

# Licensing Act 2003 Committee Agenda



**9.30 am Tuesday, 23 April 2019**  
**Committee Room No. 1, Town Hall,**  
**Darlington**

**Members of the Public are welcome to attend this Meeting.**

1. Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 31 May 2016 (Pages 1 - 2)
4. To approve the Minutes of the Licensing Act 2003 Sub Committee meetings held on :-
  - (a) 29 June 2016 (Pages 3 - 4)
  - (b) 19 September 2016 (Pages 5 - 6)
  - (c) 23 May 2017 (Pages 7 - 8)
  - (d) 25 July 2017 (Pages 9 - 10)
  - (e) 3 December 2018 (Pages 11 - 12)
5. Licensing Principles for Gambling Act 2005 – Report of the Director of Economic Growth and Neighbourhood Services (Pages 13 - 64)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**11 April 2019**

**Town Hall**  
**Darlington.**

**Membership**

Councillors C L B Hughes, B Jones, Mrs D Jones, Kane, Lawton, Lee, Newall, Nutt, Rahman and K Nicholson

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## LICENSING ACT 2003 COMMITTEE 31 MAY 2016

**PRESENT** – Councillor Nutt (in the Chair); Councillors L. Haszeldine, Kane, Lawton, Lee and Newall. (6)

**APOLOGIES** – Councillors C. Hughes, B Jones, Mrs. Jones and Stenson. (4)

**OFFICERS** – David Burrell, Private Sector Housing Manager; Joanna Jackson, Licensing Enforcement Officer; Amy Wennington, Lawyer; and Allison Hill, Democratic Officer.

**LA1. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**LA2. MINUTES** – Submitted – The Minutes (previously circulated) of the meeting of this Licensing Act 2003 Committee held on 15 December 2015.

**RESOLVED** – That the Minutes be accepted as a correct record.

**LA3. MINUTES** – Submitted – The Minutes (previously circulated) of the meetings of the Licensing Act 2003 Sub Committee held on 12 and 18 January, 9<sup>th</sup> March; 3, 13 and 18 May, 2016.

**RESOLVED** – That the Minutes be accepted as a correct record.

**LA4. THE LICENSING ACT 2003 (HER MAJESTY THE QUEEN'S BIRTHDAY LICENSING HOURS ORDER 2016)** – The Director of Economic Growth submitted a report (previously circulated) to inform Members of the Licensing Act 2003 (her Majesty the Queen's Birthday Licensing Hours) Order which was passed on Thursday 5 May 2016.

It was reported that Section 172 of the Licensing Act 2003 provides that where the Secretary of State considers that a period 'the celebration period' marks an occasion of exceptional international, national or local significance he may make a licensing hours order to extend the hours of premises licences and club premises certificates during a specified relaxation period unless the premises are licensed for the period of such relaxation.

A consultation exercise was undertaken by The Home Office with partner agencies and as all organisations consulted responded 'yes' to the three questions, the relaxation will apply to all On Licensed Premises that are currently licensed until 11 p.m. and will extend the sale of alcohol for consumption On the premises for a further two hours until 01.00 a.m on 11<sup>th</sup> and 12<sup>th</sup> June respectively.

It was also reported that premises licensed for the sale or supply of alcohol for consumption Off the premises will not be entitled to extend the hours for sale or supply; similarly Late Night Refreshment can only be extended in those premises that are open for the sale of alcohol.

**RESOLVED** – That the report be noted.

## LICENSING ACT 2003 SUB-COMMITTEE

29 June 2016

**PRESENT** – Councillors Kane, Lawton and Newall. (3)

**LS1. ELECTION OF CHAIR – RESOLVED** – That Councillor Kane be elected Chair for the purposes of this Sub-Committee.

**LS2. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS3. APPLICATION TO VARY A PREMISES LICENCE – BIJOU, 10 CROWN STREET** – The Director of Economic Growth submitted a report (previously circulated) to give further consideration following the adjournment of this matter on 18 May 2016, to an application to vary the premises licence in respect of Bijou, 10 Crown Street in light of representations from one 'Responsible authority', namely Durham Constabulary.

The representations were made in respect of three of the four licensing objections, namely the prevention of crime and disorder, public safety and the prevention of public nuisance.

The Principal Licensing Officer advised the Members of the Sub-Committee that the application to vary the premises licence had been withdrawn on 27 June 2016.

**RESOLVED** – That following the withdrawal of the application to vary the premises licence there be no consideration of this matter.

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## LICENSING ACT 2003 SUB-COMMITTEE

19 September 2016

**PRESENT** – Councillors B. Jones, Kane and L. Haszeldine. (3)

**LS4 ELECTION OF CHAIR – RESOLVED** – That Councillor Kane be elected Chair for the purposes of this Sub-Committee.

**LS5. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS6. APPLICATION TO VARY PREMISE LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR UNDER LICENSING ACT 2003 –**

The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application to vary a premise licence to specify an individual as a Designated Premises Supervisor in respect of TRO Convenience Store situated on High Northgate, Darlington in light of representation from Durham Constabulary as the only Responsible Authority permitted to object to this type of application.

This matter was originally to be considered at a meeting held on 5 September 2016 however following a request for an adjournment from the applicant, and in agreement with Durham Constabulary, the meeting was reconvened.

The representation was made in respect of the prevention of crime and disorder, being the only grounds on which Durham Constabulary are permitted to object to.

Present at the meeting were Mr. S. Mooney and Sergeant. C Dickenson of Durham Constabulary; David Burrell, Private Sector Housing and Licensing Manager; Julie Richings, Principal Licensing Officer; Joanna Jackson, Licensing Enforcement Officer; Amy Wennington, Lawyer (Litigation); and Allison Hill, Democratic Officer.

The Principal Licensing Officer introduced the application to vary the Premise Licence to replace the current Designated Premises Supervisor, Helen Smith with Mr Sriskantharajah. Members were advised that Helen Smith submitted her Section 41 Notice to be removed as the Designated Premises Supervisor on 12 September 2016 and Mr Sriskantharajah was acting as the Interim Designated Premises Supervisor pending the decision of this Committee.

Members listened carefully to the representation made by Mr. Mooney on the grounds of the prevention of crime and disorder and their concern that Mr. Sriskantharajah was not an appropriate person to be a Designated Premises Supervisor and promote the licensing objectives.

Members also heard from the Applicant and his representative Mr. P. King as to why he felt he was an appropriate person to be the Designated Premises Supervisor at the premises.

The Sub-Committee considered the views in accordance with revised guidance issued under Section 182 of the Licensing Act 2003, Chapter 4 – Personal Licences in relation to specification of new designated supervisors and police objections to new designated premises supervisors; the Council's Licensing Policy; Guidance issued under Section 182 of the Licensing Act 2003 and in accordance with the

'Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received; and The Licensing Act 2003 (Hearings) Regulations 2005.

