

# Public Agenda Pack



Notice of Meeting of

## **LICENSING AND REGULATORY COMMITTEE**

**Thursday, 12 October 2023 at 2.00 pm**

**Luttrell Room - County Hall, Taunton TA1 4DY**

To: The members of the Licensing and Regulatory Committee

Chair: Councillor Simon Carswell

Vice-chair: Councillor Marcus Kravis

Councillor Jason Baker

Councillor Simon Coles

Councillor Lance Duddridge

Councillor Tony Lock

Councillor Tom Power

Councillor Diogo Rodrigues

Councillor Andy Soughton

Councillor Peter Clayton

Councillor Hugh Davies

Councillor Jenny Kenton

Councillor Connor Payne

Councillor Tony Robbins

Councillor Brian Smedley

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For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk).

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) by **5pm on Friday, 6 October 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by the Proper Officer on Wednesday, 4 October 2023

# **AGENDA**

**Licensing and Regulatory Committee - 2.00 pm Thursday, 12 October 2023**

**Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)**

**Click here to join the online meeting (Pages 7 - 8)**

## **1 Apologies for Absence**

To receive any apologies for absence.

## **2 Minutes from the Previous Meeting (Pages 9 - 12)**

To approve the minutes from the previous meeting.

## **3 Declarations of Interest**

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#) )

## **4 Public Question Time**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

## **5 Statement of Principles - Gambling Policy (Pages 13 - 90)**

The Committee is asked to consider the consultation comments made regarding the Gambling Policy, recommend any amendments, and recommend the final draft of the Policy for approval by Full Council.

### **Access to Information - Exclusion of the Press and Public**

**PLEASE NOTE:** The minutes for the Regulatory Sub-Committees which are available to Members contain exempt information and are therefore marked confidential – not for publication. At any point if Members wish to discuss information within these documents, then the Committee will be asked to agree the following resolution to exclude the press and public:

#### **Exclusion of the Press and Public**

To consider passing a resolution having been duly proposed and seconded under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Information which is likely to reveal the identity of an individual.

## **6 Minutes of the Licensing and Regulatory Sub-Committees (Pages 91 - 134)**

The Licensing and Regulatory Committee are asked to note the minutes of the Sub-Committees.

## Guidance notes for the meeting

### Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

#### Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

### Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

### Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

### Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

### **Meeting Etiquette for participants**

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

### **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

### **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

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Phone Conference ID: 387 807 659#

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Minutes of a Meeting of the Licensing and Regulatory Committee held in the Luttrell Room - County Hall, Taunton TA1 4DY, on Thursday, 14 September 2023 at 2.00 pm

**Present:**

Cllr Simon Carswell (Chair)  
Cllr Marcus Kravis (Vice-Chair)

Cllr Simon Coles  
Cllr Tom Power

Cllr Tony Lock  
Cllr Andy Soughton

**Other Members present remotely:**

Cllr Tony Robbins

Cllr Leigh Redman

**11 Apologies for Absence - Agenda Item 1**

Apologies were received from Councillors Hugh Davies, Tony Robbins (who joined the meeting online) Diogo Rodrigues and Brian Smedley.

**12 Minutes from the Previous Meeting - Agenda Item 2**

Resolved that the minutes of the Licensing and Regulatory Committee held on 15 June 2023 be confirmed as a correct record.

**13 Declarations of Interest - Agenda Item 3**

Councillors present at the meeting declared the following personal interests in their capacity as a Councillor of a Town or Parish Council or any other Local Authority:-

<b>UNITARY COUNCILLOR</b>	<b>TOWN AND/OR PARISH COUNCIL</b>
Simon Carswell	Street Parish Council
Marcus Kravis	Minehead Town Council
Tony Lock	Yeovil Town Council

Tom Power	Wincanton Town Council
Leigh Redman	Bridgwater Town Council
Tony Robbins	Wells City Council
Andy Soughton	Yeovil Town Council

Councillors Carswell and Kravis further declared personal interests as Gambling License Holders.

Councillor Tony Robbins further declared a personal interest as a pub landlord.

#### **14 Public Question Time - Agenda Item 4**

Public Questions were received from the following:-

- Nick Hall
- Carolyn Griffiths

The Chair thanked them both for their submissions and advised that their consultation responses had been included within the report.

#### **15 Statement of Licensing Policy - Agenda Item 5**

The Licensing and Fraud Manager, Alan Weldon, presented the report on the Statement of Licensing Policy and detailed some of the consultation responses.

During the discussion, the following points were raised:-

- Councillors queried whether officers encouraged applicants to approach their neighbours when they applied for a licence.  
*The Licensing and Fraud Manager advised that the Licensing Department encouraged open dialogue.*
- Concern was raised on glass related injuries and at what point would it be classed as an issue and plastic be used instead.  
*The Licensing and Fraud Manager advised that the Licensing Department and Police engaged with the community, and it would either be a condition placed as part of the licence or be as a result of a review.*
- Councillors queried whether a condition could be added to late night refreshments that after a certain time, customers had to use card to pay.  
*The Licensing and Fraud Manager advised that it could be added to the Policy.*
- Concern was raised that card payments should be a decision for the licence applicant, unless there were safety concerns raised.
- Councillors highlighted that the Policy did not include the number of Temporary Event Notices that could be applied for in one year.

*The Licensing and Fraud Manager would add a link to the legislation details to the Policy.*

- Councillors queried the use of a logbook and whether it was mandatory or placed as a condition by a Sub-Committee.

*The Licensing and Fraud Manager advised each case was decided upon on its own merit.*

- Councillors highlighted some typos within the Policy.
- Councillors queried what an 'early morning restriction' meant.

*The Licensing and Fraud Manager would provide a written answer prior to the Full Council meeting date.*

**Resolved** that the Licensing and Regulatory Committee considered the consultation comments made regarding the policy, recommended any amendments, and recommended the final draft for approval by Full Council.

## **16 Fixing of fares charged by taxi drivers - Agenda Item 6**

The Licensing Manager, John Rendell, presented the report on the fixing of fares charged by taxi drivers and detailed the proposed changes.

During the discussion, the following points were raised:-

- Councillors requested clarification on the decision-making process.
- Councillors queried the 2-mile journey used as an average and highlighted the disparity between the old district charges.
- Councillors queried whether the report would be brought back to Committee on a regular basis based on changes with the economy.

*The Licensing Manager advised that it would be brought back periodically due to those reasons.*

**Resolved** that the Licensing and Regulatory Committee noted the report.

## **17 Minutes of the Licensing and Regulatory Sub-Committees - Agenda Item 7**

The Chair of Committee thanked all of the councillors that had taken part in the Sub-Committees and reminded committee members to respond to the requests from officers.

The Committee **noted** that the minutes of the Licensing and Regulatory Sub-Committees held on 31 May 2023, 5 June 2023, 19 June 2023, 20 June 2023, 18 July 2023 and 7 August 2023 be confirmed as a correct record.

**(The meeting ended at 3.15 pm)**

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**CHAIR**

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## Statement of Principles – Gambling Policy

Executive Member(s): Councillor Federica Smith-Roberts – Lead Member for Housing, Communities and Culture

Local Member(s) and Division: Licensing and Regulatory Committee Chair – Councillor Simon Carswell

Lead Officer: Alan Weldon – Licensing and Fraud Manager

Author: Alan Weldon – Licensing and Fraud Manager

Contact Details: [alan.weldon@somerset.gov.uk](mailto:alan.weldon@somerset.gov.uk) – 01278 436452

### 1. Summary / Background

- 1.1 Somerset Council is a Licensing Authority as determined by Section 2 of the Gambling Act 2005 (the Act). Section 349 of the Act requires the Licensing Authority to determine a Statement of Principles describing how it will deal with matters pertaining to the Act. The statement represents a policy document and must be reviewed as necessary at intervals of at least three years. Today's report details the next step in the necessary process, following a period of public consultation in advance of adoption by Full Council.
- 1.2 The Statement of Principles is a key tool for the Licensing Authority to set out its priorities and objectives relating to gambling, with a strong consideration of local issues and risks in relation to the land-based regulatory responsibility placed upon it. Furthermore, the policy document is intended to offer guidance to businesses when considering making applications in Somerset.

The draft Statement of Principles previously approved by Committee is attached as Appendix A. Consultation has since taken place over a 7-week period, resulting in 13 responses being received. These responses are shown in Appendix B along with Officer recommendations for consideration by the Committee.

## **2. Recommendations**

- 2.1 The Committee is asked to consider the consultation comments made regarding the Gambling Policy, recommend any amendments, and recommend the final draft of the Policy for approval by Full Council. This policy (Statement of Principles) is for approval of a non-executive function and can, therefore, only be exercised by Full Council.

## **3. Reasons for recommendations**

- 3.1 There is a legal requirement that each Licensing Authority has in place a Statement of Principles.

## **4. Other options considered**

- 4.1 Not applicable. This is a statutory requirement.

## **5. Links to Council Vision, Business Plan and Medium-Term Financial Strategy**

- 5.1 Not applicable. This is a statutory requirement.

## **6. Financial and Risk Implications**

- 6.1 There are no direct financial implications arising from approving this report. The Licensing Authority must have a Statement of Principles in place by legislative requirement.

## **7. Legal Implications**

- 7.1 The Gambling Act 2005 requires the Council to determine and publish its Gambling Policy every three years. Before determining its Gambling Policy, the Council is required to consult the statutory consultees set out in the Gambling Act 2005.

## **8. HR Implications**

- 8.1 None.

## **9. Other Implications:**

### **10. Equalities Implications**

10.1 Pursuant to the Equalities Act 2010, it is required to consider the need to:

- eliminate discrimination, harassment, victimisation, and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- fostering good relations between people by tackling prejudice and
- promoting understanding.

To comply with the general duty the Council must assess the impact of equality in making decisions, policies, and practices. In doing so proposals can be developed that consider the impacts on all members of the community.

In making decisions the authority must consider the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage, and civil partnership status in coming to a decision.

In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act.

### **11. Community Safety Implications**

11.1 The role of the Licensing Authority includes regulation of gambling operators within its boundaries regarding operational compliance with the licensing objectives specified in the Act. One of these objectives is "protecting children and other vulnerable persons from being harmed or exploited by gambling". Strong and robust assessments of local risks will, therefore, protect members of the Community who may be at risk of suffering from gambling related harm.

### **12. Climate Change and Sustainability Implications**

12.1 None.

### **13. Health and Safety Implications**

13.1 None.

### **14. Health and Wellbeing Implications**

14.1 The entry under “Community Safety Implications” above equally applies to this section. The consultation process has, however, allowed health and welfare related agencies an opportunity to respond and for any comments to be taken into consideration by this Committee following the closure of the consultation period.

### **15. Social Value**

15.1 Not applicable. This is a statutory requirement.

### **16. Scrutiny comments / recommendations:**

16.1 Not applicable. This is a statutory requirement.

### **17. Background Papers**

17.1 Not applicable. This is a statutory requirement.

### **Appendices**

Appendix A – Draft Gambling Statement of Principles.

Appendix B – Consultation responses & Officer recommendations.





**Somerset  
Council**

# **GAMBLING POLICY STATEMENT OF PRINCIPLES**

<b>Organisation</b>	Somerset Council
<b>Title</b>	Gambling Policy – Statement of Principles
<b>Author</b>	Licensing
<b>Owner</b>	Licensing
<b>Primary Legislation</b>	Gambling Act 2005

<b>Responsible</b>	Licensing
<b>Accountable</b>	Licensing
<b>Consulted</b>	Public
<b>Informed</b>	Responsible Authorities

## Version History

Revision Date	Author	Version	Description of Revision
20/10/2022	Richard Nokes	1	New policy created
26/01/2023	Richard Nokes	2	District leads approved policy

## Document Notification

Approval	Name	Date
Consultation	Licensing & Regulatory Committee	15 <sup>th</sup> June 2023

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## Contacts, links, and useful websites

If you wish to make comments on this Gambling Policy, or if you want further information regarding the Gambling Act 2005 please contact: -

Somerset Licensing Team

Telephone: 0300 123 2224

Email: [licensing.mendip@somerset.gov.uk](mailto:licensing.mendip@somerset.gov.uk); [licensing.sedgemoor@somerset.gov.uk](mailto:licensing.sedgemoor@somerset.gov.uk); [licensing.south@somerset.gov.uk](mailto:licensing.south@somerset.gov.uk); [licensing.west@somerset.gov.uk](mailto:licensing.west@somerset.gov.uk)

The Gambling Act 2005 can be viewed at: -

[Gambling Act 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2005/19)

The Mandatory and Default Conditions for premises: -

[The Gambling Act 2005 \(Mandatory and Default Conditions\) \(England and Wales\) Regulations 2007 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2007/1000)

The Gambling Commission: -

[Gambling Commission website - Gambling Commission](https://www.gamblingcommission.gov.uk)

The Licence Conditions and Codes of Practice: -

[Licence Conditions and Codes of Practice - Gambling Commission](https://www.gamblingcommission.gov.uk)

The Gambling Act 2005 (Premises licences and provisional statements) regulations 2007: -

[The Gambling Act 2005 \(Premises Licences and Provisional Statements\) Regulations 2007 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2007/1000)

Gambling Commission Guidance to Licensing Authorities: -

[Guidance to Licensing Authorities \(6th Edition – April 2021\)](https://www.gamblingcommission.gov.uk)

Somerset Council Corporate Enforcement Policy: -

[Enforcement Policy \(somerset.gov.uk\)](https://www.somerset.gov.uk)

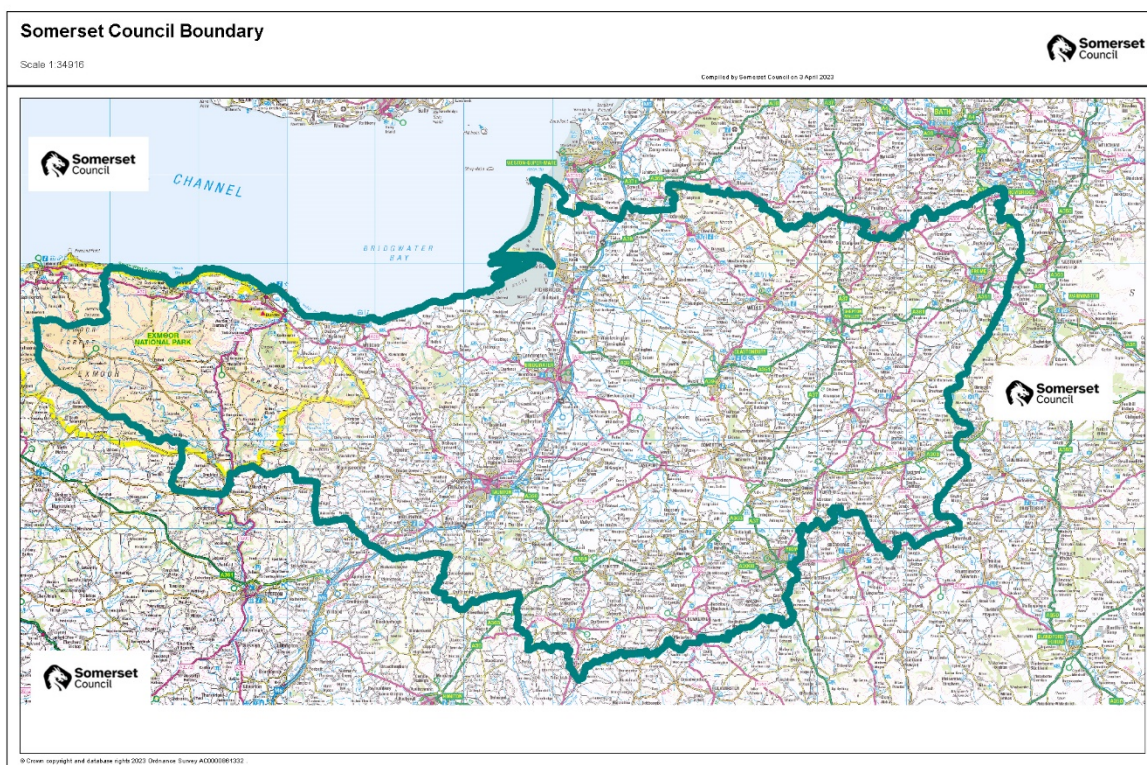
Somerset Council's Public Health

<https://www.somerset.gov.uk/social-care-and-health/public-health/>

## District Map and Summary

Somerset Council covers the administrative area of Somerset, formerly served by four district councils – Mendip, Sedgemoor, South Somerset and Somerset West and Taunton and Somerset County Council - and is one of largest unitary authorities in the UK. Somerset Council serves 572,000 residents; covers 3,500 square kilometers; has a 5,000-strong workforce; 110 elected members and a gross budget of £1bn.

Consequently, there is considerable variation demographically within the district when considering matters of policy. Because of its sheer size, Somerset Council has many different and diverse communities, neighbourhoods and economies from low carbon electricity generation at Hinkley Point C and Gravity, to world-leading aerospace industry, alongside small market towns, food and farming industries and National Parks. Noted for its stunning rural countryside ranging from rolling hills, Levels and Moors to coastal resorts, it is also well served by strategic transport links. Alongside neighbouring North Somerset and Bath and North East Somerset, these three unitary councils serve the historic county of Somerset.



## 1.0 GAMBLING POLICY - STATEMENT OF PRINCIPLES

### 1.1 LICENSING OBJECTIVES

Section 153 of the [Gambling Act 2005](#) requires that the Licensing Authority carry out its various licensing functions having regard to the following three licensing objectives:

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

In discharging its responsibilities under the Act (S.153) and in making decisions in relation to premises licences and temporary use notices the Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks that its use will be:

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with this Licensing Authority's Statement of Licensing Policy.

The Licensing Authority particularly notes the Gambling Commission's latest [Guidance to Licensing Authorities](#) (from now on referred to as the Gambling Commission's Guidance).

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.

### 1.2 INTRODUCTION

The Gambling Act 2005 ('the Act') also provides scope for the Gambling Commission (the Commission) to set an overall direction at national level, while leaving licensing authorities in the lead locally, with appropriate support from the Commission. The [guidance](#) to which licensing authorities must have regard, is an important part of those arrangements.

The Commission has issued [Guidance to Licensing Authorities](#) in accordance with Section 25 of the 2005 Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.

The Commission will also issue [Codes of Practice under Section 24](#) about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

Somerset Council is the Licensing Authority in accordance with the Act and is responsible for granting premises licences in Somerset in respect of:

- Casino premises.
- Bingo premises.
- Betting premises, including tracks.
- Adult Gaming Centres and
- Family Entertainment Centres (and permits to unlicensed Family Entertainment Centres)

Section 349 of the Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' that sets out the principles the authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This is commonly known as a Policy statement.

This Gambling Policy- Statement of Principles has, therefore, been prepared having regard to the provisions of the [Gambling Act 2005 Guidance to Licensing Authorities](#) issued by the Gambling Commission and responses received in response to the consultation process.

It is intended to be a discussion document leading to the adoption by Somerset Licensing Authority of a formal Statement of Licensing Policy after giving due regard to any responses from those consulted on the draft policy statement. The policy will come into effect on the date of adoption by the Licensing Authority and will be reviewed as necessary and at least every three years from the date of adoption.

This policy may be subject to further review changes as a result of any Gambling Review.

Should you have comments regarding this Statement of Policy please email – [licensing.mendip@somerset.gov.uk](mailto:licensing.mendip@somerset.gov.uk); [licensing.sedgemoor@somerset.gov.uk](mailto:licensing.sedgemoor@somerset.gov.uk); [licensing.south@somerset.gov.uk](mailto:licensing.south@somerset.gov.uk); or [licensing.west@somerset.gov.uk](mailto:licensing.west@somerset.gov.uk)

### 1.3 TYPES OF LICENCE

This document sets out the policies that the Licensing Authority will apply when making decisions upon applications or notifications made for:

- Premises Licences.
- Temporary Use Notices (TUN).
- Occasional Use Notices (OUN).
- Permits as required under the Act.
- Registrations as required under the Act.

### 1.4 LICENSABLE PREMISES AND PERMITS

This policy relates to all those licensable premises, notices, permits, and registrations identified as falling within the provisions of the Act, namely:

- Casinos.
- Bingo Premises.
- Betting Premises.
- Tracks.
- Adult Gaming Centres (AGC).



