4PZ	N/A
<b>Somerset County Council Social Services</b>	Ms Imogen Shipley The Council Offices Brympton Way Yeovil Somerset BA20 2HT	N/A
<b>South Somerset District Council – The Licensing Authority</b>	The Council Offices Brympton Way Yeovil Somerset BA20 2HT	01935 462462
<b>South Somerset District Council (Environmental Protection)</b>	Lead Specialist Environmental Health, Service Delivery The Council Offices Brympton Way Yeovil Somerset BA20 2HT	01935 462462
<b>South Somerset District Council (Planning)</b>	Lead Specialist, Planning, Service Delivery The Council Offices Brympton Way Yeovil Somerset BA20 2HT	01935 462462

## APPENDIX B

### GLOSSARY OF TERMS

Within this Statement of Principles, the following words and terms are defined as stated:

Act:	The Gambling Act 2005
Adult Gaming Centre	An amusement arcade which U18's are not permitted to enter
Betting Machine	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.
Bingo High and Low Turnover Bingo	A game of equal chance. Occurs when aggregate stakes or prizes in any 7-day period exceed £2,000. If this occurs then play at that level in the ensuing year would require an Operating Licence. Anything below this level is deemed to be low turnover bingo normally held in pubs, clubs and community centres, etc.
Code of Practice:	Any relevant code of practice under section 24 of the Gambling Act 2005
Council:	South Somerset District Council
Council area:	The area of South Somerset administered by South Somerset District Council
Customer Lottery	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
Default Condition:	A specified condition provided by regulations to be attached to a licence, unless excluded by South Somerset District Council
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Gaming Machine	As defined by the Gambling Act 2005, a machine that is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes). Stakes and prizes are available on Gambling Commission's website
Guidance	Guidance issued to Licensing Authorities by the Gambling Commission (September 2015) and any subsequent updates as required by section 25 of the Gambling Act 2005.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private gain, and which are incidental to non-commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance
Licensing Authority	South Somerset District Council
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Mandatory Condition:	A specified condition provided by regulations to be attached to a licence
Members Club	A club that must <ul style="list-style-type: none"> <li>• have at least 25 members</li> </ul>



	<ul style="list-style-type: none"> <li>• be established and conducted 'wholly or mainly' for purposes other than gaming</li> <li>• be permanent in nature</li> <li>• not established to make commercial profit</li> <li>• controlled by its members equally.</li> </ul>
Non Commercial Society	<p>A society established and conducted:</p> <ul style="list-style-type: none"> <li>• for charitable purposes</li> <li>• for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or</li> <li>• for any other non-commercial purpose other than that of private gain</li> </ul>
Notifications:	Notification by the holder of the premises licence issued under the Licensing Act 2003 that they will be exercising their right under the Gambling Act 2005 to have 2 or less gaming machines of category C or D at the premises.
Operator Licence	Is a licence issued to the operator by the Gambling Commission
Permit	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Is a licence issued to individuals by the Gambling Commission
Premises:	Any place, including a vehicle, vessel or moveable structure
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres
Private Lottery	<p>3 Types of Private Lotteries:</p> <ul style="list-style-type: none"> <li>• Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society</li> <li>• Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises</li> <li>• Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;</li> </ul>
Regulations:	Regulations made under the Gambling Act 2005
Small Society	<p>A society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, is a non-commercial organisation. it is established and conducted:</p> <ul style="list-style-type: none"> <li>• for charitable purposes, as defined in s.2 of the Charities Act 2006</li> <li>• for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity</li> <li>• for any other non-commercial purpose other than that of private gain.</li> </ul> <p>The proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.</p>

## **APPENDIX C**

### **CONSULTEES**

The Gambling Act requires that the following parties be consulted on the Licensing Policy:

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

## APPENDIX D

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X (Full Licensing Committee)	
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 permit or licensed premises permit unless: (Annual fee not paid by due date)		X	X
Applications for other permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Power to make any minor amendments to the policy is delegated to a Licensing Specialist in consultation with the Specialist Services Manager

## **APPENDIX E**

**Main Towns - Maps showing index of multiple deprivation and other information:**

<b>Bruton</b>	<b>Map 1</b>
<b>Castle Cary</b>	<b>Map 2</b>
<b>Chard</b>	<b>Map 3</b>
<b>Crewkerne</b>	<b>Map 4</b>
<b>Iminster</b>	<b>Map 5</b>
<b>Langport</b>	<b>Map 6</b>
<b>Martock</b>	<b>Map 7</b>
<b>Milborne Port</b>	<b>Map 8</b>
<b>Somerton</b>	<b>Map 9</b>
<b>Yeovil</b>	<b>Map 10</b>
<b>Wincanton</b>	<b>Map 11</b>