In arriving at their decision, Members agreed that Mr Sriskantharajah was not an appropriate person to be the Designated Premises Supervisor and to grant it would undermine the Crime Prevention objection. They reached this decision taking into consideration his unspent convictions for licensing offences and handing stolen goods; and since the Premise Licence Review 9 November 2015 there had been two further allegations of the sale of alcohol to intoxicated customers.

**RESOLVED** – That the application be rejected.



## LICENSING ACT 2003 SUB-COMMITTEE

23 May 2017

**PRESENT** – Councillors Lee, Newall and Nutt. (3)

**LS1. ELECTION OF CHAIR – RESOLVED** – That Councillor Nutt be elected Chair for the purposes of this Sub-Committee.

**LS2. DECLARATIONS OF INTEREST** – No declarations of interest were made at the meeting.

**LS3. TEMPORARY EVENT NOTICE OBJECTION** – To allow the objection to be heard within the statutory deadlines a Special Urgent Meeting was held and the Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for a Temporary Event Notice in respect of The Joseph Pease, Tubwell Row, Darlington in light of representations from Durham Constabulary.

The representation was made in respect of the prevention of crime and disorder, being the only grounds on which Durham Constabulary are permitted to object to.

Present at the meeting were Sergeant. C Dickenson and PCSO M McAllister of Durham Constabulary; Brian Whelan, Acting Principal Licensing Officer; Patrick Montgomery, Licensing Officer; Amy Wennington, Lawyer (Litigation); and Allison Hill, Democratic Officer.

The Acting Principal Licensing Officer introduced the application to vary the premises licence requested hours on 29 May 2017.

Members listened carefully to the representation made by Sergeant. Dickenson on the grounds of the prevention of crime and disorder and their concerns regarding the number of incidents that have occurred at the premises.

Members also heard from the Applicant Mr C Skelton as to why he had requested the Temporary Event Notice to vary his licensable hours on 29 May 2017.

The Sub-Committee considered the views in accordance with revised guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy; Section 7 of the Secretary of State's Guidance in relation to Temporary Event Notice; Guidance issued under Section 182 of the Licensing Act 2003 and in accordance with the 'Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received; and The Licensing Act 2003 (Hearings) Regulations 2005.

In arriving at their decision, Members agreed that as there had been a number of incidents requiring police involvement at this premise over the last ten months; and there were on going issues with both the CCTV and door staff at the premise that still needed to be resolved in conjunction with the Police they could not approve the application.

**RESOLVED** – That the application be rejected.



**LICENSING ACT 2003 SUB-COMMITTEE**  
25 July 2017

**PRESENT** – Councillors D Jones, Kane and Newall. (3)

**LS4. ELECTION OF CHAIR – RESOLVED** – That Councillor Kane be elected Chair for the purposes of this Sub-Committee.

**LS5. DECLARATIONS OF INTEREST** – There were no declarations of interested reported at the meeting.

**LS6. APPLICATION FOR REVIEW PREMISES LICENCE** – The Director of Economic Growth submitted a report (previously circulated) to consider an application to review the premises licence in respect of Groove, 10 Crown Street in light of representations from Durham Constabulary on the grounds of the prevention of crime and disorder.

Prior to consideration of the application the Principal Licensing Officer advised Members that the applicant, Durham Constabulary, had withdrawn the application.

**RESOLVED** – That Members note the withdrawal of the application.

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## LICENSING ACT 2003 SUB-COMMITTEE

3 December 2018

**PRESENT** – Councillors C Hughes, Kane and K Nicholson (3)

**LS1. ELECTION OF CHAIR – RESOLVED** – That Councillor Kane be elected Chair for the purposes of this Sub-Committee.

**LS2. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at this meeting.

**LS3. APPLICATION FOR REVIEW PREMISES LICENCE** – The Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) to consider an application to vary a premise licence in respect of The Brinkburn Public House, Lady Kathryn Grove in light of five letters of objection to the application from local residents.

Present at the meeting were Brian Whelan, Licensing Manager; Brian Murray, Assistant Licensing Manager; Amy Wennington Principal Lawyer; Bethany Symonds, Lawyer; and Allison Hill, Democratic Officer.

The Licensing Manager introduced the application to add the provision of Late Night Refreshment, vary the permitted hours when alcohol may be sold and to vary the opening hours of the premises.

Five letters of objection to the application and one letter in support had been received. No objections had been received from the responsible authorities.

Members also heard from the Phil Scott, North East Business Development Manager, Greene King Brewery and the current Designated Premises Supervisor Karen Davies as to why the variation to the premises licence had been requested.

The Sub-Committee considered the views in accordance with revised guidance issued under Section 182 of the Licensing Act 2003, the Council's Licensing Policy in relation to the Licensing Act 2003; Guidance issued under Section 182 of the Licensing Act 2003 and in accordance with the 'Licensing Sub-Committees – Full Hearing procedure for Applications for Premises Licences/Club Premises Certificate Where Relevant Representations Have Been Received; and The Licensing Act 2003 (Hearings) Regulations 2005.

In reaching their decision, Members read the objections submitted by local residents and listened to the representations made at the meeting, and concluded that none of the licensing objectives would be compromised by granting the application. The Members particularly noted that there had been no complaints made directly to the premises, or to Licensing or Environmental Health, regarding the issues referenced in the representations received from local residents in response to this application.

The Members also noted the conditions already in existence on the premises licence with regard to control of noise, and the fact that there were no concerns expressed from Licensing about these conditions not being applied or followed by the Designated Premises Supervisor, and therefore concluded that it would not be necessary or proportionate to add any other conditions at this time.

**RESOLVED** – That the application to vary the premises licence be granted.

## LICENSING ACT 2003 COMMITTEE 23 APRIL 2019

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### LICENSING PRINCIPLES FOR GAMBLING ACT 2005

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#### **Purpose of the Report**

1. The purpose of this report is to invite Members to consider a Draft Statement of Licensing Principles for the Gambling Act 2005.