- Licensed Family Entertainment Centres (FEC).
- Unlicensed Family Entertainment Centres (uFEC).
- Club Gaming Permits & Club Machine Permits.
- Prize Gaming and Prize Gaming Permits.
- Gaming Machine Permits (alcohol licensed premises).
- Occasional Use Notices (OUN).
- Temporary Use Notices and (TUN).
- Registrations of small society lotteries.

The Licensing Authority is not responsible for online (remote) gambling which is regulated by the Gambling Commission.

In the Somerset Licensing Authority district, the type of gambling premises licences includes:

- Adult Gaming Centres (AGC).
- Bingo Premises.
- Betting Premises.
- Licensed Family Entertainment Centres (FEC).
- Unlicensed Family Entertainment Centres (uFEC).
- Racecourses (Tracks).

## 1.5 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.
- Issue Club Machine Permits to Commercial Clubs.
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or less gaming machines.
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register small society lotteries below prescribed thresholds.
- Issue Prize Gaming Permits.
- Receive and endorse Temporary Use Notices.
- Receive Occasional Use Notices.
- Provide information to the Gambling Commission regarding details of licences issued (see section 1.9 on Information Exchange).
- Maintain registers of the permits and licences that are issued under these functions.

## 1.6 GENERAL PRINCIPLES

Nothing in this Gambling Policy will:

- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits, or
- Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

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 -

- In accordance with any code of practice under section 24 of the Act.
- In accordance with any guidance issued by the Commission under section 25 of the Act.
- Reasonably consistently with the licensing objectives, and
- In accordance with the statement published by the authority under section 349 of the Act.

In accordance with the Act, premises licenses are subject to [The Gambling Act 2005 \(Mandatory and Default Conditions\) \(England and Wales\) Regulations 2007](#) which are usually sufficient to ensure that operation is reasonably consistent with the licensing objectives.

Additional Licence Conditions will only be considered where evidence suggests that they are needed to meet the requirements of the licensing objectives and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the 'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

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 1.1 above, and what measures they intend to employ to ensure compliance with them.

When determining an application to grant a premises licence or whether to review a premises licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned. Each case will, however, be determined on its merits. Therefore, 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 below.

When considering any conditions to be attached to licences, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in other activity in the area concerned.

In determining an application, the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

- Planning controls.
- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Licensing Authority Departments.
- Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour.
- The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence.

Objectors will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 1.1 above, before the Licensing Authority will be able to consider it.

The Licensing Authority, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality.

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.

GamCare is the leading provider of information, advice, and support for anyone affected by problem gambling. They operate the National Gambling Helpline, provide treatment for problem gamblers and their families, create awareness about responsible gambling and treatment, and encourage an effective approach to responsible gambling within the gambling industry. GamCare have developed the 'Safer Gambling Standard'; a voluntary process which comprises of an independent audit assessment of an operator's player protection measures and social responsibility standards, policy, and practice. The Licensing Authority will encourage operators to demonstrate they are part of the [Safer Gambling Standard scheme](#).

The Licensing Authority will also encourage operators who are members of British Amusements and Catering Trade Association (BACTA), the trade association for the amusement and gaming industry in the UK, on account of their having to abide by [BACTA's Social Responsibility Charter and Code of Practice](#).

## 1.7 RESPONSIBLE AUTHORITIES

Under Section 157 of the [Gambling Act 2005](#) Responsible Authorities are defined as:

- A licensing authority in England and Wales in whose area the premises are wholly or partly situated.
- The Gambling Commission.
- The chief officer of police for a police area in which the premises are wholly or partly situated.
- The fire and rescue authority for an area in which the premises are wholly or partly situated.
- The local planning authority, in accordance with Part I of the Town and Country Planning Act 1990 (c. 8), for an area in which the premises are wholly or partly situated.
- An authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated.
- A body which is designated in writing for the purposes of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm.
- Her Majesty's Commissioners of Customs and Excise.
- Any other person prescribed for the purposes of this section by regulations made by the Secretary of State.

The Licensing Authority will notify all Responsible Authorities of on-line 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. For postal applications the applicant is responsible for notifying Responsible Authorities.

## 1.8 LICENSING AUTHORITY AS A RESPONSIBLE AUTHORITY

There is no requirement under the Act for responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. The Licensing Authority will therefore determine when it considers it appropriate to act in its capacity as a Responsible Authority based on the individual circumstances of each situation and in accordance with its duties under the [Gambling Act 2005](#).

The Licensing Authority would not normally expect to act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and the Licensing Authority considers it reasonable to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as Responsible Authority.

The Licensing Authority will normally expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other Responsible Authority.

Section 157 of the [Gambling Act 2005](#) enables Licensing Authorities to act as responsible authorities.

In cases where the Licensing Authority is also acting as Responsible Authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub-committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e., those of Licensing Authority and Responsible Authority) to different officials within the authority.

In these cases, the Licensing Authority where possible will allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e., the authority acting in its capacity as the Licensing Authority) will be a different individual to the officer who is acting for the Responsible Authority. The officer acting for the Responsible Authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the Licensing Authority.

Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities.

## **1.9 INFORMATION EXCHANGE**

The Licensing Authority is required to include in their Gambling Policy the procedure to be applied in exercising the functions under Sections 29 and 30 of the [Gambling Act 2005](#) in respect to the exchange of information with the Gambling Commission. The functions under S.350 of the [Gambling Act 2005](#) with respect to the exchange of information with persons and bodies are listed in Schedule 6 to the Act.

The Licensing Authority will apply the provisions of the [Gambling Act 2005](#) in its exchange of information, which includes the provision that the [General Data Protection Regulations 2018](#) will not be contravened and any Guidance issued by the Gambling Commission or the Secretary of State under the powers provided in the Act.

The Licensing Authority will work closely with the Gambling Commission, Avon and Somerset Police and with Responsible Authorities where there is a need to exchange information on specific premises. Should any protocols be established in respect to the exchange of information with other bodies then they will be made available.

The privacy of those making representations will be respected, but it may be necessary for the identity of those making representations to be passed on to

Responsible Authorities and the Gambling Commission for the purpose of determining licensing applications or in any subsequent appeal that may be made.

Contact details of those persons making representations and the details of the representations 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 representations or applying for the review of a premises licence will be informed that their details will be disclosed.

## 1.10 LICENSING REGISTER

This Licensing Authority will maintain a Licensing Register of all premises licences and permits issued and information will be made available by contacting [licensing.mendip@somerset.gov.uk](mailto:licensing.mendip@somerset.gov.uk); [licensing.sedgemoor@somerset.gov.uk](mailto:licensing.sedgemoor@somerset.gov.uk); [licensing.south@somerset.gov.uk](mailto:licensing.south@somerset.gov.uk); or [licensing.west@somerset.gov.uk](mailto:licensing.west@somerset.gov.uk)

## 2.0 LEGISLATION & OTHER POLICIES

### 2.1 LEGISLATION

In undertaking its licensing function under the [Gambling Act 2005](#), the Licensing Authority is also bound by other legislation, including:

- Section 17 of the [Crime and Disorder Act 1998 \(legislation.gov.uk\)](#)
- [Human Rights Act 1998 \(legislation.gov.uk\)](#)
- [Health and Safety at Work etc. Act 1974 \(legislation.gov.uk\)](#)
- [Environmental Protection Act 1990 \(legislation.gov.uk\)](#)
- [Anti-social Behaviour Act 2003 \(legislation.gov.uk\)](#)
- [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](#).
- [Equality Act 2010 \(legislation.gov.uk\)](#)
- [Children Act 2004 \(legislation.gov.uk\)](#)
- [Data Protection Act 2018 \(legislation.gov.uk\)](#) However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

### 2.2 RELATIONSHIP WITH PLANNING POLICIES

When determining an application, regard cannot, under the terms of the [Gambling Act 2005](#), be given to planning or building control permissions and/or any planning restrictions.

Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the [Gambling Act 2005](#).

The issue of a Provisional Grant of a premises licence is a separate and distinct process to the granting of Planning Permission. Planning and Building Control permissions will have to be sought and approved before any development takes place. 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. 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.

When dealing with a new premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account.

Section 210 of the [Gambling Act 2005](#) prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and there will be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

A general 'dislike of gambling' is no reason for rejection of a Premises Licence application.

### **2.3 GAMBLING PREVALENCE AND SOCIAL RESPONSIBILITY**

Gambling related harm is defined as any type of repetitive gambling that disrupts or damages a person, family, or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances and affect a wide range of people, such as families, colleagues and wider local communities (for example, where problem gambling is associated with crime or homelessness) and society as a whole (in terms of the costs that may be created by problem gambling). Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts.

Gambling Operators must comply with the Gambling Commission's [Licence Conditions and Codes of Practice - Gambling Commission](#) (LCCP). The Social Responsibility Code 3 requires gambling operators to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of, and seek to identify, problem gambling.

The requirements on gambling premises under the social responsibility code are based upon key areas:

- Provision of information on gambling responsibly – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.
- Customer interaction – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a

customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.

- Layout of the premises - operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
- Self-exclusion – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. In addition to operating their own self-exclusion schemes all licensees must offer the facility for customers to self-exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

Any marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons, and other vulnerable persons from being harmed or exploited. Licensees are required to comply with the Social Responsibility Code 5 of the [Licence Conditions and Codes of Practice - Gambling Commission](#) (LCCP).

## 2.4 LOCAL STRATEGIES AND POLICIES

Where appropriate, the Licensing Authority will take into account local strategies and policies. These will include: -

- Sustainable Community Strategy.
- Somerset Health & Well-Being Plan.
- Somerset Climate and Ecological Commitment.

## 2.5 INTEGRATING STRATEGIES

There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Licensing Authority will aim, as far as possible, to coordinate them.

Where appropriate, the Licensing Authority will also have regard to:

- Local crime prevention strategies.
- The needs of the local tourist economy.
- The employment situation in the area and the need for new investment and employment where appropriate.
- The needs of the local community.
- The duty on Public Authorities to eliminate unlawful discrimination.
- The policy on cumulative impact.



## 3.0 DECISION MAKING

### 3.1 LICENSING AND REGULATORY COMMITTEE

Somerset Council's Constitution contains the Terms of Reference for the Licensing and Regulatory Committee and the Licensing Sub-Committee, along with the Committee Procedural Rules for the Sub-Committee Hearings.

### 3.2 ALLOCATION OF DECISION-MAKING RESPONSIBILITIES

The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient, and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, will be delegated to Licensing Officers.

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

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

### 3.3 PROVISIONAL STATEMENTS

The Licensing Authority will have regard to the [Gambling Act 2005, Guidance to Licensing Authorities](#) that a licence to use premises for gambling should only be issued in relation to premises where the licensing authority can be satisfied that the premises are going to be **ready to be used for gambling** in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two-stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

The Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence and will have regard to the detailed examples of the circumstances in which such a licence may be granted set out in the [Gambling Act 2005](#), [Guidance to Licensing Authorities](#).

### 3.4 LICENSING REVIEWS

The Licensing Authority will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives.

Due consideration will be given to all relevant representations unless they fit the following:

- the grounds are frivolous,
- the grounds are vexatious,
- the grounds are irrelevant,
- the grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the Premises Licence,
- the grounds are substantially the same as the grounds cited in a previous application relating to the same premises or
- the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

An 'Interested Party' or a 'Responsible Authority' can make an application to the Licensing Authority at any time, requesting that the Licensing Authority review a licence that it has granted; the Licensing Authority may also initiate a review of a licence in exceptional circumstances.

Should the Authority receive an application requesting the review of a licence, the Licensing Authority will make a determination as to whether or not the review is to be carried out. In making this determination the Licensing Authority will consider whether the request for the review is relevant to the matters listed below:

*(This list is indicative and is not exhaustive):*

- Representations which are inconsistent with Section 153 of the [Gambling Act 2005](#)
- Representations that are inconsistent with any guidance or Codes of Practice issued by the Gambling Commission [Licence Conditions and Codes of Practice - Gambling Commission](#) (LCCP).
- Representations which relate to an objection to gambling activity generally for instance, on moral grounds.
- Representations in relation to the demand or unmet demand for Gambling Premises.
- Whether the request for review is frivolous, vexatious, or repetitious.
- In accordance with Somerset Licensing Authority's 'Statement of Principles'
- Representations in relation to planning matters.
- Public Safety Issues.
- Traffic Congestion issues.

Should the Licensing Authority determine that an application for a licence review, (which has been duly submitted by an 'Interested Party' or a 'Responsible Authority'), is valid or should the Licensing Authority decide to initiate a licence review of its own volition; then that licence review will be undertaken and progressed to conclusion, in accordance with the requirements of the Act, any guidance or codes of practice issued by the Gambling Commission and this Statement of Policy.

## 4.0 GENERAL PRINCIPLES – PREMISES LICENCES

### 4.1 APPLICATIONS

An application for a premises licence can only be made by a person who a) holds an operator's licence granted by the Gambling Commission authorising him/her to carry out the activity specified within the application or b) has made an application for an operator's licence which has yet to be determined. A premises licence will, therefore, only be granted when evidence is obtained of the granting of an operator's licence.

### 4.2 ASSESSMENT OF NEED

- The absence of unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the [Gambling Act 2005](#). Each application must be considered on its merits without regard to demand.

### 4.3 LOCATION

The Licensing Authority is aware that demand issues cannot be considered with regard to the "location of premises" but that considerations in terms of the licensing objectives are relevant to its decision-making. Particular attention will be given to the protection of children and vulnerable persons from being harmed or exploited by gambling in addition to issues of crime and disorder.

The Licensing Authority will have regard to any further guidance as regards areas where gambling premises should ideally not be located although the existence of any policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

In determining whether a premises location is suitable for the grant of a licence regard will be given to the following factors:

- The proximity of the premises to any school, centre or establishment for the education, training, or care of young and/or vulnerable persons.
- The proximity of the premises to leisure centres used for sporting and similar activities by young and/or vulnerable persons.
- The proximity of the premises to any community, ecclesiastical, welfare, health or similar establishments used specifically, or to a large extent, by young and /or vulnerable persons.
- The proximity of any other area or location where young and / or vulnerable persons could congregate.
- The proximity of the premises to any youth club or similar establishment

Where gambling premises are located in sensitive areas (for example, near schools), the Licensing Authority will consider imposing restrictions on advertising gambling facilities on such premises where it is felt relevant and reasonably consistent with the Licensing Objectives.

#### 4.4 PLANS

[The Gambling Act 2005 \(Premises Licences and Provisional Statements\) Regulations 2007 \(legislation.gov.uk\)](#) state that a plan to accompany an application for a Premises Licence must show:

- The extent of the boundary or perimeter of the premises.
- Where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building.
- Where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises.
- Where the premises are a vessel or part of a vessel, the location of any external or internal walls of the building which are included in the premises.
- The location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.
- The [Gambling Act 2005](#) requires applicants to submit plans of the premises with their application in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The information will also be used to plan future premises inspection activity. The plan should be scaled (1:100).

If plans change in any material respect in the opinion of the Licensing Authority during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under Section 159 or to seek an amendment to the licence under Section 187 of the [Gambling Act 2005](#).

#### 4.5 LOCAL RISK ASSESSMENTS

The current [Licence Conditions and Codes of Practice - Gambling Commission](#) requires under Social responsibility (SR) code 10 licensed 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 in place to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters referred to in this policy document.

Operators are, therefore, required to undertake a local risk assessment on application for a new premises licence. Furthermore, all licensed premises-based operators must also have a risk assessment in place. The risk assessments must also be updated:

- When a subsequent application for a variation of a premises licence is made.
- To take account of significant changes in local circumstances (see below) and
- When there are significant changes at an operator's premises that may affect their mitigation of local risks (see below).

### Significant changes in local circumstances

The following lists some examples of what the Licensing Authority considers to be significant changes occurring in the local area. The list is not exhaustive, and each premises will be considered on its own merits. Operators must consider whether or not any change in the locality of their premises is one that may be considered significant:

- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. The various stages of development regarding the HPC site during the years ahead is the obvious example of a risk to be assessed. Other examples affecting the immediate vicinity of a premises, however, will include where new offices, supermarkets and hotels are either built nearby or developed from existing buildings.
- New pay day loan establishment or pawn brokers shops.
- The building of new educational establishments or any significant changes to an existing facility such as, for example, the expansion of a local college.
- New gambling premises.
- New premises licensed to sell or supply alcohol.
- The building of new premises which will be used for delivering services to vulnerable groups. Examples will include homeless hostels, mental health care facilities and addiction rehabilitation centres.
- The building of new premises/ creation of areas that are likely to attract children. For example, youth centres, play areas, toy shops and cinemas.
- Changes are made to the provision and location 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.
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.

#### **4.6 SIGNIFICANT CHANGES TO AN OPERATOR'S PREMISES**

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.

The following lists some examples of what the Licensing Authority considers to be significant changes in local circumstances. As above, the list is not exhaustive and each premises will be considered on its own merits. Operators must consider whether or not any change at their premises is one that may be considered significant:

- Any building work or refurbishment where gambling facilities are relocated within the premises.

- The premises licence has been transferred to a new operator whose policies and procedures differ from those of the previous licence holder.
- The entrance or entrances to the premises are changed. This will include changes in access from one area in a premises to another (e.g., from an Adult Gaming Centre to/ from a Family Entertainment Centre (FEC) and/or unlicensed uFEC).
- New gambling facilities are made available on the premises which were not provided previously. For example, handheld gaming devices for customers, Self-Service Betting Terminals, or the provision of a different category of gaming machine.
- The operator makes an application for a licence to undertake activities at that premises in accordance with other legislation. For example, this may include an application for the sale/ supply of alcohol, the provision of regulated entertainment and/ or the provision of late-night refreshment ([Licensing Act 2003](#)).
- 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 [Licence Conditions and Codes of Practice - Gambling Commission](#) Social responsibility code provision is supplemented by a further code that requires operators to share these risk assessments with Licensing Authorities on new applications, variations or otherwise at the request of the Licensing Authority.

In view of the above, the Licensing Authority requires that both new applicants and existing operators (licensees) develop a good understanding of the area in which they operate or propose to operate. A local risk assessment must include the location of all of the following in relation to the site of the premises:

- Schools.
- Colleges.
- Other educational establishments (if applicable).
- Play areas.
- Youth centres.
- Leisure centres.
- Banks.
- Cash machine/ ATMs.
- Alcohol licensed premises.
- Takeaway/ fast food establishments.
- Other gambling licensed premises.
- Pay day loan/ pawn shops.
- Homeless hostels.
- Rehabilitation centres.
- Hospital/ mental health services.
- Places of worship.
- 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.

- 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.

The local risk assessment must show how the operator mitigates the risk of each of the above should one or more be in the vicinity of the premises. For example, the level of staffing required may vary according to the proximity of schools, colleges, alcohol licensed premises and their respective opening hours.

It is important that an operator not only identifies the risks within the immediate proximity of the premises but also takes into account the impact of risks identified for the wider area locally. Similarly, one-off events held on a regular basis within the area will need to be factored into the local risk assessment. We will, therefore, expect risk to be assessed should the premises be affected by a temporary increase in the number of people situated in the immediate area.

Operators will also be expected to include reference to:

- Local statistics regarding crime and disorder, including anti-social behaviour.
- Whether or not the premises is situated within an area of deprivation.
- Any nearby residential areas occupied by a high concentration of families with children.
- Any large events that take place regularly near the premises – these could for example, include the Glastonbury Festival, The Royal Bath and West Show and Bridgwater Fair in addition to the annual Carnivals.
- The relationship with and expectations of any Local Community Networks (LCNs).

The Licensing Authority requires a copy of the up-to-date local risk assessment to be kept on the premises and available for inspection on request by an Officer of the Licensing Authority. Local risk assessments should be regularly reviewed, at least on an annual basis.

Operators must also note that, a local risk assessment will apply to the whole premises/ building if an unlicensed Family Entertainment Centre (uFEC subject to a permit) is situated immediately adjacent to an area covered by a premises licence (such as an Adult Gaming Centre (AGC)).

There is no mandatory requirement for a Licensing Authority to undertake a specific Local Area Profile and this authority has decided not to do so at the time of producing this policy statement.