#### **Background**

2. The Gambling Act 2005 gives responsibility to the Gambling Commission for the issue of Operating Licences in respect of businesses offering gambling and also for the issue of Personal Licences for those employed in the business of gambling, eg croupiers, betting shop and bingo hall managers etc. Local Authorities are responsible for the licensing of premises used for gambling, eg betting shops and bingo halls etc and the issue of permits for gaming and small society lotteries.
3. The 2005 Act requires all Local Authorities to prepare, consult on and publish a Gambling Policy. This Policy is a “living document” which must be reviewed at least every three years (notice of intention to publish the document must also be advertised at least two weeks prior to publication).
4. To avoid confusion with Local Authority Licensing Policies required under the Licensing Act 2003, the Gambling Policy is referred to as the “Statement of Principles”. This document sets out the matters the Council will be considering when dealing with applications for Premises Licences and various permits. The Policy comprises sections of the legislation, parts of the Gambling Commission guidance and some general information on how the Council will deal with applications and enforce the legislation.
5. The first policy was approved by Members at their meeting of Council on 23 November 2006 and was duly published on 3 January 2007 to take effect on 31 January 2007. It has been revised every three years and was last revised by Council in November 2015 for publication on 31 January 2016. The Policy is therefore due to be revised.
6. Darlington’s current statement of licensing principles was published in January 2016 and, as such, a new policy should have been published in January 2019. However due to a restructure and the process of appointing of a new Licensing Manager, the consultation was delayed. The Gambling Commission has been made aware of this.

## **Information and Analysis**

7. The Gambling Act 2005 has three licensing objectives as follows:
  - (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - (b) Ensuring gambling is conducted in a fair and open way.
  - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
8. The Gambling Commission plays a leading role in relation to the first objective and determines the suitability of businesses and persons involved in the gambling industry by virtue of the Operating and Personal licences. The Local Authority is not able, therefore, to grant a Premises Licence until an Operating Licence has been granted by the Gambling Commission. The Gambling Commission also addresses the second objective and the only role for the Local Authority in relation to this objective will be when dealing with the track-betting environment. The final objective impacts on Local Authorities and consideration may be given to, amongst other things locality, supervision of premises, separation of adult gaming areas and promotion of gambling support organisations.
9. Most functions of the Gambling Act 2005 have been delegated to the Committee established by the Council to deal with the Licensing Act 2003 in accordance with national guidance. The approval of the Council's policy in respect of the Gambling Act 2005 is however one of the few functions that, by statute, must be dealt with by Council.
10. The Council currently licences 12 Betting Shops and 26 Licensed Clubs and Pubs for the provision of gambling. Unlike parts of the Licensing Act 2003, the Gambling Act 2005 does not provide Local Authorities with wide discretion. The 2005 Act requires Local Authorities to follow the Guidance and Codes of Practice issued by the Gambling Commission and also the Council's own policy statement.

## **Changes to the Policy**

11. The policy has remained largely unchanged apart from minor amendments that have been made to reflect revised guidance to local authorities from key stakeholders since it was last approved on 19 November 2015.

## **Consultation**

12. A widespread consultation exercise has been undertaken over a 6-week period, from 11 February 2019 to 23 March 2019, which included the Responsible Authorities, the gaming industry, the leisure industry and organisations dealing with problems arising from gambling. The draft policy has also been made



available on the Council's website.

13. Following the period for consultation, two responses were received in respect of the revised document, one from Darlington Borough Council's Public Health and the other from the Association of British Bookmakers (ABB). These have been reproduced in full at **Appendix 1**.
14. The representation made by Public Health highlighted the harms gambling can cause and made reference to the Local Government Association guidance document 'Tackling Gambling Related Harm'. This has been considered during the preparation of the statement. One matter that had been of concern in previous years was the proliferation of 'Fixed Odds Betting Terminals' (FOBT's), which have maximum permitted stake of £100. These have been widely regarded as harmful to gamblers. The Government, however announced in May 2018 its intention to reduce the maximum stake on FOBT's from £100 to £2. This has been welcomed in the response from Public Health along with the fact that the updated Statement of Principles recognises the dangers of harmful gambling, in particular the risk it poses to children and vulnerable groups.
15. It was announced in the 2018 Budget that this change would be implemented in October 2019, however there has been much discussion within Government regarding this date and may be subject to change.
16. The second representation was made on behalf of ABB. This organisation represents over 80% of bookmakers. They pointed out that the number of betting shops is in decline and some regulatory changes such as planning in 2015 have had an adverse effect. It is yet to be established what effect the change to FOBT's will have on the industry. ABB highlighted in their response that they were keen to demonstrate promotion of the licensing objectives by encouraging engagement with the local authority. They also pointed out that some terminology used in the draft statement was outdated along with potential conflict between licensing and planning legislation. These observations have been reflected in the revised Statement.

## **Recommendation**

17. Members are invited to approve the revised Licensing Principles for the Gambling Act 2005 (see **Appendix 2**) and if appropriate, agree its recommendation to full Council.

## **Reasons**

18. The recommendation is supported by the following reasons:
  - (a) To enable the Council to formally adopt and publish a statement of licensing principles in compliance with the Gambling Act 2005 requirements.
  - (b) To clarify the way that the Council will consider applications for licences.

**Ian Williams**  
**Director of Economic Growth and Neighbourhood Services**

**Appendices**

Appendix 1 – Responses from consultation

Appendix 2 – Draft statement of the Licensing Principles



## **Public Health response to Darlington Borough Council's Gambling Policy Statement**

Public Health at Darlington Borough Council is pleased to be offered the opportunity to consult on the local authority's updated Gambling Policy Statement. Historically, gambling-related harms have often been under-recognised, and there is an increasing awareness that harmful gambling is a public health issue that requires a broad response. Gambling-related harms may include physical health harms, mental health harms, relationship/interpersonal harms and social/financial harms. It is estimated that there are 373,000 problem gamblers in England, and 1.7 million people are identified as being at risk of problem gambling. However, a further six to ten people are directly affected by a single problem gambler, and problem gambling has a wider impact on families and communities that magnifies its negative effects. Some groups are more likely than others to suffer from gambling-related harm, including children and young people (particularly younger males), ethnic minority groups, people with mental health issues, people living in deprived areas, unemployed people and people with substance misuse problems, and problem gambling is often associated with other harms such as smoking and heavy alcohol consumption. As such, recognising and addressing the risks of harmful gambling to vulnerable groups in particular, as well as to wider families and communities, is a public health priority.

We welcome the fact that the updated Policy Statement recognises the dangers of harmful gambling, and the particular risks it poses to children and vulnerable groups. It outlines specific steps that applicants and the council should take to assess risks to children and problem gamblers when considering new license applications, and documents the expectation that license applicants submit a risk assessment that is informed by the local area profile and considers risk of harm. We note that the maximum stake on fixed-odds betting terminals (category B2 machines) remains £100 in the current statement of principles, but welcome the government's intention to reduce the maximum bet on these machines to £2 from April 2019.