This decision will, however, be reviewed should it be felt by the Licensing Authority that potential or actual risks identified within the County deem its production necessary. Applicants and existing operators should, therefore, take their own steps to identify risks by, for example, consulting with any relevant Responsible Authorities and liaising with other gambling operators in the area where necessary.

**The Licensing Authority request that there is a single named contact for each gambling premises. For example, for larger businesses this could be an Area Manager.**

#### **4.7 CONDITIONS**

Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Licensing Authority will principally draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

[The Gambling Act 2005 \(Mandatory and Default Conditions\) \(England and Wales\) Regulations 2007](#) are often sufficient to ensure an application is reasonably consistent with the Licensing Objectives in relation to the specific premises in question.

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.
- Reasonable in all other respects.

The Licensing Authority will not attach conditions to premises licences which:

- Are impossible to comply with as an operating licence condition.
- Relate to gaming machine categories, numbers, or method of operation.
- Provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).
- Are in relation to stakes, fees, winning or prizes.

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 suggested condition and substitute it with one that is either more or less restrictive. In this instance the Licensing Authority will give clear and cogent reasons for so doing.

Conditions attached to the premises licences will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed- circuit television cameras may be appropriate in certain premises.

#### **4.8 DOOR SUPERVISORS**

Where premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then the entrances to the premises will be controlled by a suitably qualified and regulated door supervisor (SIA registered) and attach such conditions as may be appropriate to the premises licence.



#### 4.9 MATERIAL AMENDMENTS TO THE PREMISES

The Authority will have regard to the principles as set out in s.153 of the [Gambling Act 2005](#) in determining variation applications. However, applications will be carefully scrutinised to ensure the Licensing Objectives are not undermined.

Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times and any typical gaming machines arrangements will be considered a material change regardless of the category of machine.

The Licensing Authority will require a full premises licence variation application where premises are intending to use privacy screening and/or installing a booth to any machines. The Licensing Authority will expect any application proposing the use of customer privacy screens/ booths, to clearly identify how these areas can be adequately supervised including an updated local risk assessment to evidence that any risks presented have been recognised and mitigated. The local risk assessment must also be updated to reflect any new risks identified.

#### 4.10 REPRESENTATIONS - LICENSING APPLICATIONS

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. Further information may be found in Appendix E.

Where there are representations, the Licensing Authority will determine whether or not they will be admissible and will consider carefully whether the representations are relevant. Relevant representations must:

- Be related to the three Licensing Objectives.
- Raise issues under the Gambling Statement of Principles.
- Raise issues under the Gambling Commission Guidance.
- Raise issues under the Gambling Commission's Codes of Practice.

Representations are not relevant where for example they can be addressed by other legislation, such as noise nuisance.

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.
- Whether it raises issues specifically to do with premises that are the subject of the application.

**The Licensing Authority strongly recommends that representations are submitted by e-mail to the relevant area licensing address at the earliest opportunity prior to the end of the prescribed consultation period: - [licensing.mendip@somerset.gov.uk](mailto:licensing.mendip@somerset.gov.uk); [licensing.sedgemoor@somerset.gov.uk](mailto:licensing.sedgemoor@somerset.gov.uk); [licensing.south@somerset.gov.uk](mailto:licensing.south@somerset.gov.uk); or [licensing.west@somerset.gov.uk](mailto:licensing.west@somerset.gov.uk)**

#### **4.11 ENFORCEMENT**

The Licensing Authority has adopted an Enforcement Policy available to view on the Council's web site: [Corporate Enforcement Policy](#)

Enforcement action will be: -

- Targeted toward those premises presenting the highest risk.
- Proportional to the nature and seriousness of the risk those premises present.
- Consistent, so that the Licensing Authority takes similar approaches in similar situations.
- Transparent, so those who are subject to enforcement action know what to expect; and
- Accountable, so that the Licensing Authority and its officers take responsibility for their actions.

The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in compliance with the specific requirements of the Act and any licence conditions. It will also monitor the County for unlicensed activities that may or may not require authorisation.

The Licensing Authority has established protocols with the Fire Authority, Police, and Trading Standards on enforcement issues to ensure an efficient deployment of officers. Where official warnings are given prior to any decision to prosecute for an offence, the Licensing Authority shall ensure that these enforcement authorities are informed of these warnings and the result of any action taken.

In order to ensure compliance with the law and licensing conditions, the Licensing Authority will also carry out whenever possible unscheduled 'non routine' inspections. After each visit, the Premises Licence Holder shall be notified of any concerns and be given an opportunity to rectify any issues.

The Licensing Authority recognises that most Licence Holders seek to comply with the law and any enforcement action will normally follow a graduated approach and in the first instance will include education and support. Where licence holders continue to flout the law or act irresponsibly firm action will be taken.

The Licensing Authority may seek to meet with the licence holder working closely with them and relevant Responsible Authorities in implementing a Premises Improvement Plan where appropriate.

Where the premises does not comply with an agreed Improvement Plan and continues to breach the licensing laws and/or licence conditions, the Responsible Authority or Licensing Authority can consider further sanctions, either by way of a review, formal caution or prosecution.

In any event, the Licensing Authority will have regard to the Regulators' Compliance Code ([www.gov.uk/government/publications/regulators-code](http://www.gov.uk/government/publications/regulators-code)) and the Enforcement Concordat together with the Council's own [Corporate Enforcement Policy](#) as referred to above.

Any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.

#### **4.12 PREMISES INSPECTIONS**

Premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed by the premises i.e., those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk.

When determining risk, consideration will be given to:

- The nature of the gambling activities carried out on the premises.
- The location of the premises in relation to schools etc.
- The procedures put in place by the management to meet the licensing objectives.
- Issues highlighted in the premises local risk assessment.
- The identification of significant changes in the local area.

Additional random monitoring visits may be made, at the discretion of the licensing team, where it is considered necessary to meet the needs of the licensing objectives or following receipt of complaint. The Licensing Authority area will be monitored for unlicensed premises.

The Licensing Authority will undertake routine inspections using the premises assessment templates available in the [Premises assessments toolkit and Primary Authority agreements - Gambling Commission](#).

During proactive or pre-planned visits, the Licensing Enforcement Officers will review documentation including:

- Site Plan to ensure this reflects the actual layout of the premises.
- Local area risk assessments.
- Training policies and training undertaken by staff.

- Records of refusals to serve or admit on age grounds.
- The premise's approach to managing self-exclusion, how the premises fulfils the requirement to participate in multi-operator schemes and the numbers of people currently self-excluded.
- The involvement or impact of any work in local gambling schemes such as Betwatch.
- That appropriate signage and information is in place.

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.

The Licensing Authority's compliance and enforcement functions will be guided by

- [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](http://gamblingcommission.gov.uk)
- Regulators' Compliance Code ([www.gov.uk/government/publications/regulators-code](http://www.gov.uk/government/publications/regulators-code))
- [Better regulation framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Local regulation: Primary Authority - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

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

## 5.0 GAMBLING PERMITS

### 5.1 UNLICENSED FAMILY ENTERTAINMENT CENTRE (UFEC) GAMING MACHINE PERMITS

Where an operator does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The operator does not require a licence from the Gambling Commission in order to apply for a permit.

The term '**unlicensed family entertainment centre**' (uFEC) is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements, such as computer games and penny-pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines. Information on gaming machines can be found on the Gambling Commission website - <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

uFECs will be most commonly located at seaside resorts, in airports and at motorway style service centres, and will cater for families, including unaccompanied children and young persons.

The marketing of these premises is often targeted towards under 18's and therefore, may be a child's first experience of gambling. Prizes range from 2 pence to £5 notes

or sometimes soft toys and more commonly prize redemption tickets which can be accumulated and exchanged for a higher value prize.

An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (uFEC), and if the Chief Officer of Police has been consulted on the application. Responsible considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre (for example, Schedule 7 offences under the [Gambling Act 2005](#)) and the suitability of the premises in relation to their location and issues about disorder.

Under Section 238 of the Act, uFECs are premises which are "wholly or mainly" used for making gaming machines available. In accordance with the Act, we will, therefore, not allow a permit to be granted for an entire shopping centre or leisure centre, for example. We will also expect gaming machines to be situated in clearly defined areas within multi-purpose premises such as, for example, Motorway Service areas. It would not, therefore, be appropriate to site a gaming machine within a row of multi-purpose machines such as vending machines and/or ATM machines with no clearly defined area of separation.

In view of the above, the operator will be required to provide a detailed plan of the premises on application/ renewal of an uFEC. If the uFEC area is within a multi-purpose premises, the plan must specify the area subject to the permit application. It is recommended that plans are scaled to 1:100.

**A local area risk assessment will be required for the whole premises/ building if an uFEC is situated immediately adjacent to an area covered by a gambling premises licence in accordance with the Act (for example an AGC).**

The Licensing Authority will issue permits for uFECs in accordance with the following principles:

- The Licensing Objectives.
- Any Responsible regulations or Codes of Practice.
- Any guidance issued by the Gambling Commission.
- The principles set out in this 'Statement of Policy'.

Applicants will also be required to demonstrate to the Licensing Authority:

- That the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed Family Entertainment Centre.
- That staff are suitably trained and have a full understanding of the maximum stakes and prizes permissible in an unlicensed Family Entertainment Centre.
- That the applicant has no convictions, which may have been identified as 'Relevant Convictions' for the purposes of the Act.
- The Licensing Authority will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is

not limited to harm from gambling but includes wider child protection considerations.

- Appropriate measures/training for staff as regards suspected truant school children on the premises.
- Appropriate measures/training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on/or around the premises.

Operators must notify the Licensing Authority of any material changes as soon as practically possible.

The Licensing Authority will require the following supporting documents to be served with all uFEC permit applications:

- Proof of age - a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over.
- Proof that the applicant has the right to occupy the premises – acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document.
- A standard disclosure and barring service check for the Responsible person issued within the previous month. This will be used to check that the applicant has no Responsible convictions as defined in Schedule 7 of the Act.
- Evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission.
- A suitable and sufficient gambling local risk assessments where the uFEC is located adjacent to an AGC.
- A suitable and sufficient safeguarding policy.

A plan of the premises (1:100 scaled) for which the permit is sought showing the following items:

- The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways.
- Where any category D gaming machines are positioned and the particular type of machines to be provided (e.g., slot machines, penny-falls, cranes).
- The positioning and types of any other amusement machines on the premises.
- The location of any fixed or semi-fixed counters, booths, or offices on the premises whereby staff monitor the customer floor area.
- The location of any ATM/cash machines or change machines.
- The location of any fixed or temporary structures such as columns or pillars.
- The location and height of any stages in the premises; any steps, stairs, lifts, balconies, or lifts in the premises.
- The location of any public toilets in the building.

The Licensing Authority encourages applicants for uFEC Permits to consider adopting the British Amusement Catering Trade Association (BACTA) Voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres - [SOCIAL RESPONSIBILITY - Bacta](#). This Code of Practice promotes

awareness of social-responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

The Licensing Authority can grant or refuse an application for an uFEC permit. An application for renewal of a permit may be refused 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. Exceptional regard shall be given to the duty to protect children and other vulnerable persons from being harmed or exploited by gambling.

However, the Authority cannot attach conditions to a permit.

## 5.2 ALCOHOL LICENSED PREMISES - GAMING MACHINE PERMITS

There is an automatic entitlement to provide a maximum of 2 Category C and/or D gaming machines, on premises that are licensed under the [Licensing Act 2003](#), for the sale and consumption of alcohol on the premises. This is subject only to the proviso that the premises licence holder must serve notice of intention (notification) upon the Licensing Authority in respect of those machines.

The Licensing Authority can remove the 'Licensing Act 2003 Automatic Entitlement' in respect of any particular premises if:

- The provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives.
- The licensee has breached the requirements of the Act.
- An offence under the Act has been committed on the premises.
- The premises are mainly used for gaming.

The premises must comply with the Code of Practice for gaming machines in clubs and premises with an alcohol licence issued by the Gambling Commission available here [Pubs and clubs toolkit - Gambling Commission](#)

**All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means such as CCTV.**

The provision of gaming machines, on premises licensed for the sale and consumption of alcohol, in excess of the automatic two machine entitlement, can only be authorised by way of an Alcohol Licensed Premises Gaming Machine Permit issued by the Licensing Authority.

In considering any application for a permit to authorise the provision of more than two gaming machines on premises licensed under the Licensing Act 2003 for the sale and consumption of alcohol, the Licensing Authority will have regard to the following:

- The requirements of the Act.
- The Licensing Objectives.
- Any guidance issued by the Gambling Commission.
- Any Code of Practice issued by the Gambling Commission [Pubs and clubs toolkit - Gambling Commission](#)
- The principles within this ‘Statement of Principles’.
- Any other matters that the Licensing Authority considers relevant.

The matters that the Licensing Authority considers relevant will include but are not exclusive to:

- Any consultation it considers Responsible by the Police and the Safeguarding Children Board.
- Any relevant policies.
- The percentage of gross turnover the gaming machines contribute to total gross turnover of the premises, and this should not be significant.
- The confidence the Licensing Authority has in the management of the premises.

In granting a permit the Licensing Authority can prescribe a different number of machines to that which was applied for and can prescribe the particular category of machine(s) that may be permitted. However, the Licensing Authority cannot attach conditions to a permit. The number of machines will be clearly stated on each permit.

**Applicants should be aware that only those premises which have a ‘bar’ (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants, which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food will not automatically qualify for two machines.**

### 5.3 PRIZE GAMING PERMITS

Prize gaming is where the prize paid is not pre- determined on the number of players or amounts paid for playing, for example prize bingo in a seaside arcade (uFEC).

[Part 27: Prize gaming and prize gaming permits - Gambling Commission](#)

Prize Gaming Permits must be obtained when there is no premises licence in place to allow prize gaming. A permit is not applicable where a premises licence is in force (casino, bingo hall, AGC, FEC).

In considering any application for a prize gaming permit the Licensing Authority will have regard to the following:

- The type of gaming that the applicant is intending to provide.
- The requirements of the Act.
- The Licensing Objectives.
- Any guidance issued by the Gambling Commission.
- Any statutory and mandatory conditions.
- The principles within this ‘Statement of Principles.’

The Licensing Authority will expect the applicant to demonstrate that they understand the limits applicable to ‘stakes and prizes’ that are set out in [The](#)



[Gambling Act 2005 \(Limits on Prize Gaming\) Regulations 2009](#) and that they are able to understand and ensure that the gaming to be provided is within the law. There are statutory conditions in the Act which the permit holder must comply with, and the Licensing Authority cannot impose any additional conditions to the grant of a permit.

The Licensing Authority will require the following information 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, 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.
- 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.
- Numbers of staff employed.
- Any other policies or procedures in place to protect children from harm.

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.

#### **5.4 CLUB MACHINE PERMITS AND CLUB GAMING PERMITS**

Member's Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming machines permit. Commercial Clubs can only apply for a Club Machine Permit.

A Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A or B4, C or D), equal chance gaming and games of chance as set out in regulations. This is in addition to the exempt gaming authorised under S.269 of the Act.

Alternatively, a member's club (but not commercial clubs) can apply for a Club Gaming Machine Permit will enable the premises to provide only gaming machines (3 machines of categories B3A or B4, C or D).

Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) which means that they should only apply for a Club Gaming Machine Permit. However, they are not able to site category B3A gaming machines offering lottery games in their club.

NOTE: This maximum entitlement of three machines will include any machines

provided by virtue of the [Licensing Act 2003](#) entitlement; it is not in addition to that entitlement.

Gambling Commission Guidance states: 'Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

The 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.

The Licensing Authority will take steps to ensure that a club is a bonafide club within the terms set out in the Act and with this in mind reserve the right to request or require sight of evidence that confirms the status of the club. The Licensing Authority may request evidence any of the follow factors for consideration in its decision-making.

- Evidence of committee members and evidence of their election by club members?
- Minutes of previous meetings (where appropriate)?
- Are there annual club accounts available for more than one year?
- Is the primary activity of the club something other than gaming?
- Does the club have a constitution, and can it provide evidence that the constitution was approved by members of the club?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Do guest arrangements link each guest to a member?
- Is the 48-hour rule being applied for membership and being granted admission being adhered to (for member clubs)
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Submission of a plan of the premises for which the permit is sought i.e., premises, boundaries, machine position, etc.

The Licensing Authority may only refuse an application for a 'Club Gaming Permit' or a 'Club Machine Permit' on the grounds that:

- The applicant does not fulfil the statutory requirements for a members' club, a commercial club or a miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied.
- The applicant's premises are used wholly or mainly by children and/or young persons.
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.
- A permit held by the applicant has been cancelled in the previous ten years.

- An objection to the grant of a permit has been lodged by the Gambling Commission or the Police.

The Licensing Authority is aware that there is a fast-track procedure for the issue of a permit to premises which hold a club premises certificate granted under the [Licensing Act 2003](#). Under this fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police.

The 'fast track' process afforded to an applicant under the Licensing Act 2003 does not provide any statutory right to the issue of a permit and the Licensing Authority may resolve to refuse the grant of a 'fast track' application on the following grounds:

- That the club is established primarily for gaming, other than gaming prescribed under Schedule 12 of the Act, that section relating to 'Club Gaming Permits' and 'Club Machine Permits'.
- That in addition to the prescribed gaming to be provided under the permit, the applicant provides facilities for other gaming on the same premises.
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

No child shall be permitted to use a Category B or C gaming machines on the premises and that the holder of the Premises Licence must comply with any code of practice relevant to the location and operation of gaming machines. [Section C - Gaming machines in clubs and premises with an alcohol licence](#).

Information on permits can be found on the Gambling Commission website - [Permits - Gambling Commission](#).

## 5.5 GAMING IN ALCOHOL LICENSED PREMISES

The Licensing Authority recognises that low level (exempt) gaming (e.g., bingo, poker and race nights) may take place in alcohol licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. Further information can be found here: [Exempt gaming in pubs - Gambling Commission](#) and [Section B - Equal chance gaming in clubs and premises with an alcohol licence](#).

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 [Section B - Equal chance gaming in clubs and premises with an alcohol licence](#) and advice issued by the Gambling Commission. High turnover bingo (where stakes and prizes exceed £2,000 in any 7-day period will require a Bingo Operating Licence from the Gambling Commission.

Where the Licensing Authority is suspicious that a licensee or club exceeds the prescribed limits, the Licensing Authority will inform the Gambling Commission accordingly.

No child shall be permitted to use a Category C gaming machines on the premises and that the holder of the Premises Licence must comply with any code of practice

Responsible to the location and operation of gaming machines. [Section C - Gaming machines in clubs and premises with an alcohol licence - Gambling Commission](#)

Gaming in alcohol-licensed premises should therefore be supervised by the person in day-to-day management control of the premises (a person authorised by the Designated Premises Supervisor (DPS)). All gaming should comply with the Codes of Practice issued by the Gambling Commission. [Section C - Gaming machines in clubs and premises with an alcohol licence](#).

As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Premises Licence holder is considered fully responsible and must be aware of and adopt these Codes of Practice together with any subsequent guidance issued by the Gambling Commission and to ensure that all gaming in such premises is suitably managed.

Further information on Poker and gaming can be found here - <https://www.gamblingcommission.gov.uk/authorities/guide/page/section-b-equal-chance-gaming-in-clubs-and-premises-with-an-alcohol-licence>

Poker and race night toolkit - <https://www.gamblingcommission.gov.uk/authorities/guide/poker-toolkit>

## 5.6 TEMPORARY USE NOTICES (TUN)

A TUN authorises gambling at a premises that does not otherwise have a gambling premises licence. For example, a poker tournament held at a conference venue.

There are a number of statutory limits as regards Temporary Use notices. The limits are set out in section 218 of the Act as:

- A set of premises may not be the subject of Temporary Use notification for more than 21 days in a period of 12 months.
- A set of premises may be the subject of more than one temporary use notice in a period of 12 months; provided that the aggregate of the periods for which the notices have effect does not exceed 21 days.

The purposes for which a temporary use notice may be used are restricted by regulations, to the provision of facilities for equal chance gaming only, which must be provided by means other than 'machine gaming'.

'Equal Chance Gaming' is gaming where the participants are taking part in a gambling competition which is intended to produce a single, overall winner. An example of this would be a poker competition.

The reference to a 'set of premises' prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a 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.

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 premises and would not be granted a temporary use notice for each of its exhibition halls.

In considering whether to object to a Temporary Use Notice the Licensing Authority will have particular regard to this Gambling Policy and any guidance issued by the Gambling Commission, with regard to the nature and definition of a 'premises' or a 'place'.

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. Should the Licensing Authority consider that 'Temporary Use Notices' are being employed at premises, (or for discreet parts of premises), to the extent where 'regular gambling' is thereby being provided within a given building or at a given place; then Licensing Authority may object to the notice(s).

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.

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.

**The event organiser must have an Operator Licence from the Commission and the gambling proposed must be the same as that permitted by the licence.**

## 5.7 OCCASIONAL USE NOTICES

An Occasional Use Notice permits gambling at a premises that would not otherwise have a gambling premises licence. An example would be to permit betting at a sporting event (such as a Point-to-Point meeting). 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.

With regard to 'Occasional Use Notices' (OUN's) the Licensing Authority will ensure the following:

- That the statutory limit of 8 days in a calendar year is not exceeded.
- That the subject premises can reasonable and effectively be defined as a 'track'.
- That the applicant is permitted to avail himself/herself of the notice.

The Licensing Authority will maintain a register of all such Notices.

Further information on OUN's may be found on the Gambling Commission website: [Occasional use notices \(OUNs\) - Gambling Commission](#)

## 6.0 PREMISES LICENCES

### 6.1 DEFINITION OF "PREMISES"

The Licensing Authority will have regard to the definition of 'premises' as set out in the Section 152 of the [Gambling Act 2005](#) to include 'any place'. The intention of Section 152 is to prevent more than one gambling premises licence applying to any place.

A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track, or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. Particular attention will be given to the sub-division of a single building or plot to ensure that mandatory conditions relating to access between premises are observed.

The Licensing Authority will have regard to the Gambling Commission's [Gambling Act 2005 \(the Act\)](#), [Guidance to Local Authorities](#) that states 'In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing 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.'

The Licensing Authority will have regard to the clarification of guidance issued by the Gambling Commission in respect to any premises granted multiple licences. These premises may be inspected to reconsider the separation control measures put in place; any material changes noted since the granting of the application and the relevance of all these factors having regard to the promotion of the licensing objectives, in particular to the protection of children and vulnerable persons from being harmed or exploited from gambling.

The Licensing Authority takes particular note of the Gambling Commission's [Gambling Act 2005 \(the Act\)](#), [Guidance to Licensing Authorities](#) which states that Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

The third licensing objective seeks to protect children from being harmed by gambling. In practice, that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling.

Therefore, 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.

Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not '**drift**' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

**There should be tangible and evident separation between premises.** Adequate separation may be obtained by means of screening, walls, clear signage, PIR alarms etc.

Customers should be able to participate in the activity named on the premises licence in accordance with Social Responsibility Code 9 of the [Licence Conditions and Codes of Practice - Gambling Commission](#).

The Licensing Authority may consider the following questions as relevant factors to in its decision-making, depending on all the circumstances of the case:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?
- Has a risk assessment identified and adequately controlled risks?

[The Gambling Act 2005 \(Mandatory and Default Conditions\) \(England and Wales\) Regulations 2007 \(legislation.gov.uk\)](#) restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.

### **Casinos**

- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

### **Adult Gaming Centre (AGC)**

- No customer must be able to access the premises directly from any other licensed gambling premises or one with a permit (such as an unlicensed family entertainment centre (uFEC)).

### **Betting Shops**

- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

### Tracks

No customer should be able to access the premises directly from:

- A Casino.
- An Adult Gaming Centre.

### Bingo Premises

No customer must be able to access the premises directly from:

- A Casino.
- An Adult Gaming Centre.
- A Betting premises, other than a track.

### Family Entertainment Centre (FEC)

No customer must be able to access the premises directly from:

- A Casino.
- An Adult Gaming Centre.
- A Betting premises, other than a track.

The Commission [Gambling Act 2005, Guidance to Local Authorities](#) at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access.”

To ensure that advice given to applicants regarding the division between AGCs and FECs or uFECs in amusement arcades is consistent, the following standards are recommended:

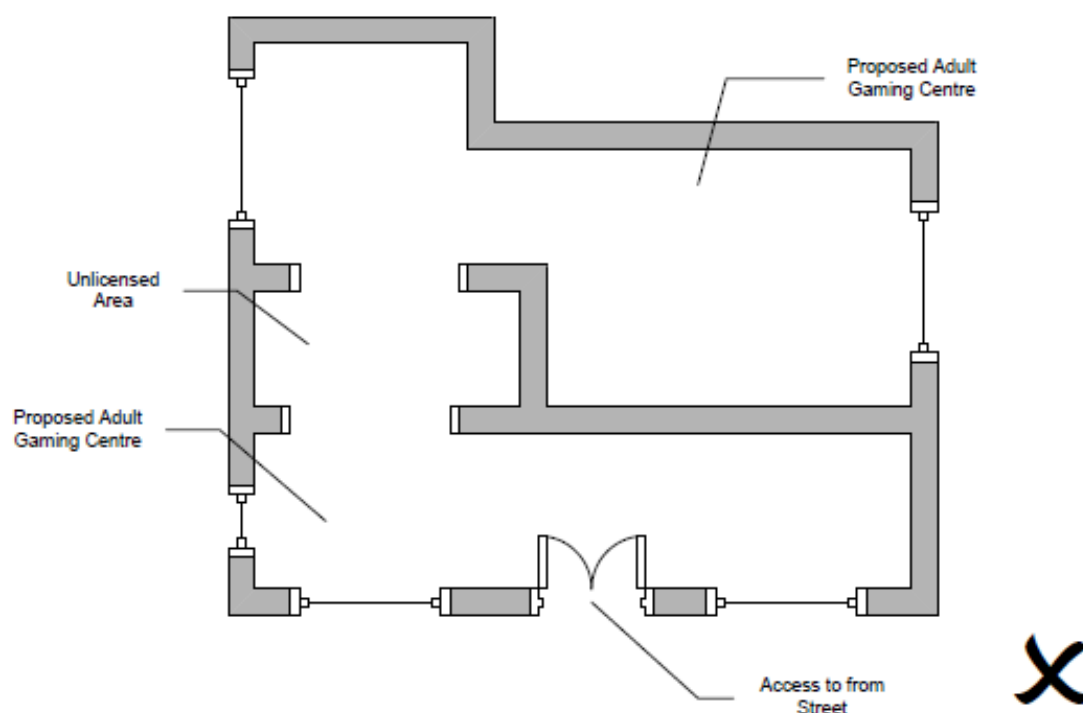
- All partitions shall be permanently fixed.
- Partitions shall be opaque.
- No part of any partition shall be formed from any part of a gaming machine or any other type of machine.
- Partitions shall be a minimum height of 1.75 metres (5 foot 9 inches).
- Partitions shall be a maximum height of 0.15 metres (6 inches) from the floor.

The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.



Applications to place two licensed premises in one premises with an unlicensed area separating them, (see figure 1 below) will not meet this Policy because of the artificial nature of the premises, access, and likely use issues which will arise.

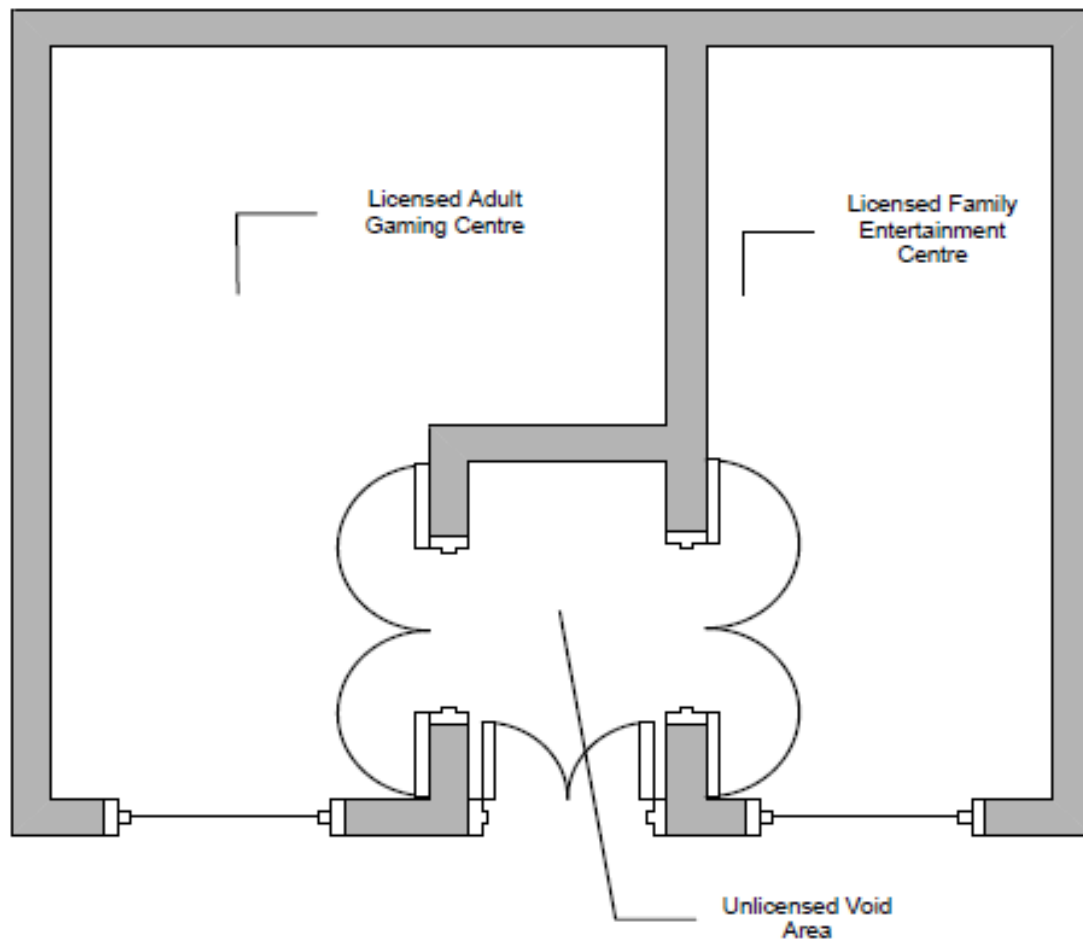
Figure 1



It is possible to have an unlicensed foyer area which separates one licensed premises from another if the foyer is accessed from the street. See Figure 2. The Licensing Authority would expect as a minimum that the area should be used for non-gaming purposes such as an information point, a coffee shop or similar but must not contain any gambling information or literature promoting gambling activities.

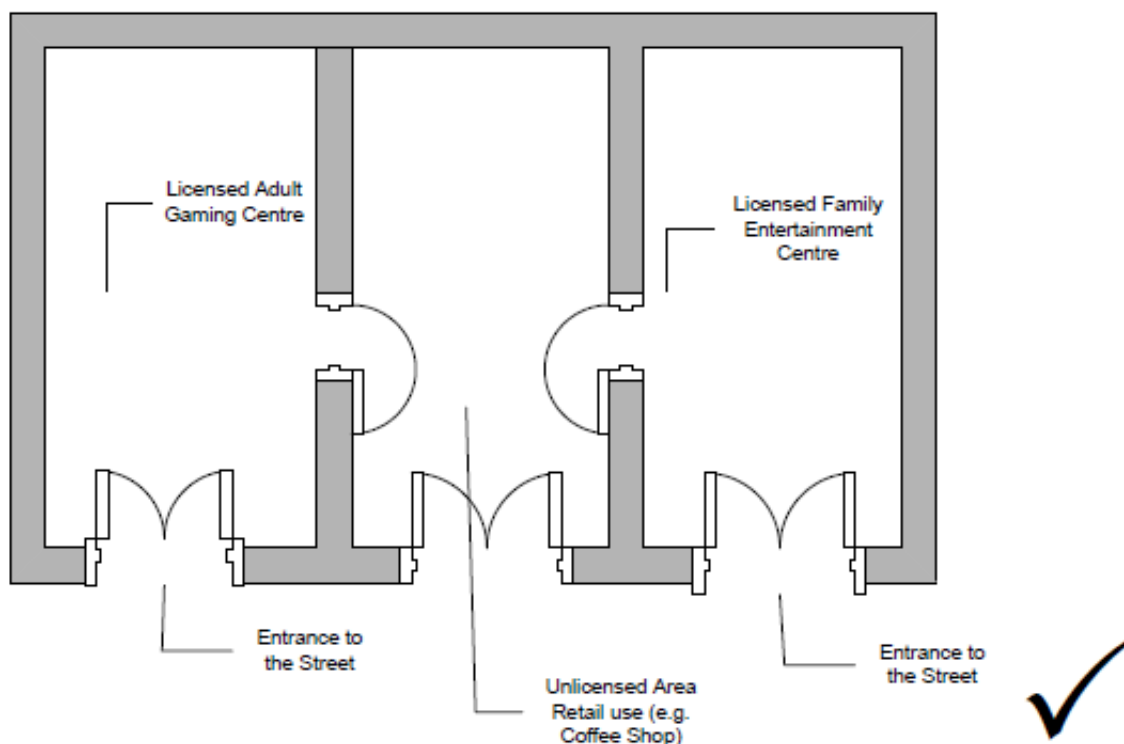
The size of the unlicensed area is matter for each application, but the Licensing Authority will not consider this configuration if the foyer is not of sufficient size to be a useable space.

Figure 2



It may also be acceptable if a premises is separated by another non-licensed premises that has access to both licensed premises from it. An example of this could be in the form of a coffee shop which has a main entrance to the street. The coffee shop may have access to an Adult Gaming Centre on one side and an entrance Family Entertainment Centre on the other side, see figure 3. Where a member of the public not using the gambling premises is likely to use the coffee shop it may be considered that there is no direct access between the two licensed premises.

Figure 3



Part 7 of the Gambling Commission's Guidance also contains further guidance on this issue, which this authority will also take into account in its decision-making.

This will apply to all applications for new Premises licences and any Variations after the date of publication of this Statement of Policy.

## 6.2 CASINOS

This Authority cannot currently grant a Casino Premises Licence under section 175 of the 2005 Act. However, if this changes the Licensing Authority recognises that 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.

S166 of the Act states that a Licensing Authority may resolve not to issue casino premises licences. There is no resolution to prohibit casinos in Somerset at present. However, the Licensing Authority reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos or, if licensed casinos are already operating, resolve not to permit any additional casinos.

Should the Licensing Authority choose to make such a resolution, this will be a resolution of Full Licensing Authority following considered debate, and the reasons for making the resolution will be given. This position will be reviewed every three years.

### 6.3 ADULT GAMING CENTRES (AGC)

The Licensing Authority is responsible for the issue of premises licences for all Adult Gaming Centres are able to offer higher stakes gaming machines and are restricted to over-18s.

Further information on machine categories can be found here - <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>.

In respect of Adult Gaming Centres, the Licensing Authority will have specific regard to the Licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Licensing Authority that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the premises.

The Licensing Authority will expect applicants to offer their own measures and must be included in the local risk assessment to meet the Licensing Objectives. However appropriate measures and/or licence conditions may cover issues such as:  
*(This list is indicative only and is not exhaustive)*

- Proof of age schemes.
- Closed Circuit Television Systems.
- Supervision of entrances and machine areas.
- Physical separation of areas.
- Location of entry.
- Appropriate notices and signage.
- Self-exclusion schemes and the display of information regarding self-exclusion schemes.
- Provision of information leaflets and helpline numbers for organisations such as 'GamCare'.
- Identify local risks, such as proximity to schools or in an area with a high crime rate.

In determining an application for a licensed Adult Gaming Centre, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and any mandatory or default conditions deemed to have a positive effect.

### 6.4 FAMILY ENTERTAINMENT CENTRES (FEC)

The Licensing Authority is responsible for the issue of premises licences for all Family Entertainment Centres. These permit gaming machines of up to category C to be provided.

Further information on machine categories can be found here - <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

In respect of FECs, the Licensing Authority will have specific regard to the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Licensing Authority that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the 'adult only' gaming machine areas on the premises.

The Licensing Authority will expect applicants to offer their own measures and must be included in the local risk assessment to meet the Licensing Objectives. However, appropriate measures and/or licence conditions may cover issues such as:  
(*This list is indicative only and is not exhaustive*)

- Proof of age schemes.
- Closed Circuit Television Systems.
- Supervision of entrances and machine areas.
- Physical separation of areas.
- Location of entry.
- Appropriate notices and signage.
- Self-exclusion schemes.
- Measures/training for staff on how to deal with suspected truant school children on the premises.
- Provision of information leaflets and helpline numbers for organisations such as Gamcare.
- Identify local risks, such as proximity to schools or in an area with a high crime rate.

In determining an application for a licensed Family Entertainment Centre, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and any mandatory or default conditions deemed to have a positive effect. Licensing Authority will have particular regard to any guidance or direction on how the separation and/or delineation of the 'adult only' machine areas of the premises should be achieved. Please refer to section 6.1 for more information regarding separation of premises.

## **6.5 BINGO PREMISES LICENCES**

The Licensing Authority is responsible for the issue of premises licences for all bingo premises. Typically, these are a bingo hall or club but can also be similar to an AGC on the high street.

Further information on machine categories can be found here -

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

The Licensing Authority considers that if persons under 18 years of age are allowed to enter premises licensed for bingo, it is important that they do not participate in gambling, other than on category D machines. Where category C or above machines are available on premises to which persons under 18 years of age have access, the Licensing Authority will require that:

- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where the machines are located.
- Access to the area where the machines are located is adequately supervised.
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.
- At the entrance to and inside any such area there are notices prominently displayed, indicating that access to the area is prohibited to persons under 18.
- No under 18s may play bingo on this premises' must be displayed at each entrance to the bingo premises.

The Licensing Authority will expect applicants to offer their own measures and must be included in the local risk assessment to meet the Licensing Objectives. However, appropriate measures and/or licence conditions may cover issues such as: *(this list is indicative only and is not exhaustive)*

- Proof of age schemes.
- Closed Circuit Television Systems.
- Supervision of entrances and machine areas.
- Physical separation of areas.
- Location of entry.
- Appropriate notices and signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets and helpline numbers for organisations such as GamCare.
- Identify local risks, such as proximity to schools.

In determining any application for a Bingo Premises Licence, the Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the suitability and general layout and appearance of Bingo Premises (Social Responsibility Code 9 of the [Licence Conditions and Codes of Practice - Gambling Commission](#)).

## 6.6 BETTING PREMISES LICENCES

The Licensing Authority is responsible for the issue of premises licences for all betting establishments, including casinos, licensed betting offices and tracks. It is illegal for persons under 18 years of age to enter licensed betting premises and bet, but they may gain entry to tracks.

A betting premises licence gives the holder the entitlement to up to 4 Cat B2 Machines (also known as Fixed Odds Betting Terminals (FOBTs)).

Further information on machine categories can be found here - <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

Section 169 of the Act gives the Licensing Authority the power to apply conditions in specific circumstances, in such cases the Licensing Authority will have regard to the following:

- The size of the premises.
- The number of counter positions available for person-to-person transactions.
- The ability of staff to monitor the use of the machines by persons under 18.
- years of age or vulnerable persons.

The Licensing Authority expects applicants to offer their own measures and must be included in the local risk assessment to meet the Licensing Objectives. However appropriate measures and/or licence conditions may cover issues such as:

*(This list is indicative only and is not exhaustive)*

- Proof of age schemes.
- Closed Circuit Television Systems, (CCTV).
- Supervision of entrances and machine areas.
- Physical separation of areas.
- Location of entry.
- Appropriate notices and signage.
- Specific opening hours.
- Self-exclusion schemes.
- Measures / training for staff on how to deal with suspected underage access and play on the premises.
- Provision of information leaflets and helpline numbers for organisations such as GamCare.
- Identify local risks, such as proximity to an area with a high crime rate or high deprivation.

In determining any application for a Betting Premises Licence, the Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the suitability and general layout and appearance of Betting Premises (Social Responsibility Code 9 of the [Licence Conditions and Codes of Practice - Gambling Commission](#)).

## 6.7 TRACKS

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:

*(This list is indicative only and is not exhaustive)*

- 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.

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.

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 racetrack.
- 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 (bookmakers) 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.

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.