Public Health England and the Local Government Association have published guidance on how local authorities can take action across the whole council to tackle gambling-related harm. It encourages local authorities to consult widely when developing Gambling Policy Statements, with organisations such as *GamCare* and the Citizens Advice Bureau that work closely with problem gamblers as well as with local mental health teams and homelessness/housing services. It also makes broader recommendations as to actions that public health teams in particular and local authorities more widely can take to develop a systems-wide approach to harmful gambling. These include:

- Setting out best practice expectations of local gambling operators, using compliance visits and enforcement tools appropriately, and encouraging local businesses to apply for *Gamcare* certification
- Designating an organisational lead for harmful gambling issues
- Exploring focused prevention work with high risk groups and developing a coherent, cross-cutting approach to problem gambling with the support of the Health and Wellbeing Board
- Working with local CCGs and Mental Health providers to ensure that screening tools for harmful gambling are utilised among high risk groups and that appropriate referral pathways are in place

**Dr Malcolm Moffat**

**Speciality Registrar in Public Health, Darlington Borough Council**

11<sup>th</sup> March 2019



BY EMAIL ONLY  
Licensing Section  
Darlington Borough Council

Please ask for: Richard Taylor  
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Our ref: RJT / MJM / 097505.00005  
#GS2470144  
Your ref:  
Date: 14<sup>th</sup> March 2019

Dear Sir/Madam,

**Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, GVC (Ladbrokes Coral), and Paddy Power Betfair, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital. For the vast majority, betting is an enjoyable leisure activity which generates income, employment and tax revenue for the economy.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take with regard to the requirements for local area risk assessments. It is important, however, that the gambling policy statement maintains the "aim to permit" structure and does not import additional requirements from other licensing regimes such as Licensing Act 2003 for example by requiring operators to suggest premises licence conditions or to impose requirements beyond those required by statute or the LCCP simply because it may be felt to be desirable or to address a perceived need.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of September 2018) was 8406. This is reducing every year and has fallen from a figure of 9137 in March 2014. This decline is expected to continue. Ladbrokes

Coral and William Hill have forecast significant shop closures in the months ahead following several smaller operators who have already closed shops or gone out of business entirely

- the overall number of betting office operators is similarly declining. In September 2018 there were 210 operators licensed for the activity of non-remote general betting. This constitutes a reduction of more than 10% since March 2017
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- A maximum stake of £2 is shortly to be applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

### **Working in partnership with local authorities**

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

### **Local area risk assessments**

Since April 2016, when new LCCP provisions came into force, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The requirements build on measures the industry had already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly. This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

### **Best practice**

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

### **Concerns around increases in the regulatory burden on operators**

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to stakes on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

### **Employing additional licence conditions**

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing

authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Considerations specific to the Draft Statement of Principles 2019-2022**

Paragraphs 1.2 (primary gambling activity) and 7 (betting premises) in part B need to be re-drafted as these refer to primary gambling activity, a concept no longer used by the Gambling Commission. Paragraph 1.2 indicates that gaming machines need to be an “ancillary offer on the premises”. Whilst this was once correct, following case law and ultimately changes to LCCP, this no longer the case. Social Responsibility Code Provision 9 refers to gaming machines in gambling premises and insofar as betting premises are concerned, the requirement is that gaming machines may be made available for use only where there are substantive facilities for non-remote betting provided. It is not a requirement that there be any contest between betting and the use of machines and any suggestion, therefore, that machine use needs to be “ancillary” is incorrect.

As far as paragraph 7 of part B is concerned, this refers to “indicators of primary gambling activity” which derives from a guidance note issued by the Gambling Commission in 2013. This paragraph needs to be amended to reflect the current SR provisions and it is important that these indicators are removed as they do not reflect the current SR requirements.

Paragraph 1.4 in part B is headed “Location”. The first paragraph refers to the possibility of a specific policy with regard to area where gambling premises should not be located. This sentence should be removed as this is a planning issue. Any such policy is likely to be unlawful is certainly contrary to the overriding principle that the Licensing Authority will “aim to permit” the use of premises for gambling.

Paragraph 1.5 (conditions) should be amended in order that it is clear that the mandatory and default conditions referred to within the first paragraph are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that mandatory and default conditions be supplemented.

### **Conclusion**

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable. Indeed, the ABB and its members already do this successfully in partnership with local authorities through the adoption of the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



**GOSSCHALKS**



# **Statement of Principles**

## **Gambling Act 2005**

**APPROVED BY COUNCIL:** 25 April 2019 (TBC)  
**IMPLEMENTATION DATE:** January 2019 - January 2022



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## **Forward by Councillor Nutt**

Our most important role is to actively work to protect those who live and work in Darlington and who visit our area. Premises used for gambling are licensed as they carry out activities that can impact on individuals and the community. For many, gambling is an enjoyable activity, however we recognise for others it may cause harm, particularly among the young and vulnerable.

This Statement of Principles, or more commonly recognised as the gambling policy for Darlington, seeks to promote the licensing objectives set out in the Gambling Act:

- 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.

We have produced this statement as required by the Gambling Act 2005 taking into account the Gambling Commission's guidance, the licensing objectives and the views of those who have been consulted.

This document should provide information and guidance on the general approach we will take when licensing gambling premises in Darlington, whilst taking into account the local profile. It is intended that this Statement of Principles not only meets with the requirements of the Gambling Act and Gambling Commission guidance but also aims to support the Economic Strategy for Darlington.

## INTRODUCTION AND DECLARATION

The Gambling Act 2005 (“The 2005 Act”) has provided for a new regime of regulating gambling and betting which was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting is regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in the provision of gambling and betting.

Darlington Borough Council (“The Council”) along with other Local Licensing Authorities, is required, under the 2005 Act, to licence premises where gambling is to take place. The Council is also required to licence certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

Licensing Authorities are required by Section 349 of the 2005 Act to publish a Statement of Principles which they propose to apply when exercising their functions in accordance with the legislation. This statement must be published at least every three years. It is a “living” document that must be regularly reviewed. If any part of the document is amended, further consultation and re-publication is required.

Darlington Borough Council consulted widely in relation to this statement before finalising its content. Full details of that consultation are detailed at **Appendix C** to this document.

**DECLARATION: In producing the Final Statement, Darlington Borough Council’s Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission and any responses from those consulted on this statement.**

This Statement of Principles was approved at a meeting of the Council on **XXXXXXXX**. It was then published via Darlington Borough Council’s Website on **XXXXXXXX**. Copies have been placed in public libraries in the Borough as well as being available in the Town Hall. The Statement of Principles became effective from **XXXXXX**

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

All references to the Gambling Commission Guidance in this document refer to the 5<sup>th</sup> edition of guidance, published September 2015 and updated in part in September 2016.