The Licensing Authority recommends an applicant consults with the Gambling Commission and the Licensing Authority prior to submission of their application.

## **6.8 BETTING AND GAMING MACHINES ON TRACKS**

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.

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.

## **6.9 SELF-CONTAINED BETTING OFFICES ON TRACKS**

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 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.

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 of betting 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.

## **6.10 VESSELS AND VEHICLES**

Licences may be granted for passenger vessels. However, not all forms of permits are available to vessels. 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.

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.

Section 211 (4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of Section 221 of the Water Resources Act 1991 that have functions in relation to the waters where the vessel is usually moored or berthed, or in any waters where it is proposed to be navigated at a time when it is used for licensable activities.

## **6.11 TRAVELLING FAIRS**

Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements as to the way the machines operate. They may provide an unlimited number of Category D gaming machines and/or equal chance prize gaming machines, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.

A given area of land may, by statute, only be used on 27 days per calendar year for the purposes of accommodating a fair. The statutory maximum of 27 days calendar

use, applies to the land on which the fairs are held, and that use is cumulative, regardless of whether it is the same fair or a procession of different travelling fairs. The Licensing Authority may monitor fairs, (whether travelling or otherwise), which provide category D gaming machines or equal chance prize gaming machines within Somerset, to ensure that the provision of gambling is ancillary to the amusement provided at the fair and to ensure that the statutory limits upon the annual use of the land are not exceeded.

## 7.0 GENERAL POINTS REGARDING GAMING MACHINES

Gaming machines are made available through a variety of permissions established by the granting of premises licences and permits. There are different categories of machine (the category will determine the level of stakes and prizes), and the number permitted to be made available for play by each operator is controlled by the licence or permit in question. For example, the allowance for an Adult Gaming Centre will differ from a Bingo premises. The Licensing Authority undertakes regular inspections of premises where licences and/or permits are in place to ensure that these requirements are complied with.

Further information on machine categories can be found here - <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/gaming-machine-categories>

In view of the above, regardless of the permission involved, operators must:

- Clearly display the classification (e.g., Category D) of each machine on the machine itself.
- Undertake consultation with the Licensing Authority in advance of applying screening and/or erection of booths to category B machines within licensed premises.
- Ensure that gaming machines situated in premises licensed to sell/ supply alcohol (authorised by way of notification of automatic entitlement and/or permit) are made available strictly in accordance with the Gambling Commission's code of practice with regards to gaming machines in alcohol-licensed premises.

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. [Section C - Gaming machines in clubs and premises with an alcohol licence](#).

The Licensing Authority recognises concerns about unlawfully sited gaming machines because they are:

- Provided in prohibited places such as takeaways and taxi offices.
- Provided without a Responsible permit.
- Provided from an unregistered supplier and/or are uncategorised.
- Known to have links with organised crime.

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

- Initial enforcement, visit and verbal/written warning issued to remove the machines.
- Removal of the gaming machines in partnership with the Commission/ Police.

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.

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.

## 8.0 SMALL SOCIETY LOTTERIES

Under the [Gambling Act 2005](#) a lottery is unlawful unless it runs under an operating licence (a large lottery) or is an exempt lottery. The Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories.

Licensed lotteries (requiring an operating licence from the Gambling Commission)

Exempt lotteries (including small society lotteries registered with Somerset Licensing Authority)

Exempt lotteries are defined as:

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

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission guidance and the website - [Types of lottery you can run without a licence - Gambling Commission](#)

Organisers of raffles or lotteries MUST follow the legislation contained with the [Gambling Act 2005](#) 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.

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.

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 seek further information from the Society if not provided.

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.

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.

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.

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. 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.

Where the annual fee is not paid by the due date the Licensing Authority will cancel the small society registration. The onus is firmly placed on the Society to ensure they pay the annual fee by the due date.

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.

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.

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.

The Licensing Authority will keep a Public Register of all applications to register a small society for lottery purposes.

The Licensing Authority will accept return information by an electronically scanned return sent by e-mail.

## 9.0 LICENSING OBJECTIVES

### 9.1 PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER, BEING ASSOCIATED WITH CRIME OR DISORDER, OR BEING USED TO SUPPORT CRIME

The Licensing Authority will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder arising from gambling activities. This will include measures to be undertaken in order to prevent money laundering activities taking place.

The Gambling Commission, in its draft guidance for local authorities, has noted that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.” The Licensing Authority agrees with this statement.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Licensing Authority and/or the Avon & Somerset Constabulary before making a formal application.

In considering licence applications, the Licensing Authority will particularly take into account the following:

- The design and layout of the premises.
- The training given to staff in crime prevention measures appropriate to those premises.
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed.
- The likelihood of any violence, public order, or policing problem if the licence is granted.
- The premises local risk assessment..

Where evidence is submitted that an area has known high levels of organised crime the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether Police assistance was required.

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 and the provision of door supervisors.

## **9.2 ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY**

Generally, the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence or will be in relation to the suitability and actions of an individual and therefore subject to the Personal Licence, both of which are the responsibility of the Gambling Commission.

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 encourages that where written rules are provided that they are of a font size not less than 11 and in a format accessible to all.

## **9.3 PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS FROM BEING HARMED OR EXPLOITED BY GAMBLING**

### **9.3.1 CHILD AND YOUNG PERSONS ACCESS TO GAMBLING LICENSED PREMISES**

The access of children and young persons to those gambling premises which are adult only environments, will not generally be permitted.

The Licensing Authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

We expect all operators to have a safeguarding policy in relation to children and vulnerable adults. All staff will be expected to undertake training regarding:

- Vulnerability risk factors
- How to identify safeguarding issues.
- How to report and record concerns.

Please refer to Appendix F for further information.

The Licensing Authority will consult with the Local Safeguarding Children Board on any application that indicates there may be concerns over access for children or vulnerable persons.

Where premises are subject to age-restrictions and there are procedures in place to conduct age verification checks, these checks will be taken into account when considering the licence.

The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:

*(This list is indicative only and is not exhaustive)*

- Supervision of entrances.
- Segregation of gambling areas from areas frequented by children.
- Supervision of gaming machines in non-adult gambling specific premises.
- 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 in mixed use premises and on tracks where children have freedom of movement in betting areas on race days.

The Licensing Authority expects that operators would have identified the risks and mitigations in their premises risk assessments.

### **9.3.2 VULNERABLE PERSONS**

The Licensing Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume, for regulatory purposes, that 'vulnerable persons' includes:

- People who gamble more than they want to.
- People who gamble beyond their means.
- People who may not be able to make an informed or balanced decision due to alcohol or drug addiction and
- People whose disability limits a person's ability to understand the consequences of gambling.

The Licensing Authority notes the Gambling Commission's guidance to protect children and other vulnerable persons from being harmed or exploited by gambling.

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.

### 9.3.3 ADVISORY BODY FOR THE PROTECTION OF CHILDREN FROM HARM

Somerset Council as the Licensing Authority designates Somerset Council's Children's Social Care as the competent authority to provide advice on the protection of children from harm.

Somerset Children's Social Care, which includes an out of hours emergency duty service, operates throughout the county of Somerset and has the specialist knowledge and expertise to fulfil this role.

Please see Appendix F

## 10.0 COMPLAINTS ABOUT LICENSED PREMISES

The Licensing Authority will investigate complaints about the operation of licensed premises regarding matters relating to the licensing objectives for which it has responsibility. For all customer complaints about the gambling products, complainants must raise the complaint directly with the licensee or business concerned to seek a local resolution. If they are not satisfied, they should contact the Gambling Commission.

Where an interested party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the Licensing Authority may initially recommend a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

## 11.0 FURTHER INFORMATION

Further information about [Gambling Act 2005](#), this Gambling Policy Statement of Principles and about the application process, including application forms and guidance notes can be obtained from:

**Somerset Council**, Licensing Department, County Hall, The Crescent, Taunton, Somerset TA1 4DY.

Tel: 0300 123 2224 Website: <https://www.somerset.gov.uk/business-economy-and-licences/>

E-mail: [licensing.mendip@somerset.gov.uk](mailto:licensing.mendip@somerset.gov.uk); [licensing.sedgemoor@somerset.gov.uk](mailto:licensing.sedgemoor@somerset.gov.uk); [licensing.south@somerset.gov.uk](mailto:licensing.south@somerset.gov.uk); [licensing.west@somerset.gov.uk](mailto:licensing.west@somerset.gov.uk)

**Gambling Commission**, Victoria Square House, Victoria Square, Birmingham B2 4BP

Tel: 0121 230 6666 Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)



## APPENDIX A

### GLOSSARY OF TERMINOLOGY

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

<b>Licensing Objectives:</b>	As defined in section 1.1.
<b>Licensing Authority:</b>	Means Somerset Licensing Authority.
<b>County:</b>	Means the area of Somerset administered by Somerset Licensing Authority – see map in introduction.
<b>Licences:</b>	As defined in section 1.4.
<b>Applications:</b>	Means applications for Licences or Permits defined in section 1.4
<b>Notifications:</b>	Means notifications of Temporary Use Notices (TUN) and Occasional Use Notices (OUN).
<b>Act:</b>	Means the <a href="#">Gambling Act 2005</a>
<b>Regulations:</b>	Means Regulations made under the <a href="#">Gambling Act 2005</a>
<b>Premises:</b> moveable	Means any place and includes a vehicle, vessel, or structure (in accordance with the <a href="#">Gambling Act 2005</a> ).
<b>Code of Practice:</b>	Means any relevant code of practice under section 24 of the <a href="#">Gambling Act 2005</a> ).
<b>Mandatory Condition:</b>	Means any specified condition provided by regulations to be attached to a licence. <a href="#">The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007</a>
<b>Default Condition:</b>	Means a specified condition provided by regulations to be attached to a licence (unless disapplied by the Licensing Authority). <a href="#">The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007</a>
<b>Responsible Authority:</b>	For the purposes of the <a href="#">Gambling Act 2005</a> , the following are responsible authorities in relation to premises: <ul style="list-style-type: none"> <li>• The Licensing Authority (Somerset Council)</li> <li>• The Gambling Commission</li> <li>• Avon &amp; Somerset Constabulary</li> <li>• Devon &amp; Somerset Fire &amp; Rescue Service</li> <li>• Planning Somerset Council</li> <li>• Planning Exmoor National Park Authority</li> <li>• Environmental Protection Somerset Council</li> </ul>

- Somerset Local Safeguarding Children Board, Somerset Licensing Authority
- HM Revenue and Customs

**Interested Party:**

For the purposes of the [Gambling Act 2005](#), a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person see Appendix E for further details.

When considering whether a person is an interested party, each case will be judged on its merits taking into consideration the Responsible circumstances, including those contained in the Gambling Commission's [Guidance to Licensing Authorities](#)

**Operator Licence:**

is a licence issued to the operator by the Gambling Commission

**Personal Licence:**

is a licence issued to individuals by the Gambling Commission

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## APPENDIX B

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Three-year licensing policy	Yes		
Policy not to permit casinos	Yes		
Fee Setting - when appropriate	Yes		
Application for premises licences		If a relevant representation is made and not withdrawn	If no relevant representation
Application for a variation to a licence		If a relevant representation is made and not withdrawn	If no relevant representation
Application for a transfer of a licence		If a relevant representation is made and not withdrawn	If no relevant representation
Application for a provisional statement		If a relevant representation is made and not withdrawn	If no relevant representation
Review of a premises licence		Yes	
Application for club gaming /club machine permits		If a relevant representation is made and not withdrawn	If no relevant representation
Cancellation of club gaming/ club machine permits		If a relevant representation is made and not withdrawn	If no relevant representation
Applications for other permits		If a relevant representation is made and not withdrawn	If no relevant representation
Cancellation of licensed premises gaming machine permits		If a relevant representation is made and not withdrawn	If no relevant representation
Consideration of temporary use notice		If a relevant representation is made and not withdrawn	If no relevant representation
Decision to give a counter notice to a temporary use notice		If a relevant representation is made and not withdrawn	If no relevant representation
Determination as to whether			All cases

a person is an Interested Party			
Determination as to whether representations are relevant			All cases
Determination as to whether a representation is frivolous, vexatious, or repetitive			All cases

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**APPENDIX C****CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES**

<b>The Licensing Authority</b>	<b>Licensing Department County Hall The Crescent Taunton Somerset TA1 4DY</b>
<b>The Gambling Commission</b>	<b>Fourth Floor Victoria Square House Victoria Square Birmingham B2 4BP</b>
<b>Avon &amp; Somerset Constabulary</b>	<b>Licensing Bureau PO Box 3259 Bristol BS2 2EJ</b>
<b>Devon &amp; Somerset Fire &amp; Rescue Service</b>	<b>Devon &amp; Somerset Fire &amp; Rescue Service Yeovil Group HQ The Fire Station Reckleford Yeovil BA20 1JF</b>
<b>Somerset Children's Social Care</b>	<b>Somerset Direct Childrens and Young Persons Team PO Box 618 Taunton Somerset TA1 3WF</b>
<b>HM Customs &amp; Excise</b>	<b>HM Revenue &amp; Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</b>
<b>Exmoor National Park Authority Planning</b>	<b>Exmoor National Park Authority Exmoor House Dulverton Somerset TA22 9HL</b>

## **APPENDIX D**

### **LIST OF CONSULTEES**

- Elected Members, Somerset Council
- Town and Parish Councils in Somerset
- All licensed gambling operators
- Holders of Family Entertainment permits
- Association of British Bookmakers (ABB)
- British Amusement Catering Trade Association (BACTA)
- The Bingo Association
- The Lotteries Council
- Somerset Chamber of Commerce
- Gamcare
- Gamblers Anonymous
- GambleAware
- Mencap
- NSPCC
- CAB
- Director of Public Health
- Members of the public who will be affected by this policy

*Note: This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by this policy.*

## APPENDIX E

### INTERESTED PARTIES

Interested Parties' can make representations to the Licensing Authority, in respect of an application for a 'Premises Licence', or in respect of an application for a 'Provisional Statement', submitted to the Licensing Authority by an applicant, under the Act.

Interested parties can also initiate, (or make representation in respect of), a review of a Premises Licence, the detail of which is outlined under the heading of 'Reviews'.

The Act states that a person is an 'Interested Party', if in the opinion of the Licensing Authority, that person:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities
- Has business interests that might be affected by the authorised activities, or
- Represents persons who satisfy the criteria at paragraph a) or b)
- These persons include trade associations, trade unions, and residents' and tenants' associations. However, the Licensing Authority will not generally view these bodies as interested parties, unless they have a member who satisfies the criteria in paragraphs a) or b) above; and they have written Authority of representation

'Interested Parties' can also be persons who are democratically elected, such as Councillors, (including Town Councillors), and Members of Parliament. In such circumstances, no specific evidence of being 'asked' to represent an interested person will be required, provided the Responsible Elected Member represents the ward or town likely to be affected.

Individuals who wish to approach Councillors to represent their views may do so. 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 Licensing Authority's Legal team to gain further advice.

Likewise, parish/town councils likely to be affected will be considered to be interested parties.

Other than these, however, this Authority will generally require written evidence that a person/body (e.g., an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by 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.

The Licensing Authority will firstly determine whether or not 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.

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
- Circumstances of the complainant, i.e., interests of the complainant that may be relevant to the distance from the premises

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**

The Licensing Authority will decide upon representations from those persons with business interests on an individual basis and would require to be satisfied that the Responsible business is likely to be affected and shall not take into account representations put forward by a rival operator, 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



## APPENDIX F

### CHILD SEXUAL EXPLOITATION & TRAFFICKING OF CHILDREN & YOUNG PEOPLE

This Licensing Authority is helping to tackle child sexual exploitation and trafficking by working together with key partners.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people, and prosecute perpetrators of sexual exploitation. Sharing information with Police and Child Protection services helps to protect young people from harm. Safeguarding children and young people is everyone's responsibility.

Child sexual exploitation and trafficking is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g., food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion, and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol, or cigarettes.

#### **How gambling premises licence and permit holders and their employees can help tackle child sexual exploitation**

Gambling establishment licence and permit holders and their employees are in a good position to help identify victims of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders and their employees regularly come into contact with children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

In particular, licence and permit holders and their employees should ask themselves the following questions when they see young and vulnerable people in their gambling premises:

- Do any of your customers appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?

Operators should have in place appropriate safeguarding measures and should seek appropriate advice where necessary to ensure that they are aware of both national and local issues, best practice and/ or priorities.

Further information on reporting child/adult abuse in Somerset can be found at: -

<http://www.somerset.gov.uk/childrens-services/safeguarding-children/report-a-child-at-risk/>

<https://www.somerset.gov.uk/care-and-support-for-adults/report-an-adult-at-risk/>

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with the Police (Tel: 101) and Somerset Council Child Protection Unit. (Tel: 0300 123 2224).

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## Somerset Council Gambling Policy – Statement of Principles - 2023 Consultations

Ref	Consultee	Comment	Officer Recommendation	Licensing Committee Decision
1	National Operator	<p>From a company perspective, the main amendments would be to our LRA document we have in each shop. I have picked out 7 points which we would look to include in our next annual review of the documentation.</p> <p>All 7 make sense and only one would be difficult for us to achieve, solely down to a data issue but I will look to try and resolve in the next couple of months.</p> <p>I firmly believe we are working to, and can demonstrate, the rest of the document. On a side note, it's great to see other aspects of gambling, that were previously relaxed, included in the governance of the industry, therefore, making it safer for all.</p> <p>If I can help with anything throughout the process or provide any feedback please do not hesitate to get in touch.</p>	<p><b>Recommend no change to Policy – Supportive comment.</b></p>	
2	Member of public	<p>I am concerned at how easily available and widespread gambling has become. Despite references to pausing to think, advertising glorifies gambling, suggesting easy gains which lie outside most people's wildest dreams. The attractive prominence of Merkur Slots in Taunton Parade, as well as local betting shops in poor areas of the town, offer a wide variety of gambling, which for many cause or maintain habits that undermine relationships and jeopardize a stable income.</p>	<p><b>Recommend no change to Policy</b> as this is a general statement of concern. The author was contacted during the consultation period and asked if they would like to engage directly with the policy document, but no further reply was received.</p>	
3	Service user	<p>I have no issue with it, as we do a raffle at the Church, I can't see that being a major issue.</p>	<p><b>Recommend no change to Policy – Supportive comment.</b></p>	
4	Service user	<p>I help run a small society lottery.</p> <p>I note that (para 8 pp 52) "Where the annual fee is not paid by the due date the Licensing Authority will cancel the small society registration. The onus is firmly placed on the Society to ensure they pay the annual fee by the due date."</p> <p>The Council (Mendip in this case) writes to tell us when we have missed a payment, but it is then too late to avoid the extra cost of re-registration. In effect, they reminded us to pay, but too late to pay!</p> <p>Whilst I have some sympathy with the desirability of placing the onus where it should</p>	<p><b>Recommend no change to Policy:</b> These comments are duly noted, however, and refers to something that we are working towards in terms of aligning our procedures moving forwards. This is a procedural issue specifically relating to small society lotteries and not an issue for policy.</p>	

		<p>lie, Mendip's policy felt like a deliberate policy to make money at the expense of those seeking to benefit our communities by fundraising for charity. Neither is a reminder BEFORE the deadline incompatible with keeping the onus where it should be, as long as it is worded appropriately.</p> <p>I urge you to change the policy to include reminders where email addresses have been provided.</p>	<p><b>Recommend amended wording</b> as follows (8.0) (Page 52 of policy document): ".....the Licensing Authority <del>will</del> may cancel the small society registration"..... to reflect the wording in legislation.</p>	
5	Member of public	<p>Living in Somerset I do not perceive gambling to be a huge problem in the County. This is probably due to the efforts of previous councils under the act.</p> <p>There should be no let-up in the efforts to keep things this way.</p>	<p><b>Recommend no change to Policy</b> – Supportive comment.</p>	
6	Member of public	<p>Gambling should be restricted in all areas where children go I've pubs with slot machines.</p>	<p><b>Recommend no change to Policy</b> as there is no context provided with this statement. The author was contacted during the consultation period and asked to provide further information in order to link with the policy document, but no further reply was received.</p> <p>Legislation and Codes of practice specify which areas (licensed or authorised by permit – such as pubs) can be accessed by children and which controls apply.</p>	
7	Member of public	<p>Seems straightforward and cover most occurrents I can think off</p>	<p><b>Recommend no change to Policy</b> – Supportive comment.</p>	
8	Service user	<p>A clearly laid out policy document which gives sufficient detail for the charity of which I am treasurer.</p>	<p><b>Recommend no change to Policy</b> – Supportive comment.</p>	
9	Member of Public	<p>We do not need more state regulation of gambling, if anything less. However, CCTV cameras outside gambling premises can help deter crime as people leave with any winnings. They can also help with other crime, particularly deterring attacks on women and vulnerable people.</p> <p>Overall I would like to see less legislation in all walks of life including gambling, I often feel like the public are treated like sheep to be controlled, often by people with less morals than the average citizen.</p> <p>During my time on a licencing committee I ensured CCTV cameras were installed outside venues to help protect gamblers leaving with winnings but that also help prevent other crime, i.e. a woman walking home late at night might be followed by a man with bad intentions but the minute they realise they have been recorded they have to abandon the idea of committing a crime. One important proviso is that the state must not use CCTV to infringe on law abiding citizens rights.</p>	<p><b>Recommend no change to Policy.</b> This response relates to general concerns regarding crime and disorder rather than gambling specific issues that are a matter for the policy document itself. The Police will have input as a Responsible Authority in accordance with the Act to address issues of concern. The risk of such occurrences should also be addressed in the Local Area Risk Assessment for the premises in question.</p>	
10	Member of Public	<p>The measures proposed seem reasonable and fair with due consideration to the wellbeing of the community and particularly vulnerable members of that community.</p>	<p><b>Recommend no change to Policy</b> – Supportive comment.</p>	

11	Member of public	<p>1) On page 11 it states "The Licensing Authority will also encourage operators who are members of British Amusements and Catering Trade Association (BACTA), .....". I believe that the "who are" should be replaced by "to be".</p> <p>2) "We" is used in various places (e.g. pages 23 and 29). "We" should either be used throughout this document or never be used in this document.</p>	<p>1) <b>Agree with suggested amendment.</b> (1.6) (Page 11 of policy document, last para.)</p> <p>2) <b>Recommend no change to Policy.</b> This does not impact upon the direction or implementation of the policy.</p>	
12	Local Operator	<p>I have read several statements of licencing principles. From North East Lincolnshire, Birmingham, Southend, Exeter even down to Torbay. It is good to see the consistency in the different policies. However, this does not mean to say the Somerset's has to be the same. Indeed, it is noticeable that some have a lighter touch to unlicensed FECs than others.</p> <p>1) 4.11 - ENFORCEMENT What the definition of higher risk, and who decides – should this be in the policy?</p> <p>2) 4.12 PREMISES INSPECTIONS  'the location of premises in relation to schools'. Always seem strange this one as it suggests children only go to school – yet they go to shops, hang out in Town Centres, shopping centres, coffee shops leisure centres, Swimming Pools (if they are lucky to have one) and go to the seaside – with or without their parents. It is no longer the 1970s, children don't bunk off school to hang out in, let alone nip in the bookies to place a bet before school. Although I appreciate this wording is in almost all Local Authority gambling statement of Principles (GOSP). Although I understand such a statement was probably led by the Gambling commission (GC), it is now historic and as an operator, I feel the inclusion of such a statement not necessary.</p> <p>3) 5.1 UFECs 5.1 "the marketing of these premises is often targeted towards under 18s" - There is no evidence to make such a statement. The 'F' in FEC stands for 'Family'.</p> <p>4) 'Change the recommend plans of 1:100 to 'plans to scale' – and remove the word 'recommend'. Unless there is a legal reason, they must by 1:100. This should relate to all mentions of scale in the policy. It is the least an applicant can do is to provide a drawing to scale, but a lot of shop fitters drawing would be say 1:50.</p>	<p>1) <b>Agree. Recommend re-wording</b> of first bullet point in 4.11 (page 26 of policy document) to read: "Targeted toward those premises presenting the highest risk. The level of risk will be determined by the outcome of previous inspections and any advice received from the Gambling Commission."</p> <p>2) <b>Agree. Recommend removal</b> of 2<sup>nd</sup> bullet point of 4.12 (page 27 of policy document).</p> <p>3) <b>Recommend no change to Policy.</b> For example, the siting of numerous Category D cranes on pavements outside arcade premises and, in some cases, the name of the premises itself naturally draws the attention of children to a business. (Page 28 of policy document, last para).</p> <p>4) <b>Agree.</b> (5.1) The scale is not prescribed by Regulation. <b>Recommend replacing</b> "It is recommended that plans are scaled to 1:100" with "Plans must be drawn to scale". (Page 29 of policy document, 4<sup>th</sup> papa). Also change wording of "(1:100 scaled)" to "drawn to scale" (Page 30 of policy document, 4<sup>th</sup> para.).</p>	

	<p>5) Child safeguarding – The licencing objective states protecting children and other vulnerable persons from being harmed or exploited by gambling.</p> <p>I think child safeguarding is something every business / organisation that has children as customers should do and again see my comments on 4.12. the statement 'harm in this context is not limited to harm from gambling but includes wider child protection measure' is unnecessary and this particular wording does not appear in the licencing policy so why should it in this one. I would say though that the inclusion of Appendix F in both policies is very useful, and possibly a wider circulation to other non-licenced businesses would be useful.</p> <p>6) Appropriate measures/training for staff as regards suspected truant school children on the premises</p> <p>The same as above goes for truant / training measures, - is this based on evidence or just a hangover from the 1970s.</p> <p>7) Appropriate measures/training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on/or around the premises.</p> <p>Although I understand how this has ended up in the document it just needs to be deleted. What is a 'perceived problem' – and perceived by whom? What is the definition of very young? It is unwarranted and onerous, and staff may not be willing to and should not be required to take measures against people outside he premises. Again, is there any evidence of a crime and disorder issue caused by unlicenced FECs.</p> <p>Any measures taken by employees of any business outside of the business premises is a commercial decision not a licencing one.</p> <p>8) Operators must notify the Licensing Authority of any material changes as soon as practically possible.</p> <p>Would seem sensible but what is the definition of a material change – can this be more descriptive in the policy?</p> <p>9) Evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission.</p> <p>Why ? It is an unlicenced FEC and therefore meant to be a light touch regulation. – Although I have seen this in other policies I think Exeter was one, most of the machines will not be reel based Cat D fruit machines. My understanding is that only those that have to be Homologated by the Gambling Commission. It is also onerous and impractical. This could involve up to hundreds of machines that may not have been purchased yet and machines change all the time, new ones brought old ones sold or</p>	<p>5) <b>Recommend no change to Policy.</b> This relates to the 4<sup>th</sup> bullet point at the foot of page 29 of the policy document. The inclusion of safeguarding is really important for uFECs in particular – the point is that the staff need to be trained to recognise and report <b>any</b> safeguarding issues, not just, for example, a child playing on the machines for a long time.</p> <p>Supportive comments on the inclusion of Appendix F duly noted.</p> <p>6) <b>Recommend no change to policy.</b> This relates to the first full bullet point on Page 30 of the policy document.</p> <p>Our experience is that a number of arcades have an approach that train staff to recognise when children are on the premises when they should be in school – Some have the contact numbers for the pastoral staff for local schools. This is considered to be good practice.</p> <p>7) <b>Agree in part.</b> This relates to the following bullet point to 6) above (Page 30). <b>Recommend that the wording</b> quoted in the consultation response is amended to: "Appropriate measures/training for staff regarding unsupervised young persons being on the premises".</p> <p><b>Agree</b>, however, with removal of reference to perceived problems.</p> <p>8) <b>Agree:</b> This relates to Page 30 of the policy document, 2<sup>nd</sup> para.) <b>Recommend additional wording</b> that reads: "Examples of significant changes will be similar to those given in paragraph 4.6 above in relation to premises licences." Also, <b>replace the word</b> "material" with "significant" in existing sentence, for consistency and more clarity.</p> <p>9) <b>Recommend no change to policy.</b> This relates to Page 30 of the policy document, second set of bullet points, 4<sup>th</sup> bullet point. The Gambling Commission states that: "The entity making machines available on the premises (the arcade operator) does not need a Gambling Commission operating licence. However, the entity supplying machines to the business (the machine supplier) must be licensed by us".</p>	
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	<p>scrapped. Also, some machines could be legacy machines. I cannot see anything in the act about the supply of machines to a UFEC – but happy to be corrected, but the use of any machines that are non-compliant with the ‘ gaming machine technical standards’ would be dealt with at an inspection – either by the LA or the trade associations or the gambling commission.</p> <p>10) A plan of the premises (1:100 scaled) for which the permit is sought showing the following items:</p> <p>See earlier comments.</p> <p>11) a) Where any category D gaming machines are positioned and the particular type of machines to be provided (e.g., slot machines, penny-falls, cranes). • The positioning and types of any other amusement machines on the premises.</p> <p>I understand say a hatched area for machines area to be on the plan but not the location of in.</p> <p>b) The location of any ATM/cash machines or change machine It is an unlicensed FEC and although I understand the reasoning for ATMs to be separate reel based fruit machines and not in between other machines (i.e.: to create a break in play). For the same reasons in the point above this is impractical and onerous. We have 15 change machines, and they get moved around all the time and although the ATM machine has been in the same place for 25 years it may get moved at some point.</p> <p>c) The location of any fixed or temporary structures such as columns or pillars. individual machine types as this could change all the time, from location to type. Although I suspect that this ties in with supervision of the floor area, if they are permanent pillars I would have thought they would be on the plan but understand the need to specify this. However, a temporary structure may be moved, hence its name.</p>	<p>10) <b>Agree. See point 4) above.</b></p> <p>11) a) <b>Agree in part. (5.1)</b> (This relates to Page 30 of the policy document, last set of bullet points on that page, second and third bullet points). The machines can be located anywhere within the permitted area. The uFEC permit could, however, apply to a pub or other entertainment area so it’s important that we know from a plan where the machines are located and what type they are, in those circumstances. We do, however, accept that the exact positioning of machines may not be required in, for example, a traditional stand-alone uFEC area. <b>The following recommendation is, therefore, made: -</b> Remove second and third bullet points referred to above and, instead, add a line after this set of bullet points with the wording: -  “The Licensing Authority reserves the right to request the positioning and identification of gaming machines and any other amusement machines to be included in the plan, if considered appropriate to the nature and/or layout of the premises.”</p> <p>b) <b>Agree in part</b> (This relates to Page 30 of the policy document, last set of bullet points on that page, fifth bullet point) – <b>Recommended amendment</b> to wording to remove “change machine”. We do, however, consider that the position of ATM/cash machines is relevant and the conditions that are specified for licensed FECs mandate that any ATM must be separate to any gaming machines to allow for a break in play. It makes sense for this to also apply to uFECs to mitigate the risk of gambling related harm.</p> <p>c) <b>Recommend no change to Policy</b> – (reference to Temporary structures). This directly relates to the ability to supervise a premises – often they are staffed at a minimal level and it’s important</p>	
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	<p>The location and height of any stages in the premises; any steps, stairs, lifts, balconies, or lifts in the premises + The location of any public toilets in the building. I am struggling to see how this related to the licencing objectives.</p> <p>12) The Licensing Authority encourages applicants for uFEC Permits to consider adopting the British Amusement Catering Trade Association (BACTA) Voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres - SOCIAL RESPONSIBILITY - Bacta. This Code of Practice promotes.</p> <p>The word encourages consider adopting should be changed 'must adopt' – even though its voluntary!</p> <p>I would add that applications should be a member of a trade association such as Bacta or Balpa.</p> <p>13) A local area risk assessment will be required for the whole premises/ building if an uFEC is situated immediately adjacent to an area covered by a gambling premises licence in accordance with the Act (for example an AGC).</p> <p>Would this not be covered by the AGC, and would it in fact be any different as it is likely to be the same operator?</p> <p>14) 5.3 Prize Gaming Permits. See earlier comments.</p>	<p>to be able to see if the level of supervision is appropriate to prevent gambling related harm.</p> <p>12) There is no legislative requirement for a permit holder to be a member of BACTA so we can only 'encourage' and not mandate. We do, however, <b>recommend a slight change of wording</b> shown in the consultation response from "to consider adopting" to "adopt". (Page 30 of the policy document, last para.).</p> <p>13) <b>Recommend no change to Policy.</b> There is no requirement for the local area risk assessment (LARA) to cover an uFEC area, as it's not licensed. We do feel, however, that it is important where premises are co-located with a licensed gambling premises that the LARA covers the entire premises to highlight for example, the risks presented by potential underage access from the uFEC to, for example, the AGC areas. (Page 29 of the policy document, 5<sup>th</sup> para, in bold).</p> <p>14) <b>Agree (reference to plans) – (5.3)</b> (Page 33 of the policy document, first bullet point). <b>Recommend amendment of wording</b> to: "A scaled plan of the premises (clear and legible in all material aspects) showing the boundary of the permitted area".</p> <p><b>Agree in part (reference to Policies and procedures – training).</b> (5.3) (Page 33 of the policy document, second bullet point) Recommend <b>re-wording</b> of second bullet point, second sentence to read: "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 young persons or suspected truant school children being on the premises." This is consistent with the amendments suggested in response to point 7) above.</p>	
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		<p>15) 6.1 Premises Partitions shall be opaque.</p> <p>Although I understand this is so people (I assume children) can't see in, it makes supervision and security more difficult. There is no requirement to an AGC to be permanently manned (i.e.: in a motorway service station) and again in a service station The machines are on full display to all users. This also contradicts the spirit of bookmaker's windows being opened and there is no requirement for a standalone AGC in a high street not to have windows.</p> <p>16) 6.3 Adult Gaming Centres.</p> <p>Any comments from earlier that may be relevant (i.e.: Schools etc).</p> <p>17) 6.4 Family Entertainment Centres. Any comments from earlier regarding schools and truant children, I also do not see the need for the bit about a high crime area. I noticed it is not in the paragraph about Bingo premises, yet they can have machines too.</p> <p>18) 6.5 Bingo Premises. See the above school comments.</p> <p>19) 6.6 Bookies I notice that the schools are not mentioned but they are for AGC that also have no entry to under 18s restrictions.</p>	<p>15) <b>Recommend no change to policy</b> (6.1) (Page 40 of the policy document, last set of bullet points on that page, second bullet point). The previous sentence ends: "..... the following standards are recommended:" It is, therefore, a recommendation rather than a mandate. The purpose of this is to ensure that children cannot see into an AGC area from the uFEC area and be attracted to enter.</p> <p>16 to 19) <b>Agree in part</b>. The inconsistency regarding each list is duly recognised. In light of previous comments and amendments suggested above, <b>the recommendation is that the wording</b> of the bullet points in question for each type of premises is amended to simply read "Identify local risks". Page 44 of the policy document, last bullet point. Page 45 of the policy document, last bullet point. Page 46 of the policy document, second set of bullet points, last bullet point. Page 47 of the policy document, second set of bullet points, last bullet point.</p>	
13	Responsible Authority	<p>Thank you for contacting Devon and Somerset Fire and Rescue Service (DSFRS) regarding your policy consultation.</p> <p>DSFRS have no observations to make at this time other than to update our contact details in Appendix C.</p> <p>Headquarters address:</p> <p>Devon and Somerset Fire and Rescue Service Headquarters The Knowle Clyst St George Exeter EX3 0NW</p> <p>Email / telephone communication for fire safety purposes</p> <p>Tel : 01392 872567 Email : firesafetyhelpdesk@dsfire.gov.uk</p>	<p>Agree with suggested amendment</p>	
		District Map and Summary page	<p>Replace "District Map and Summary" with "Somerset Council Map and Summary"</p>	

			Para 2, line 1 – Replace “within the district” with “within the area”	
			Delegated authority required to continue to make minor textural changes as and when required	



Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Wednesday, 6 September 2023 at 10.00 am

**Present:**

Cllr Simon Carswell (Chair)  
Cllr Marcus Kravis (Vice-Chair)  
Cllr Hugh Davies

**Other Members present remotely:**

Cllr Tony Robbins

**5 Apologies for Absence - Agenda Item 1**

A number of residents had sent apologies to Democratic Services.

**6 Declarations of Interest - Agenda Item 2**

None.

**7 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 3**

The Chair announced that he would be changing the order of speaking so that the Applicant, would follow the Licensing Officer. The Responsible Authorities and Other Persons would follow in that order.

The Chair advised that a late request was received from the Police to speak at the hearing. There were no objections and therefore the Police would be able to speak at the appropriate time.

**8 Consideration of an application for the variation of the Premises Licence in**

**respect of The Mill at Rode, Rode Hill, Rode, BA11 6PS - Agenda Item 4**

The Licensing and Business Support Officer was invited to present his report. He explained the Council had received an application from Butcombe Brewery Ltd to vary the Premises Licence at the Mill at Rode, Rode Hill, Rode, BA11 6PS.

The application was to increase the licensable area, increase the hours for regulated entertainment and to amend the conditions of the licence.

**Current Licence:**

Regulated Entertainment	Days	Start Time	End Time
Live Music – indoors only	Thursday to Saturday	23:00	23:30
Recorded Music – indoors only	Friday to Saturday	23:00	23:30
Non-standard timings and seasonal variations: New Years Eve – Extension to 01:30 New Years Day Summer Ball – Extension to 00:30 the next day			

**Proposed Variation:**

Regulated Entertainment	Days	Start Time	End Time
Live Music and Recorded Music indoors and outdoors	Sunday	11:00	23:00
	Monday to Thursday	11:00	00:00
	Friday to Saturday	11:00	01:00
Non-standard timings and seasonal variations: New Years Eve – Extension to 01:30 New Years Day Summer Ball – Extension to 00:30 the next day			

**Application for Change to Conditions:**

To remove the following conditions from the licence: Annex 3 There shall be no more than 75 regulated entertainment events per year and these events are not to be held on consecutive days. Within this number are included no more than 3 outdoor events per year.

**Conditions on Outdoor Events:**

Outdoor events should be scheduled so that there is:

At least a period of two clear weekends between each outdoor event

No evening event occurring on either the day before or the day after the outdoor event.

A plan indicating the positioning, output wattage and orientation of all amplified music speakers shall be submitted to the Licensing authority for approval not less than 21 days prior to the event.

**Conditions on indoor events:**

All entrance/exit doors shall be kept closed during all music and entertainment events except for the purpose of allowing access or egress.

All external windows shall be kept closed during music and entertainment events.

**Add the following conditions to the licence:**

There shall be no more than 75 regulated events per year, within this number including no more than 10 outdoor events per year.

All entrance and exit doors that face on to the public highways (rather than into the car park or private area) shall be kept closed during all regulated entertainment events for the purpose of allowing access or egress.

All external windows which face onto the public highways but not into the car park shall be kept closed during regulated entertainment events inside the premises.

The use of external licensed area as edged red for supply of alcohol and use of the marquee and use of external bars services will not be subject to 'conditions on outdoor events' as detailed in this licence.

The Council had received 57 representations which collectively related to all four of the Licensing Objectives.

There had been a meeting for residents and others, but no agreement had been reached.

The 57 representations were made by 2 Responsible Authorities (Environmental Protection and the Police), 1 Ward Councillor, the Parish Council and 53 other persons. A summary of the representations had been appended to the Report.

## **Questions**

There were no questions for the Licensing and Business Support Officer about his report.

## **The Applicant's submission**

Tim Shield, Solicitor, was invited to speak on behalf of the Applicant. He explained The Mill operated as a tenanted premises on behalf of the Butcombe Brewery. The Brewery had owned the premises for just over 10 years. Sam Knight was the current tenant. He was a very experienced in the licensing trade.

Mr Shield explained, due to problems, it had been necessary to evict the previous tenant during the COVID Pandemic. Since then, the current tenant had proved to be very suitable. He had improved the business since he had been there, including extensive redecoration. The tenant was seeking to make the Mill a viable business going forward.

Mr Shield referred to the supplementary papers. These papers showed the food and drink that would be available at the premises, including the prices. The building comprised of part restaurant, part function room, part bar.

The application, including the area and hours of operation had been designed to give the premises flexibility. He did not believe the proposed changes to the current licence would cause the premises to become a nuisance. The external areas included a pizza oven area and a kitchen garden. He said the outside areas faced away from neighbouring residents.