## **PART A**

### **1. THE LICENSING OBJECTIVES**

In exercising most of its functions under the Gambling Act 2005, the Council's Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the 2005 Act. These are:

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

NB The Gambling Commission, in its Guidance has stated (5.2): "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

In accordance with Section 153 of the 2005 Act, this Licensing Authority will generally aim to permit the use of premises for gambling as long as such use is considered to be:

- In accordance with any relevant Codes of Practice issued by the Gambling Commission.
- In accordance with any Guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with this Statement of Principles.

This Licensing Authority particularly notes the Gambling Commission's Guidance (5.27) to local authorities that:

"Licensing Authorities should be aware that other considerations such as moral or ethical objections are not a valid reason to reject applications for premises licenses. This is because such objections do not relate to the licensing objectives. An Authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)".

### **2. GAMBLING PARTICIPATION SURVEY 2017 FINDINGS**

Local data is not currently available on the prevalence of gambling in Darlington, however national data does exist. The Gambling Commission's research found that overall, gambling participation has decreased since 2016 with 45% of people aged 16+ having participated in at least one form of gambling in the past four weeks in 2017. This compares with 48% in 2016.

Men are more likely to have gambled than women and those aged 55-64 are most likely to have gambled in the past four weeks. This is predominantly driven by participation in the National Lottery draws as when people who have only gambled in the National Lottery draws are excluded, participation is highest among 16-34 year olds.

Overall, 18% of people have gambled online in the past four weeks. Those aged 25-34 and 55-64 have seen the largest increases in online gambling participation whereas those aged 16-24 have seen a decline in online gambling participation in 2017. In terms of gambling activities:

- The National Lottery draws remain the most popular gambling activity, followed by scratch cards and other lotteries.
- Football and horse racing are the most popular betting activities.
- All gambling activities have seen an increase in online participation with the exception of betting on horse races and spread betting.

- In-person participation has declined for most activities.

## **2.1 Problem Gambling Estimates**

An estimated 0.8% of people were identified as a problem gambler according to the full Problem Gambling Severity Index (PGSI) with a further 3.9% identifying as at low or moderate risk.

## **2.2 Online Gambling Behaviour**

Although declining in use for gambling, laptops remain the most popular method of accessing online gambling in 2017 with 50% of online gamblers using a laptop. The use of mobile phones has seen the largest increase to 39% (an increase of 10 percentage points). The majority of online gamblers (97%) play at home. Male online gamblers were more likely than females to gamble outside of the home including on their commute, at work, at a venue or in a pub/club, as were younger age groups. Among online gamblers, 27% have bet in-play, with rates highest in 25-34 year olds but the largest increase was seen in 55-64 year olds. On average, online gamblers have four accounts with online gambling operators. 6% of online gamblers have bet on eSports during the past 12 months, with rates highest among 25-34 year olds.

The statement of principles is to enable a good understanding of all the harms and benefits of gambling to society. The legislative framework for gambling recognises it as a legitimate leisure activity that many people enjoy. It generates income, employment and tax revenue for the local economy.

However, gambling also generates significant harms such as working days lost through disordered gambling and the cost of treatment for ill-health caused by stress related to gambling debt. There are also less easily measured significant impacts such as the negative effects of some gambling on family relationships, and the psychological and social development of children. Recognising and addressing the risks of harmful gambling to vulnerable groups in particular, as well as to wider families and communities, is a public health priority. This statement of principles takes the public health issue into account and means that recognising a successful strategy not only focuses on individual gamblers but also needs to include products, environments and marketing within the wider context in which gambling happens. Equal importance needs to be given to prevention and treatment of harm.

The statement of principles is underpinned by a profile of Darlington to ensure an awareness of local risks and to facilitate constructive engagement with licensees with a coordinated response to local risks. The profile will help to inform specific risks that operators will need to address in their risk assessment.

## **3. THE BOROUGH OF DARLINGTON**

Darlington is a medium sized town with a total population of just over 105,000 (Census 2011). The River Tees and North Yorkshire lie to the south, the Teesside conurbation to the east, County Durham to the north and rural Teesside to the west. There are excellent communication links with a principal station on the East Coast rail mainline, the A1 (M) Motorway and Durham Tees Valley International Airport.

52,000 or 73.5% of the working age population are in employment. Most of Darlington's population live in the urban area with Eastbourne, Park Hill and Harrowgate Hill having the highest resident population.

There are over 2,600 businesses, most of which are now in the public, health and education sector or financial and business services. Despite economic uncertainty, the number of businesses in Darlington

continues to grow. The town centre is of sub-regional importance for shopping and services and the town is also an important employment centre.

Generally Darlington is an economy of small, owner-managed businesses that co-exist with branch factories, offices and shops.

The late night economy of the Borough is principally centred around the town centre where a number of entertainment premises, pubs and takeaway establishments are situated. These activities support the cultural diversity of the Borough and contribute to its economy.

#### **4. AUTHORISED ACTIVITIES**

'Gambling' is defined in the 2005 Act as either gaming, betting or taking part in a lottery:

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

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating, only equal chance gaming takes place and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Team where appropriate.

#### **4. LICENCES UNDER THE 2005 ACT**

The 2005 Act provides for three categories of licence as follows:

- Operating licences
- Personal licences
- Premises licences

The Council is responsible for the issue of Premises licenses. The Gambling Commission is responsible for the issue of Operating and Personal licenses.

#### **5. THE GAMBLING COMMISSION**

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted in a fair and open way and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission draws on the intelligence and insights of its regulatory partners, in particular licensing authorities, who may well be better positioned to identify emerging risks to the licensing objectives, or instances of illegality which can start at a local level. By working closely together it will help prevent such risks growing into a more widespread problem and to ensure that both Commission and licensing authority resources are used efficiently.

The Commission has issued guidance in accordance with the 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 also issues Codes of Practice about the way in which facilities for gambling are provided, and may include provisions about the advertising of gambling facilities. The Gambling Commission can be contacted at:

**Gambling Commission**  
**Victoria Square House**  
**Victoria Square**  
**BIRMINGHAM**  
**B2 4BP**

**Website:** [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)  
**Email:** [info@gamblingcommision.gov.uk](mailto:info@gamblingcommision.gov.uk)

## **6. THE COUNCIL'S FUNCTIONS**

The Council, in its capacity as a Licensing Authority, is responsible for:

- The issue of Premises Licences in respect of premises where gambling activities are to take place.
- The issue of Provisional Statements.
- The issue of Club Gaming Permits and/or Club Machine Permits to members' clubs and miners' welfare institutes.
- The issue of Club Machine Permits to commercial clubs.
- The issue of Permits to Unlicensed Family Entertainment Centres for the use of certain lower stake gaming machines.
- The issue and regulation of gaming and gaming machines in alcohol licensed premises.
- The registration of Small Society Lotteries.
- The issue of Prize Gaming Permits.
- The receipt and endorsement of Temporary Use Notices.
- The receipt of Occasional Use Notices.
- The provision of information to the Gambling Commission about licenses issued (see section 13 on information exchange).
- The keeping of registers of the permits and licences issued under these functions.
- The exercise of its powers of compliance and enforcement under the 2005 Act in partnership with the Gambling Commission and other relevant responsible authorities.

NB The National Lottery is regulated by the National Lottery Commission. Remote Gambling is dealt with by the Gambling Commission and Spread Betting is regulated by the Financial Services Authority.

## **7. GENERAL STATEMENT OF PRINCIPLES**

The Council recognises that a wide variety of premises will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.

In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission.

The Council will not seek to use the 2005 Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met, the Council has established a close working relationship with the Police, the Gambling Commission and where appropriate, other Responsible Authorities.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Council may take whatever steps are considered necessary to either limit access generally or introduce measures to prevent underage gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where the licensing authority receive representations to that effect.

Applicants seeking Premises Licenses are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle, however, is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits. When applying these principles this licensing authority will, in the light of relevant representations, consider whether exceptions should be made in any particular case.

## **8. PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER**

The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the Council for a Premises Licence will have to hold an Operating Licence from the Commission before a Premises Licence can be issued. The Council, therefore, will not generally be involved in determining the suitability of an applicant but where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime.

Powers already exist in relation to anti-social behaviour legislation and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not, therefore, intend to use the 2005 Act to deal with general nuisance issues e.g. parking problems, which can easily be dealt with using other powers.

Issues of disorder can only be dealt with under the 2005 Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance **and it can be shown that gambling is the source of that disorder**. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it and whether those people live sufficiently close to be affected or has business interests that might be affected.

NB When making decisions in this regard this Licensing Authority will give due weight to any comments made by the Police.

## **9. ENSURING GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY**

The Gambling Commission does not expect Local Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime. The Independent Betting Arbitration Service (IBAS) is an organisation that can assist businesses in relation to this matter.

As betting track operators do not need an Operating Licence from the Commission the Council may, in certain circumstances, require conditions relating to the suitability of the environment in which betting takes place.

## **10. PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING**

Apart from one or two limited exceptions, the intention of the 2005 Act is that children and young persons should not be allowed to gamble and should, therefore, be prevented from entering gambling premises which are 'adult-only' environments.

In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. In relation to Casinos only, the Gambling Commission has issued a Code of Practice about access to Casino premises for children and young persons.

When considering whether to grant a Premises Licence or Permit the Council will consider whether any measures are necessary to protect children, including the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

In seeking to protect vulnerable people the Council will include those who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs. Applicants may find organisations such as GamCare a useful source of information and advisory material such as leaflets, etc.

Children (defined in the 2005 Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the 2005 Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 years of age and over. In summary:

- Betting shops cannot admit anyone under 18 years of age.
- Bingo clubs may admit those under 18 years of age but must have policies to ensure they do not gamble, except on category D machines.
- Adult Entertainment Centres cannot admit those under 18 years of age.
- Family Entertainment Centres and premises with an alcohol premises licence (such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over 18 years of age.
- Clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 18 years of age do not play machines other than category D machines.
- Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance those considerations against its function of permitting premises to be used for gambling.

This Council will consider very carefully applications for gambling premises located very close to a school or a centre for gambling addicts. The local risk assessment submitted as part of the application should therefore specifically address how the applicant intends to minimise the risk to these children and vulnerable adults. This is likely to reduce or remove the need for representations from Responsible Authorities or Interested Parties. Each application will be considered on its own merits and will depend to a large extent on the type of gambling to be offered, whether the applicant can properly address the licensing objectives and how they can mitigate potential risks.

## **11. RESPONSIBLE AUTHORITIES**

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

Section 157 of the 2005 Act defines those authorities as:

- The Gambling Commission
- The Police
- The Fire Service
- The Local Planning Authority
- Environmental Health
- The Local Safeguarding Children's Board\*\*\*
- HM Revenue and Customs
- A Licensing Authority in whose area the premises are situated (that is, the Council itself and also any adjoining Council where premises straddle the boundaries between the two).

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

These principles are:

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

In accordance with the Gambling Commission's Guidance for Local Authorities this Council has designated Darlington Borough Council's Safeguarding Children's Board for this purpose.

Any concerns expressed by any Responsible Authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally take into account representations from either Responsible Authorities or Interested Parties that are deemed to be irrelevant, such as:

- There are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account).
- The premises are likely to be a fire risk (because public safety is not a licensing objective and can be dealt with under existing legislation).
- The location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives).
- The premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues). It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws.
- Whether or not the premises comply with planning or building legislation (because the licensing authority is prohibited in law from considering such matters)
- Where representations are based solely on moral grounds (because this is not relevant to the licensing objectives)

This is not an exhaustive list and each representation will always be considered on its own individual merits.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are reproduced at **Appendix B** and are also available via the Council's website at <http://www.darlington.gov.uk/resident/legalservices/licensing>

## 12. INTERESTED PARTIES

Interested Parties can make representations about licence applications, or apply for a review of an existing licence. An Interested Party is someone who:

- Lives sufficiently close to the premises likely to be affected by the authorised activities.
- Has business interests that might be affected by the authorised activities.
- Represents persons in either category of the above two groups.

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

In accordance with the Gambling Commission's Guidance to Licensing Authorities when considering if someone lives sufficiently close to the premises, the Licensing Authority will take into account, among other things:

- The size and nature of the premises.
- The distance of the premises from the person making the representation.
- The potential impact of the premises such as number of customers and likely routes used
- The circumstances of the person(s) making the representation.

In determining whether a person has a business interest which could be affected, the Licensing Authority will take into account, among other things:

- The size of the premises.
- The “catchment” area of the premises.
- Whether the person making the representation has business interests in the catchment area that may be affected.

Each case will be decided upon its merits so this Authority will not apply a rigid rule to its decision-making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.

Interested Parties can include trade associations and residents'/tenants' associations, providing that they can show they represent someone who would be classed as an Interested Party in their own right. Councillors and MPs may also be Interested Parties. Elected councillors may represent Interested Parties, providing they do not also sit on the Licensing Sub-Committee determining the application in question.

If an existing gaming business makes a representation that it is going to be affected by another gaming business wishing to start up in the area, the Licensing Authority would not consider this to be a relevant representation (unless there is other evidence) as it does not relate to any of the 3 licensing objectives and instead relates to demand or competition. Trade representations which are specific to the 3 licensing objectives, this Licensing Authority's Statement of Principles and/or the Gambling Commission's Guidance and/or Local Conditions and Codes of Practice (LCCP) document will however be considered.