The new licence would mean the regulated entertainment, namely live music and recorded music, could operate in line with the hours of serving alcohol. Thus, the overall hours of operation would not increase.

He described events such as the beer festival, weddings and family days. Such events would require the hours of operation that had been set out in the application.

He went on to comment on the recommended conditions, which had been suggested by the Police and Environmental Protection. He said they had good

discussions with the Responsible Authorities. He also hoped that the concerns which had been raised by residents would be addressed by the suggested conditions.

**Questions:**

In response to questions Mr Shield and Dominic Rowley explained the previous tenant had been evicted from the premises in April 2022. To address concerns about control of alcohol sales, the representatives described the vision for the business. Sam Knight assured the Other Persons that the premises would not turn into a sports venue. The premises only had one television which was in the area where customers ate.

In response to further questions, Mr Shield said the Applicant believed there was no significant drug issue at the premises. However, they would be happy to have a Drug Policy.

When necessary, the premises could call on car parking stewards to control the use of the car park. The premises had already held 30 events this year and car parking had not been an issue.

The Applicant explained that when the application mentioned events like a wedding it meant functions of a similar style, such as a 3-course meal, with similar entertainment.

The Applicant confirmed they would accept the word entertainment being added to the conditions. He was further accepted that the conditions refer to a calendar year.

Regarding keeping the windows and doors closed the condition should include except for the purpose of access and egress.

The Applicant agreed that the application should be clarified to make it clear that with regard to the 10 outdoor events. The finishing times of family days and beer festivals etc. would be 22:00. For events within the marquee midnight.

The Applicant explained that the previous tenant had not complied with the conditions of the lease. The Brewery had taken action and removed the tenant. There had been no issues since the current tenant had been at the premises.

The Police said, in the past, they had not experienced support from the previous tenant nor the Brewery in resolving historic issues. The Chair said he hoped the parties would take note of the point. However, it was not necessarily relevant for the

consideration of the business on the agenda.

Mr Pickett said residents were concerned they had not had enough time to consider the supplementary papers the application appeared to be changing and was becoming confusing.

In response to further questions the Environmental Health Officer confirmed there had been no complaints about noise from the premises in recent years. He further confirmed the Council had not carried out any noise monitoring of the premises because it had not been necessary to do so.

The Chair agreed to adjourn the meeting for 15 minutes in order for the suggested conditions to be set out clearly and circulated to all. The Licensing and Business Support Officer created a document which was circulated between all attendees, so that it clarified what the current proposals were.

Following the adjournment, the following conditions were proposed:

1. There shall be no more than 75 regulated entertainment events per year. Within this number no more than 10 outdoor events per calendar year.
2. Music from outdoor events shall cease before 22:00.
3. The erection and dismantling of structures, namely stages, marquee, etc. shall not take place within the hours of 23:00 and 08:00 (10:00 on Sundays)
4. All windows and doors must be kept shut while regulated entertainment is held internally, except for the purpose of access or egress.
5. The Premises Licence Holder or a nominated deputy shall take all reasonable steps to effect full control over all noise sources arising from the premises having particular regard to amplified and non-amplified music. The Premises Licence Holder or a nominated deputy shall, where necessary, arrange for the volume of any music to be reduced or the playing ceased if, in the opinion of the Licensing Authority, reasonable cause for annoyance is likely to arise or is occurring. The Premises Licence Holder shall ensure that at least one such responsible person be available on the premises at all times (contactable by Officers of the Licensing Authority), whilst members of the public remain on the premises.
6. Provision of regulated entertainment within a marquee by way of live music or recorded music to terminate on these occasions of 00:00 and event to finish at 00:30.

Agreed with Environmental Protection



## **Licensable hours**

Alcohol indoors and outdoors and Live and Recorded Music indoors and outdoors & increased licensable area.

Hours for both above are:

Sunday 11:00 – 23:00

Monday – Thursday 11:00 – 00:00

Friday & Saturday 11:00 – 01:00

## **Representation by the Avon and Somerset Constabulary, Responsible Authority:**

The Area Licensing Practitioner summarised the representation which had been made by the Avon and Somerset Constabulary.

She said historically that Butcombe Brewery had failed to take action to resolve problems at the premises. Historic problems had included drugs. It appeared the current tenant had operated the premises without such problems. However, a recent visit had shown that not every detail of the licence had been complied with. For instance, joining the Pubwatch Scheme. However, this had been done since the Police had raised the concern.

She welcomed changes for the premises going forward. However, the Applicant had not approached the Police ahead of the current application which she said would have been helpful if it had.

Since the application had been submitted, she had been given an opportunity to discuss it with the Applicant and had suggested conditions as follows:

1. There shall be a maximum of 10 'event days' per year which shall include the use of the marquee in the outside area.
2. The premises must install and maintain a comprehensive surveillance system to the satisfaction of the Police and ICO guidelines. The system must be maintained in full working order and record at all times when the premises is open for licensable activities. The correct time and date must be generated on all recordings which must be retained for a minimum period of 31 days. Recorded images must be of evidential quality. Copies must be made available on request, to the police or authorised officer of the licensing

authority. If the system is inoperative or faulty for any reason, steps must be taken to repair or replace the equipment within 24 hours. A Data Controller who is conversant with the operation of the system must be available at all times when the premises is open to the public and be able to provide police or authorised officer of the licensing authority recent data or footage with the absolute minimum of delay when requested. Management, storage, giving and sharing of data recordings must comply with the general data protection regulations at all times.

3. A bound or electronic incident register will be kept and maintained to record all incidents occurring on the premises or outside and associated with the premises. Records will be made available to the Police and Licensing Authority on request and records will be kept for at least 12 months.
4. A bound or electronic refusals register will be kept at each bar and used on the premises, to record instances where any sale of alcohol and proxy sales to a patron is refused. This will also include refusals to persons who are intoxicated. Records will be kept for a minimum of 12 months and will be made available to the Local Authority, Police and Trading Standards Officers upon request.
5. The premises will operate a "Challenge 25 policy", whereby anyone wishing to purchase alcohol that appears to be under the age of 25 years, will be asked to provide photographic identification e.g. Passport, driving licence, PASS card. Challenge 25 posters will be displayed.
6. All persons involved in the sale of alcohol will receive training on commencement of employment, with regards to preventing the sale of alcohol to persons who are under the required age and proxy sales. This training will also include illegal drug use and refusing sale of alcohol to persons who are intoxicated. This training will be documented and signed for by employees to acknowledge that they have received this training. All employees will receive refresher training every six months. Records must be made available for inspection by the Police and Licensing Authority upon request.
7. A drugs and crime prevention policy will be put in place and retained on the premises. Full co-operation will be given to any drugs initiatives undertaken by the Police and licensing authority. A record will be kept of any searches undertaken and items seized, and records will be made available upon request to Police or authorised officer of the Licensing Authority. A copy of the policy shall be forwarded to the police and shall be refreshed 6 monthly by the premise licence holder.
8. The licence holder will operate a 'zero tolerance' policy in relation to drugs at the premises and all staff will receive training with regards to this policy. Drugs seized by staff will be securely stored, until they can be collected by the Police. A copy of the policy shall be forwarded to the police and shall be refreshed 6 monthly by the premise licence holder.

9. External services for the sale of alcohol shall cease at 2100hrs (2330 for weddings etc) except for 'Event Days', when the service of alcohol shall cease at 2200hrs.
10. Any 'event' which attracts more than 500 people at any one time shall require an Event Management Plan to be produced and retained at the premises. The EMP shall include a Traffic Management Plan and also take into consideration the '**Purple Guide**' or similar guidance and will be made available to the Police or Licensing Authority upon request.
11. No 'Event' shall be over 700 capacity.
- 12.A Risk Assessment shall be drawn up by the Premise Licence Holder/Designated Premises Supervisor to determine the number of SIA doorstaff that should be employed for each 'Event Day' opening. This Risk Assessment shall be provided to the police if requested. Any Risk Assessment shall be subject to change in consultation with the police.
13. Vehicular speed limit signs (5mph) will be placed in strategic locations around the site.
14. All outdoor areas shall be adequately lit at all times when in use.
15. Vehicular movement shall be controlled when the outside area is being use for 'Event Days'.
16. The area outside of the premises shall be adequately protected by way of 'cones' or similar when the premises is to host 'Event Days' which will attract over 500 people to ensure that access to nearby properties is easily available to residents, families and any other medical providers.

The representative for the Applicant said the Applicant would agree to all of these conditions proposed by the Police, except number 9, as they would request a later terminal hour.

## **Questions**

In response to questions the Area Licensing Practitioner confirmed how the Police would deal with problems such as lost CCTV footage and incidents of drink-driving as a result of sales of alcohol at the premises.

The representative of the Police confirmed that whilst she had only made one visit to the premises, the Police had a local neighbourhood team who could attend.

Apart from the omission to join Pubwatch the Police had no cause for concern by the current tenant.

She confirmed that if the suggested conditions were put in place she was hopeful that the premises could operate without causing a nuisance.

The Police understood that when the application stated 10 events that meant 10 event days. No event should last more than a day.

### **Representation by the Environmental and Community Protection Team**

The Senior Environmental Health Practitioner summarised the representation by the Environment and Community Protection Team. He said they would withdraw their objections if the following conditions were attached to the licence:

1. A Noise Management Plan shall be submitted to the Licensing Authority and shall outline measures to be taken to minimise noise disturbance from regulated entertainment when events are to be held externally.
2. A person responsible for the overall control of noise shall be appointed and this nominated person shall make regular patrols of the outside of the premises during any external regulated entertainment to ensure the noise levels do not cause a public nuisance at nearby residential properties.
3. all nearby residential properties as agreed with environmental protection in the noise management plan referred to in condition 7 shall be notified by letter and social media at least 7 days in advance of any external regulated entertainment event and shall be provided with a contact number for the person responsible for the overall control of noise from the premises.

### **Questions**

In response to questions the Officer confirmed there had been no recent noise complaints because of the premises. Any licence could be reviewed in the light of complaints though a reasonable amount of time would be needed to gather evidence.

The Senior Licensing and Business Support Officer explained that the regulated entertainment within the marquee were included in the 10 events per year. The licence would require that local residents be notified of the 10 events. But there was no requirement for them to be informed of any other activities. The Officer then suggested that the second condition proposed by Environmental Protection included the word "internal" so that any regulated entertainment shall required regular patrols, this was agreed by the Applicant.

There was no knowledge as to whether the Environment Agency had been notified of the application. Nor was it relevant to the licensing hearing.

The Applicant confirmed the application had been designed to accommodate a

variety of events, which could include the outside area known as the island and the car park. For instance, one of the day events might include a car show.

The Applicant confirmed he had played music at the venue during a daytime wedding. This event had not caused a nuisance.

The representative for the Applicant explained de-regulated entertainment could already take place in the licensable area. Currently, the licensed area was the building itself. However, the application sought to extend the area outside. Therefore, de-regulated entertainment could take place outside. However, the representative for the Applicant confirmed they would continue to adhere to the law regarding regulated and de-regulated entertainment activities.

The Environmental Protection Officer said that there was a proposed condition that the premises monitor noise. The Sub Committee could add a condition that records of such monitoring be kept if they felt it was necessary.

### **Representation by Councillor Andy Pickett on behalf of the Rode Parish Council and Tellisford Parish Meeting**

He said the Rode Parish Council were opposed to the application. He said the application had changed so much there should be a fresh consultation.

He was particularly concerned that the licensable activities being extended to outside areas such as the island, the car park and the kitchen garden. Due to the de-regulation of live and recorded music he warned it would be permitted for events to be held in this new area which was outside and therefore likely to cause a noise nuisance.

He said many residents were concerned about the potential for noise.

He explained the island acted as a useful buffer and area for wildlife. There was concern that this could be lost.

### **Representation by Gill Bliss**

She was opposed to the application. She said the residents had not been adequately consulted. She said Rode was a tranquil village which consisted of lots of families. Residents were worried that the premises would change the feel of the village.

### **Representation by Michael Benson**

He was opposed to the application. He said the premises were in a quiet and beautiful location. He said in the past the premises had caused a noise nuisance which had affected his caravan park. He was concerned that the removal of the current conditions would cause the problem to return.

He was concerned the new licence would alter the nature of the village and that it would be detrimental to his business.

#### **Representation by Sarah Benson**

She was opposed to the application. She was very concerned about the potential for noise nuisance caused by events held outside.

#### **Representation by David Clay**

He was opposed to the application. He was also very concerned about the potential for noise nuisance caused by events held outside.

#### **Representation by Jim McAuliffe**

He said he was a member of the Rode Parish Council, but he was speaking as a resident of the village. He had hoped that the current application would be withdrawn so that the Applicant could address the concerns of the Parish Council and other residents. However, he noted the Applicant was pursuing the application despite the concerns.

He remained concerned about road safety and noise.

#### **Representation by Priscilla Thomas**

She was opposed to the application. She said the Mill had been problematic since 2016. They had hoped the pub was going to be well managed. But she objected to the premises becoming an events venue. She was concerned that the premises would become too busy, too noisy and a cause light pollution. Of particular concern was the potential for noise caused by outdoor events.

#### **Representation by David Jupp**

He was opposed to the application. He was concerned that the area should be protected for environmental reasons. He was concerned about noise and lighting. He said it had been necessary to add conditions to the current licence because of issues in the past and if they were removed then the problems would return.

### **Representation by Nigel Hellier**

He was opposed to the application. He lived 350 metres from the Mill. However, he said he had not been made aware of the application by the Applicant. He felt the Brewery had been poor at communicating with the residents. He understood the Applicant had a business case which included events. However, he said the residents should not suffer as a result.

### **Representation by Grant Slade**

He was opposed to the application. He lived 100 metres from the Mill. He was concerned that events at the premises would cause a noise nuisance. He noted that there had been 57 representations submitted with concerns about the application. This was a lot. He asked the Committee to consider each of these. He asked that this application be rejected, and that the Applicant resubmit a fresh application which addressed the concerns of residents and the authorities.

The Chair thanked the Other Persons for their contributions.

### **Questions**

There were no questions of the Other Persons.

### **Summary**

#### **Other Persons**

Rode Parish Councillor Andy Pickett said the previous Council had attached some very effective conditions on the current licence. However, residents were particularly concerned that should these be removed and that the premises be permitted to hold events outside there was a high risk that it would cause problems for the village including noise nuisance.

He asked that the current application be rejected and that the Applicant be asked to resubmit a more acceptable application.

## **Responsible Authorities:**

### **Avon and Somerset Constabulary**

The Officer re-iterated her representation. She said if the Sub Committee was minded to approve the application then she asked that all of the conditions suggested by the Police be attached to the licence and that these be in place constantly in order to minimise any nuisance from the external areas and times of operation.

She further clarified that the 10 events should be for 10 separate events, and that any single event should not last any more than 24 hours.

### **Applicant**

Mr Shield said the application had been subject to a consultation process and that a meeting for residents had been held.

He said that the meeting today had helped them to crystallise the application.

He re-iterated the detail of the application. He explained how it had been designed to allow the Applicant flexibility to build a successful business.

He said the Applicant had accepted all, bar one, of the conditions suggested by the Police and all of the conditions suggested by the Authority's Environmental Protection Officer. He noted that Environmental Protection had withdrawn their representation as a result.

He asked the Sub Committee to approve the application. He said there was no evidence to suggest the application would cause a nuisance. There was no record of complaints.

It was also offered by the Applicant that conditions referring to events, will be changed to days to avoid any confusion with regards to limits and that events in a marquee on Sundays, will have a terminal hour of 23:00 and an event finish of 23:30.

### **Licensing and Business Support Officer**

The Licensing and Business Support Officer said as a result of the adjournment, a fresh set of recommended conditions had been drawn up and circulated.



He summed up by stating that the Sub Committee should consider the application before them on its own merits. He said the Sub Committee had three options:

**OPTIONS**

1. Grant the application with no modifications, and only attach conditions as required by the 2003 Licensing Act. These shall include mandatory conditions and conditions consistent with the operating schedule.
2. Grant the application, modified to such an extent as the Licensing Authority considers appropriate for the promotion of the Licensing Objectives
3. Refuse the application, giving reasons for its decision.

Finally, he stated that, all parties had the right of appeal to the Magistrates' Court within 21 days of being notified in writing of the decision.

The Chair thanked everyone for attending. He said the decision of the Sub Committee would be made known within 5 working days of the hearing.

**Private Session**

The Chair then closed the meeting, and the Sub Committee considered the application in private session.

**RESOLVED**

See the Decision Notice for details.

**(The meeting ended at 2.30 pm)**

.....  
**CHAIR**

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## DECISION NOTICE

Licensing Sub-Committee

6 September 2023 at 10:00

Council Chamber, Council Offices (East),  
Cannards Grave Road, Shepton Mallet, BA4 5BT

and online

### Members of the Licensing Sub-Committee

Cllr. Simon Carswell (Chair)  
Cllr. Marcus Kravis  
Cllr. Hugh Davies

Cllr. Tony Robbins (Online)

### Also, in attendance:

Lesley Dolan	Principal Lawyer and Deputy Monitoring Officer	Legal Adviser to the Licensing Sub-Committee
Debbie Widdows Helen Bowen	Democratic Services Officers	Somerset Council
Phil Wake Jack Godley Tim Shield Dominic Rowley	Licensing Officer Licensing Lead John Gaunt & Partners Tenant Operations Manager, Butcombe Brewery Limited	Somerset Council Somerset Council Solicitor for the Applicant Licence Holder
Sam Knight	Tenant	Designated Premises Supervisor (DPS) for the Applicant

Rachet Trent-McCarthy	Tenant	
Nicola King and PC Kayleigh-Ann Lunn	Area Licensing Practitioners, Avon and Somerset Police	Responsible Authority
Richard Allard	Environmental Health Officer, Somerset Council	Responsible Authority
Gill Bliss	Local Resident	Other Persons
Michael Benson	Local Resident	Other Persons
Sarah Benson	Local Resident	Other Persons
David Clay	Local Resident	Other Persons
Jim McCauliffe (Online)	Local Resident	Other Persons
Pricilla Thomas	Local Resident	Other Persons
Nigel Hellier	Local Resident	Other Persons
Grant Slade	Local Resident	Other Persons
Andy Pickett	Representing Tellisford Parish Meeting & Rode Parish Council	Other Persons

It was noted that others were present and online.

This decision relates to an application by Butcombe Brewery Limited (“the Applicant”) for a variation to the premises licence in respect of its premises known as The Mill at Rode, Rode Hill, Rode, BA11 6AG (“the Premises”) under the Licensing Act 2003 and associated regulations (“the Act”) as described in the application form and as set out in the Operating Schedule. The Application has been further amended following representations made by Responsible Authorities and Other Persons and during the Hearing.

The application as submitted,

- seeks to increase the licensable area,
- increase the hours for regulated entertainment, and
- to amend the conditions on the current licence.

Licensable Activities

<b>CURRENT LICENCE</b>			
<b>Regulated Entertainment</b>	<b>Days</b>	<b>Start Time</b>	<b>Finish Time</b>
Live Music – <b>Indoors only</b>	Thu - Sat	23:00	23:30
Recorded Music – <b>indoors only</b>	Fri - Sat	23:00	23:30
Sale by Retail of Alcohol – <b>indoors only</b>	Mon – Thu	11:00	00:00
	Fri – Sat	11:00	01:00
	Sun	11:00	23:00

Non-standard timings and seasonal variations:  
 New Years Eve – Extension to 01:30 New Years Day  
 Summer Ball – Extension to 00:30 the next day

**PROPOSED VARIATION AS PER THE APPLICATION**

<b>Regulated Entertainment</b>	<b>Days</b>	<b>Start Time</b>	<b>Finish Time</b>
Live Music and recorded music – <b>Indoors and outdoors</b>	Mon – Thu	11:00	00:00
	Fri – Sat	11:00	01:00
	Sun	11:00	23:00
Sale by Retail of Alcohol – <b>indoors and outdoors</b>	Mon – Thu	11:00	00:00
	Fri – Sat	11:00	01:00
	Sun	11:00	23:00

Conditions

**Remove** the following conditions from Annex 3 of the current licence:

- There shall be no more than 75 regulated entertainment events per year and these events are not to be held on consecutive days. Within this number are included no more than 3 outdoor events per year.
- **Conditions on Outdoor Events:**  
 Outdoor events should be scheduled so that there is:
  - At least a period of two clear weekends between each outdoor event
  - No evening event occurring on either the day before or the day after the outdoor event.
  - A plan indicating the positioning, output wattage and orientation of all amplified music speakers shall be submitted to the Licensing authority for approval not less than 21 days prior to the event.
- **Conditions on indoor events:**
  - All entrance/exit doors shall be kept closed during all music and entertainment events except for the purpose of allowing access or egress.
  - All external windows shall be kept closed during music and entertainment events.