The Council may receive representations which it considers to be frivolous or vexatious. A vexatious representation is generally one that is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally one that is lacking in seriousness, or is unrelated to either the licensing objectives, the Guidance issued by the Gambling Commission or this Statement of Principles. Decisions on whether representations are frivolous or vexatious will generally be a matter of fact, given the circumstances of the representation. In deciding whether or not a representation is frivolous or vexatious the Licensing Authority will normally consider:

- Who is making the representation and whether there is a history of making representations that are not relevant.
- Whether the representation raises a relevant issue or not.
- Whether the representation is specific to the premises that are the subject of the application.

Any such decision will be made objectively and not on the basis of any political judgment. Where a representation is rejected the person making the representation will be given a written reason and a report will be made to the licensing sub-committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

Representations should be made:

- In writing (preferably in duplicate, unless submitted electronically).
- In black ink on single sides of A4 paper.
- Indicate the name and address of the person or organisation making the representation.
- Indicate the premises to which the representation relates.
- Indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this.
- Clearly set out the reasons for making the representation.

Where relevant representations have been received and are not withdrawn the Licensing Authority will hold a hearing to determine an application.

### **13. EXCHANGE OF INFORMATION**

Licensing Authorities are required to include in this statement the principles to be applied by the authority in exercising its functions in accordance with:

- Sections 29 and 30 of the 2005 Act in respect of the exchange of information between it and the Gambling Commission.
- Section 350 of the 2005 Act in respect to the exchange of information between it and the other persons listed in Schedule 6 to the 2005 Act.

The principle that this Licensing Authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision of General Data Protection Regulation's (GDPR) tailored by the Data Protection Act 2018. This Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

In accordance with the Gambling Commission's guidance we shall share information with:

- A Constable or Police force
- An Enforcement Officer
- A Licensing Authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal Tribunal
- The Secretary of State

Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be detailed in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication where we are asked to do so on the grounds of personal safety.

### **14 PUBLIC REGISTER**

Section 156 of the 2005 Act requires licensing authorities to maintain a register of the premises licences that it has issued. This register must be made available, at any reasonable time, to the public who may request copies of the entries. Details of how to access the register can be found on the Council's website at: <http://www.darlington.gov.uk/licensing>

### **15 FEES**

Information regarding the fees to be charged, including the level of fees, for applications for premises licences and other permissions under the Act is available to the public at the Council's website as detailed above.

### **16. ENFORCEMENT**

Licensing authorities are required to include in this Statement the principles to be applied by the authority in exercising the functions under Part 15 of the 2005 Act in respect of:

- The inspection of premises.
- The powers under Section 346 of the 2005 Act to institute criminal proceedings in respect of the offences specified.

The principles that we will apply are that we will be guided by the Regulator's Code and the Gambling Commission's Guidance for local authorities and we will endeavour to be:

- Proportionate - we will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised.
- Accountable - our decisions will be justifiable, and be subject to public scrutiny.
- Consistent - rules and standards will be joined up and implemented fairly.
- Transparent and Open - licence conditions will be kept simple and user friendly.
- Targeted - our regulation will be focused on the problem, and minimise side effects.

We will avoid duplication with other regulatory regimes so far as is possible.

We will also adopt a risk-based inspection programme to premises and will consider any risk models produced in conjunction with the Gambling Commission. This Licensing Authority's enforcement protocol is available from the Licensing Team or on the Council's website at: <http://www.darlington.gov.uk/licensing>

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the requirements of the Premises Licences and other permissions that we authorise. We will also keep ourselves informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities. We will continue to work closely with our colleagues in Durham Police.

The Gambling Commission will be the enforcement body for the Operator and Personal Licences.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive (BRE) in its consideration of the regulatory functions of local authorities.

Please note that concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

## **17 HUMAN RIGHTS**

The Secretary of State has certified that the 2005 Act is compatible with the European Convention on Human Rights. When we consider an application or take any enforcement action under the 2005 Act we are aware that we are subject to the Human Rights Act and in particular:

- Article 6 – right to a fair hearing
- Article 8 – respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life
- Article 10 – right to freedom of expression.



## PREMISES LICENCES

### 1. INTRODUCTION

Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as any specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others where they believe it to be appropriate. The grant of a premises licence must be reasonably consistent with the licensing objectives.

This Licensing Authority is aware that we should aim to permit the use of premises for gambling in so far as we think it:

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with the authority's statement of licensing policy.

#### 1.1. DEFINITION OF "PREMISES"

Premises are defined in the 2005 Act as "any place". Different premises licenses cannot apply in respect of a single premises at different times. It is possible, however, for a single building to be subject to more than one premises licence provided they are for different parts of a building and those different parts can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact.

The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "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."

#### 1.2 GAMBLING ACTIVITY

By distinguishing between the different types of premises the 2005 Act makes it clear that the gambling activity of the premises should be that described. This principle also applies to existing casino licences and betting premises licences.

#### 1.3 DIVISION OF PREMISES AND ACCESS BETWEEN PREMISES

This Licensing Authority takes particular note of the Gambling Commission's Guidance to local authorities as follows:

Paragraph 7.19

"An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. The precise nature of this public area will depend on the location and nature of the premises. Licensing authorities will need to consider whether the effect of any division is to create a machine shed-type environment with very large banks

of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available.”

When considering subdivision of premises this Licensing Authority will generally require full floor to ceiling, solid subdivision. Moveable barriers and barriers less than 2.2 metres high will generally not be acceptable.

#### Paragraph 7.20

"The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18 and with further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18s can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

#### Paragraph 7.32

“Licensing authorities should pay particular care in considering applications for multiple licenses 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 or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents 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 and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence."

#### Paragraph 7.33

"In determining whether two or more proposed premises are truly separate, the licensing authority should consider factors which could assist them in making their decision, including

- Is a separate registration for business rates in place for the premises?
- 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?"

#### Paragraph 7.36

"Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machine. Details of the gambling permissible under each type of licence are set out in the Act and in the premises specific parts of the Guidance"

#### Paragraph 7.37

"The exception to this relates to tracks, that is a horse racing course, dog track or other premises where races or sporting events take place, which may be subject to more than one premises licence, provided each licence relates to a specified area of the track".

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

## 1.4 LOCATION

This Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. It should be noted that any application being made will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including Planning. It will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. The Licensing Authority will, however, listen to, and consider carefully, any concerns about conditions that are not able to be met by licensees due to planning restrictions, should such a situation arise.