**Add** the following conditions to the licence:

- There shall be no more than 75 regulated events per year, within this number including no more than 10 outdoor events per year.
- All entrance and exit doors that face on to the public highways (rather than into the car park or private area) shall be kept closed during all regulated entertainment events except for the purpose of allowing access or egress.

- All external windows which face onto the public highways but not into the car park shall be kept closed during regulated entertainment events inside the premises.
- The use of external licensed area as edged red for supply of alcohol and use of the marquee and use of external bars services will not be subject to 'conditions on outdoor events' as detailed in this licence.

## Summary and Legal Basis

Prior to the hearing, 57 representations to the application were received from Responsible Authorities (The Police and Environmental Protection) 1 Ward Councillor, the Parish Council and 53 Other Persons - residents living in the vicinity of the Premises (including a representation from the Tellisford Parish Meeting).

The representations received collectively relate to all four licensing objectives. Local residents as Other Persons have raised objections relating to noise nuisance, in particular relating to crowd and music noise from the premises and disturbance from the increased number of vehicles coming to the Premises. Although the Council's Highways Department had been consulted no response from them had been received at the time of the hearing. However, for information a response was received the next day, and this can be found at the end of this Decision Notice.

The Licensing Sub-Committee's jurisdiction is to determine the application for a variation to the premises licence in accordance with the Act, the Statutory Guidance issued under s182 of the Act and the Council's adopted Statement of Licensing Policy. The decision to grant the variation to a premises licence can only be made following a consideration as to whether the application will promote the licensing objectives. The licensing objectives are set out within the Licensing Act as

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

These are the only matters upon which the Licensing Sub-Committee has jurisdiction to hear and make its decision. Further guidance as to the extent, nature of purpose of these licensing objectives is set out in the Statutory Guidance. Where a lawful application is made to the licensing authority and no relevant representations are received, the Licensing Authority is bound to grant the application subject to relevant and mandatory conditions. (Paragraph 1.15 of the Statutory Guidance).

Certain bodies and organisations are set down by the Act as "Responsible Authorities" who must be consulted on applications and can make representations. As well as Responsible Authorities persons and other organisations who are not responsible authorities can also make representations and they are referred to as "Other Persons". Any representations made, irrespective of where they come from must be "relevant" which is defined as being in relation to one or more of the licensing objectives (Paragraphs 8.13 and 9.4 of the Statutory Guidance). This

means that matters which do not directly relate to at least one of the four licensing objectives, and how an application will impact on that objective, cannot be considered by the Licensing Sub-Committee. In making this statement the Licensing Sub-Committee acknowledges that there may be other regulatory or compliance issues which the Applicant may need to address, or which Responsible Authorities or Other Persons may have concerns about. If those other issues do not directly relate to the licensing objectives, they cannot be submitted or heard. To do so risks making any decision reached unlawful. The Sub-Committee is aware of the position set out in the Council's Licensing Policy at paragraph 3.5.6 which mirrors the Statutory Guidance at paragraph 14.65.

At today's hearing the Sub-Committee has heard from the following people:

Licensing Officer – Phil Wake

Licensing Lead – Jack Godley

Applicant's Solicitor – Tim Shield, accompanied by Dominic Rowley and Sam Knight

Nicola King – Avon and Somerset Police as Responsible Authority

Richard Allard – Environmental Protection as Responsible Authority

As Other Person: Gill Bliss, Michael Benson, Sarah Benson, David Clay, Jim McCauliffe (Online), Pricilla Thomas, David Jupp (via Grant Slade) Nigel Hellier, Grant Slade and Andy Pickett for Tellisford Parish Meeting and Rode Parish Council.

The Sub-Committee recognises that additional Other Persons who have submitted representations attended the hearing, either online or in person, and some of them asked questions.

The Sub-Committee has also considered written evidence from anyone who had sent in relevant representations within the required time limit but did not attend the hearing or did not wish to speak. All written submissions have been considered.

The Chair of the Sub-Committee and Cllr Kravis have visited the Premises prior to the hearing to better understand the layout and geography of the local area and their observations have been included in the determination of the Application.

The Sub-Committee has addressed:

1. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application.
2. The obligation to promote the four licensing objectives.
3. The existence of other statutory provisions such as the Environmental Protection Act 1990; the Anti-Social Behaviour Act 2003 and planning and highways legislation.
4. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance

The Licensing Sub-Committee acknowledges that it must carry out its functions with a view to promoting the four licensing objectives, set out in Section 4(2) of the 2003 Act. The Licensing Sub-Committee further acknowledges that any representations which are received must be relevant and evidenced-based and any restrictions they seek to impose on a licence must be necessary, appropriate for the promotion of the licensing objectives and based upon that evidence.

### **Applicant's Submissions**

The Applicant confirmed that it was amending the Application in the light of the representations that had been received. A Clarification document was presented to the Sub-Committee (Appendix 64 to the agenda papers). The Applicant is seeking to increase the licensable area to include the external areas for the provision of sale of alcohol in the external areas. The request is for live and recorded music both indoors and outdoors to reflect the current hours for the sale of alcohol which are Monday - Thursday 11:00-00:00, Friday and Saturday 11:00-01:00 and Sunday 11:00-23:00.

The Applicant has offered up in Conditions (Appendix B to this Decision Notice).

The Applicant asked the Sub-Committee to consider proportionality and reasonableness in making its decision and that it felt the responses from the Other Persons were worst case scenarios or based on the operation of the business by the previous DPS. The Applicant accepts that there is history of problems with the previous tenant, but there has been nothing adverse in the last 15 months. Two of the Sub-Committee Members have visited the site to familiarise themselves with the geography. The licensing regime is permissive and as per the case of **Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)**, the Sub-Committee must look at real evidence, fear is not enough.

The application has been advertised in accordance with the legislation and any conditions need to be appropriate, necessary, and proportionate.

### **Responsible Authorities**

The Sub-Committee noted that relevant representations had been made by the Police and Environmental Protection as Responsible Authority: that is organisations and bodies identified as such under the Act.

When addressing the Sub-Committee, the Licensing Practitioner for the Police confirmed that there had been no crime statistics since the current tenant had taken over in 2020, although there had been a complaint about a drink driver which had been handled by the DPS with no Police intervention and there had been no further issues in this regard. She confirmed that she had visited the site once since the application was submitted. She referred to intel received from the Brewery about a drug debt that was due to be collected at the premises whilst under the previous DPS and that no action was taken by the Police apart from passing the information to the Neighbourhood Team.



She submitted a set of 16 Conditions that the Police would want to see endorsed on the licence if the Sub-Committee were to grant the application. During the hearing the Applicant's solicitor confirmed that his client was happy to agree to all these Conditions apart from No.9. Attached, as Appendix A, are the Conditions proposed by the Police.

The Sub-Committee was addressed by Mr Allard, the Environmental Protection officer. He confirmed that following discussions with the Applicant prior to the hearing, he had agreed Conditions which mitigated the concerns set out in his representation and that accordingly, he advised the Sub-Committee that his representation on behalf of Environmental Protection was withdrawn. Attached at Appendix B – Conditions agreed with Environmental Protection – Conditions 7-9, are the Conditions that Mr Allard has agreed with the Applicant.

### **Other Persons' Objections**

In making oral representations to the Sub-Committee, the Other Persons focused on the noise coming from events and penetrating their properties and increased traffic on the rural lanes. They referred to the distance of the premises to their respective properties and the sound amplification given the topography of the land. The Premises are in a quiet rural area and the noise and disturbance caused by what is proposed would change the character of this peaceful village. Speakers referred to previous problems with events being held at the premises prior to 2005 under the previous tenant. Residents owning a certified 5 pitch caravan site and holiday cottage business, advised that the noise from outside events had been intolerable and that the position had only been mitigated by the imposition of the current conditions attached to the premises licence in 2005.

The Applicant has failed to adhere to the Statement of Licensing Policy (4.1.2 and 4.1.3) in that they have failed to consult with the Police and Neighbours. The changes to the application are wholesale, the Applicant doesn't need to licence the entire outside area. By doing so the Applicant seeks to turn the entire site into a live venue. In terms of the concerns raised regarding increased traffic movements and the disturbance that these would cause to roads in the locality, particularly with patrons departing events at Farleigh House being channelled towards the Mill, the Council's Highways section had been consulted, but at the time of the hearing no response had been received.

### **Consideration**

The Sub-Committee is very aware of the strength of feeling from the Other Persons against the Application. The Sub-Committee considers that the only relevant matter before them related to the prevention of public nuisance, specifically relating to noise emanating from the Premises. As previously stated, to lawfully refuse an application, the Sub-Committee must have evidence that the licensing objective for the prevention of public nuisance will be undermined if the application were granted. In

that regard, they quite rightly, rely on the expert opinion of the Environmental Protection team as a Responsible Authority (as set out in paragraph 9.12 of the Statutory Guidance). The Environmental Protection Officer and the Applicant have agreed proposed conditions with a view to minimising noise disturbance. As a result of these agreed conditions the Environmental Protection representation has been withdrawn. Whilst Other Persons may think that further assessment or restriction is necessary, this view is not supported by the expert officer.

The Sub-Committee notes that the Other Persons complain of having lived with noise disturbance in previous years. This was caused by the operation of the business by the previous tenant but there is no evidence of any public nuisance being caused by the current tenant's running of the business and undermining of the public nuisance licensing objective. Equally, one instance relating to drink driving at the premises, where the Police took no action does not support a claim that the Applicant is unable to manage the Premises effectively.

The Sub-Committee agrees with the Applicant that the Other Persons take any disturbance at all at any time as public nuisance and that this is not the definition of public nuisance within the Act. Whilst public nuisance within the Act is not so narrowly defined as in other legislation, and the term "public" can be limited to a few members of the local community, there is no expectation within the Act that all licensed premises must be always entirely be inaudible to others. The noise nuisance must exist and further must exist to undermine the public nuisance objective for conditions to be imposed or an application to be rejected.

Having considered the submissions, the Statutory Guidance and the Act, the Sub-Committee does not consider that this Application in its varied form as set out above will undermine the public nuisance objective in terms of noise disturbance. This is an application for variation of an existing premise licence and the Applicant is offering a variety of restrictions and conditions to limit noise nuisance, not least the production of a noise management plan which has been approved by the Environmental Protection Team. Whilst the Sub-Committee accepts that there may have been occasions of disturbance in the past, this related to the previous tenant and DPS. The current licence and current conditions were put in place to control such disturbance. Those incidents cannot be used as evidence of public nuisance against a new tenant and an Applicant who seeks to amend its licence together with new operating conditions.

The Sub-Committee further notes that under the Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014, premises which are licensed to sell alcohol are permitted to play live and recorded amplified and unamplified music between 08:00 and 23:00 on any day without any further licence or conditions granted by the licensing authority, provided that the audience does not exceed 500. This is a deregulation which has been set by Parliament and the Sub-Committee has no jurisdiction to interfere with it.

If playing of music at the Premises until 23:00 does cause nuisance at some future date, Environmental Protection have powers to respond to this under other legislation or a review of the licence can be requested.

## Conclusion

On the evidence before it, having considered all the circumstances, in particular the expert opinion from the Environmental Protection Officer, the Sub-Committee grants the application for a variation to the Premises Licence as applied for, subject to the offered amendments as set in the section entitled **Applicant's Submissions** above together with the conditions agreed with the Police, with the exception of Condition 9 (Appendix A) those agreed with Environmental Protection (Appendix B – Conditions 7-9) save that in regard to Condition 7 the Sub-Committee determines that this should be amended to read “**noise disturbance from all entertainment held externally**” and that Condition 8 requirement for patrolling should relate to both internal and external regulated entertainment.

To summarise

1. The current licence to be varied so that the variations as set out at A and B of the application (Page 20 of the agenda papers) be granted.
2. The amended Licence be subject to the Conditions agreed by the Applicant and the Police at Appendix A to this decision Notice, and the Conditions offered up by the Applicant and those agreed with Environmental Protection and further amended by the Sub-Committee as set out at Appendix B to this Decision Notice.
3. Alcohol indoors and outdoors and live and recorded music

Mon – Thurs 11:00 until 00:00

Fri and Sat – 11:00 until 01:00

Sun 11:00 until 23:00

The Sub-Committee delegates authority to the Licensing Officer to add the Conditions to the Operating Schedule on the varied licence.

The Sub-Committee advises the Other Persons that if in the future, they have concerns about the operation of the premises under the Licensing Act 2003 they are advised to report incidents to the Licensing Authority and or Environmental Protection as well as keeping records of any concerns.

Parties are reminded that there are rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision.

All parties are reminded of the procedures contained within the Licensing Act 2003 relating to review of the premises licence. This provision permits nearby residents, businesses or responsible authorities to apply for a review of a premises licence

where problems with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. The Sub-Committee respectfully reminds all parties that for any review to go ahead, evidence would need to be collected of incidents occurring that undermine the licensing objectives.

**Informative:**

Whilst the Sub-Committee were advised that at the time of the hearing, no response had been received from Highways, the day after the hearing, the following response was received.

“Re: providing Highway comments on The Mill restaurant/pub’s license application I can report the following. Please note I have not had access to any current or future expected vehicle volume data for Rode Hill where this premises is located, and therefore can only respond in general terms. –

The Mill has good access links from the A36 to the West and the A361 to the East via Rode Hill. The anticipated increase in the volume of traffic likely to be seeking access to the Mill should the license be agreed is unknown, although it is not considered to represent a significant increase in current levels. It is also noted that there have been no recorded road traffic collisions involving personal injury in the last five years. We are not aware of any related highway issues that could be of concern should the license be granted.

Many thanks

Jeff

**Jeff Bunting**

Service Manager - Traffic Management, Road Safety and Parking

**Somerset Council**



**A Greener, More Sustainable Somerset**

**Mill @ Rode, Rode – Variation Application**

**Proposed Conditions V1**

1. There shall be a maximum of 10 ‘event days’ per year which shall include the use of the marquee in the outside area.

**b) The prevention of crime and disorder**

2. The premises must install and maintain a comprehensive surveillance system to the satisfaction of the Police and ICO guidelines. The system must be maintained in full working order and record at all times when the premises is open for licensable activities. The correct time & date must be generated on all recordings which must be retained for a minimum period of 31 days. Recorded images must be of evidential quality. Copies must be made available on request, to the police or authorised officer of the licensing authority. If the system is inoperative or faulty for any reason, steps must be taken to repair or replace the equipment within 24 hours. A Data Controller who is conversant with the operation of the system must be available at all times when the premises is open to the public and be able to provide police or authorised officer of the licensing authority recent data or footage with the absolute minimum of delay when requested. Management, storage, giving and sharing of data recordings must comply with the general data protection regulations at all times.
3. A bound or electronic incident register will be kept and maintained to record all incidents occurring on the premises or outside and associated with the premises. Records will be made available to the Police & Licensing Authority on request and records will be kept for at least 12 months.
4. A bound or electronic refusals register will be kept at each bar and used on the premises, to record instances where any sale of alcohol and proxy sales to a patron is refused. This will also include refusals to persons who are intoxicated. Records will be kept for a minimum of 12 months and will be made available to the Local Authority, Police and Trading Standards Officers upon request.
5. The premises will operate a “Challenge 25 policy”, whereby anyone wishing to purchase alcohol that appears to be under the age of 25 years, will be asked to provide photographic identification e.g. Passport, driving licence, PASS card. Challenge 25 posters will be displayed.
6. All persons involved in the sale of alcohol will receive training on commencement of employment, with regards to preventing the sale of alcohol to persons who are under the required age and proxy sales. This training will

also include illegal drug use and refusing sale of alcohol to persons who are intoxicated. This training will be documented and signed for by employees to acknowledge that they have received this training. All employees will receive refresher training every six months. Records must be made available for inspection by the Police & Licensing Authority upon request.

7. A drugs & crime prevention policy will be put in place and retained on the premises. Full co-operation will be given to any drugs initiatives undertaken by the Police & licensing authority. A record will be kept of any searches undertaken and items seized, and records will be made available upon request to Police or authorised officer of the Licensing Authority. A copy of the policy shall be forwarded to the police and shall be refreshed 6 monthly by the premise licence holder.
8. The licence holder will operate a 'zero tolerance' policy in relation to drugs at the premises and all staff will receive training with regards to this policy. Drugs seized by staff will be securely stored, until they can be collected by the Police. A copy of the policy shall be forwarded to the police and shall be refreshed 6 monthly by the premise licence holder.
- ~~9. External services for the sale of alcohol shall cease at 2100hrs (2330 for weddings etc) except for 'Event Days', when the service of alcohol shall cease at 2200hrs.~~
10. Any 'event' which attracts more than 500 people at any one time shall require an Event Management Plan to be produced and retained at the premises. The EMP shall include a Traffic Management Plan and also take into consideration the '**Purple Guide**' or similar guidance and will be made available to the Police or Licensing Authority upon request.
11. No 'Event' shall be over 700 capacity.
12. A Risk Assessment shall be drawn up by the Premise Licence Holder/Designated Premises Supervisor to determine the number of SIA door staff that should be employed for each 'Event Day' opening. This Risk Assessment shall be provided to the police if requested. Any Risk Assessment shall be subject to change in consultation with the police.

### **c) Public safety**

13. Vehicular speed limit signs (5mph) will be placed in strategic locations around the site.
14. All outdoor areas shall be adequately lit at all times when in use.

15. Vehicular movement shall be controlled when the outside area is being use for 'Event Days'.
16. The area outside of the premises shall be adequately protected by way of 'cones' or similar when the premises is to host 'Event Days' which will attract over 500 people to ensure that access to nearby properties is easily available to residents, families and any other medical providers.

**Conditions**

1 – There shall be no more than 75 regulated entertainment days per year. Within this number no more than 10 outdoor days per calendar year *to include any events provided in a marquee.*

2 - Music from outdoor events shall cease before 22:00.

3 – the erection and dismantling of structures, namely stages, marquee, etc. shall not take place within the hours of 23:00 and 08:00 (10:00 on Sundays)

4 – All windows and doors must be kept shut while regulated entertainment is held internally, except for the purpose of access or egress.

5 - The Premises Licence Holder or a nominated deputy shall take all reasonable steps to effect full control over all noise sources arising from the premises having particular regard to amplified and non-amplified music. The Premises Licence Holder or a nominated deputy shall, where necessary, arrange for the volume of any music to be reduced or the playing ceased if, in the opinion of the Licensing Authority, reasonable cause for annoyance is likely to arise or is occurring. The Premises Licence Holder shall ensure that at least one such responsible person be available on the premises at all times (contactable by Officers of the Licensing Authority), whilst members of the public remain on the premises.

6 - Provision of regulated entertainment within a marquee by way of live music or recorded music to terminate on these occasions at 00:00 and event to finish at 00:30. For events taking place in a marquee on a Sunday, live and recorded music to terminate at 23:00 and the event to finish at 23:30.

**Agreed with Environmental Protection**

7 - A Noise Management Plan shall be submitted to the Licensing Authority and shall outline measures to be taken to minimise noise disturbance from regulated entertainment when events are to be held externally.

8 – A person responsible for the overall control of noise shall be appointed and this nominated person shall make regular patrols of the outside of the premises during any external and internal regulated entertainment to ensure the noise levels do not cause a public nuisance at nearby residential properties.

9 – all nearby residential properties as agreed with environmental protection in the noise management plan referred to in condition 7 shall be notified by letter and social media at least 7 days in advance of any external regulated entertainment event and shall be provided with a contact number for the person responsible for the overall control of noise from the premises



**Licensable hours**

Alcohol indoors and outdoors & Live and Recorded Music indoors and outdoors & increased licensable area

Hours for both above are Sunday 11:00 – 23:00 Mon – Thurs 11:00 – 00:00, Friday & Saturday 11:00 – 01:00

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