Under Section 210 of the 2005 Act a Licensing Authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. This Licensing Authority will, however, consider relevant representations from the Local Planning Authority about the effect of the grant of a Premises Licence on an existing planning permission where this relates to the licensing objectives, a Commission Code of Practice, or this Statement of Principles.

## 1.5 CONDITIONS

Premises used for gambling are subject to the mandatory and default conditions specified in the 2005 Act. These conditions will generally be sufficient, however additional conditions may be imposed where there is clear evidence of a risk to the licensing objectives. Any conditions attached to a licence by the Licensing Authority must be proportionate, necessary and, in accordance with section 9.31 of the Gambling Commission's Guidance, 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.

Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures this Licensing Authority will consider using should there be a perceived need, such as use of door supervisors, appropriate signage for adult-only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the Premises Licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

We will consider specific measures that may be required for buildings that are subject to multiple Premises Licences. Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

We will also require that where Category C machines or above are on offer in premises to which children are admitted that:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where these machines are located.
- Access to the area where the machines are located is supervised.

- The area where these machines are located is arranged so that the staff or the licence holder can observe it.
- At the entrance to and inside any such areas, there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18 years.

These considerations will apply to premises including buildings where multiple Premises Licences are applicable.

This Licensing Authority is aware that tracks may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, we will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are certain conditions that we cannot attach to Premises Licences as follows:

- Any condition on the Premises Licence that makes it impossible to comply with an operating licence condition.
- Conditions relating to gaming machine categories, numbers, or method of operation.
- Conditions which provide that membership of a club or body be required (the 2005 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).
- Conditions in relation to stakes, fees, winning or prizes.

## **1.6 DOOR SUPERVISORS**

The Gambling Commission advises in its Guidance to Local Authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. We note, however, that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority.

## **1.7 CREDIT/ATMS**

Section 177 of the 2005 Act requires, in relation to Casino and Bingo Premises Licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with such provision.

Section 177 does not, however, prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines.

## **1.8 LOCAL RISK ASSESSMENTS**

The 5<sup>th</sup> edition of the Gambling Commission Guidance (published September 2015) reflects the need for operators to consider local risks. This Licensing Authority takes particular note of the Gambling Commission's Guidance to local authorities as follows:

- "6.42 Social Responsibility (SR) code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy.
- 6.43 Licensees are required to undertake a local risk assessment when applying for a new premises licence.

Their risk assessment must also be updated:

- when applying for a variation of licence
- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

6.44 The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority, such as when they are inspecting a premise.

6.45 Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority might request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of licence conditions is required. There is no statutory requirement for licensees to share their risk assessments with responsible authorities or interested parties, however responsible businesses will wish to assist licensing authorities and responsible authorities are far as possible in their consideration of applications by making relevant information available as part of their applications.

6.46 Where a licensing authority statement of policy sets out its approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence."

## 1.9 LOCAL AREA PROFILE

While it is not currently the intention for this Licensing Authority to identify a local area profile, the Licensing Authority note the guidance offered by the Gambling Commission in sections 6.47 to 6.53 of the 5th edition of its Guidance. In particular, sections 6.48 and 6.50 which state as follows:

"6.48 An effective local area profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partners. An important element of preparing the local area profile will be proactive engagement with responsible authorities as well as other organisations in the area that can give input to 'map' local risks in their area. These are likely to include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as Gamcare or equivalent local organisations.

6.50 For example an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school. The licensing authority might indicate, for example, that they would expect licensees to take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises. The licensee would be reasonably expected to have sufficient controls in place to mitigate associated risks in such areas, and, if not, the licensing authority would consider other controls themselves. "

This Licensing Authority will therefore expect applicants for premises licences to submit a copy of their local risk assessment as part of their application. This should reflect factors such as the premises' proximity to schools and other sensitive locations, vulnerable people schemes and other information relevant to the locality and how the applicant intends to mitigate any potential risks.

## 1.10 MACHINE STAKES AND PRIZES

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
<b>A</b>	Unlimited - <i>No category A gaming machines are currently permitted</i>	Unlimited - <i>No category A gaming machines are currently permitted</i>
<b>B1</b>	£5	£10,000*
<b>B2</b>	£100	£500
<b>B3A</b>	£2	£500
<b>B3</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)</b>	30p	£8
<b>D - non-money prize (crane grab machine)</b>	£1	£50
<b>D - money prize (other than a coin pusher or penny falls machine)</b>	10p	£5
<b>D - combined money and non-money prize (other than a coin pusher or penny falls machine)</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D - combined money and non-money prize (coin pusher or penny falls machine)</b>	20p	£20 (of which no more than £10 may be a money prize)

\*with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

## 2. PROVISIONAL STATEMENTS

An applicant cannot obtain a Full Premises Licence until the premises in which it is proposed to offer gambling are constructed (or altered or acquired). An application for a Provisional Statement follows the same process as that for a premises licence. When the premises have been built, altered or acquired an application is then made for a Premises Licence.

In terms of representations about Premises Licence applications, following the grant of a Provisional Statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters that could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- That could not have been raised by objectors at the provisional licence stage.
- That, in our opinion, reflects a change in the operator's circumstances.

### **3. ADULT GAMING CENTRES**

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises. Applicants will be expected to offer their own measures to meet the licensing objectives and appropriate measures/licence conditions may include such issues as:

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

### **4. (LICENSED) FAMILY ENTERTAINMENT CENTRES**

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Applicants will be expected to offer their own measures to meet the licensing objectives and appropriate measures/licence conditions may include:

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

NB The lists on this page are neither mandatory, nor exhaustive. They are merely indicative of example measures.

This Licensing Authority will, in accordance with the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to Operating Licenses covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will also be made aware of any mandatory or default conditions on these Premises Licenses.

### **5. CASINOS**

This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should it be decided in the future to pass such a resolution, this Policy Statement will be updated with details of that resolution. The Council itself will make any such decision.

This Licensing Authority is aware that where a Licensing Authority is enabled to grant a Premises Licence for a new style casino (i.e. The Secretary of State has made such regulations under Section 175 of the 2005 Act) there are likely to be a number of operators who will want to run the Casino. In such situations relevant Local Authorities will hold a "competition" under Schedule 9 of the Gambling Act 2005. Such competition is to be in line with any Regulations/Codes of Practice issued under the 2005 Act.

## **6. BINGO PREMISES**

Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises / clubs provided it remains below a certain threshold, otherwise it will be subject to a Bingo Operating Licence, which will have to be obtained from the Gambling Commission. The holder of a Bingo Operating Licence will be able to provide any type of bingo game including cash and prize bingo. Commercial bingo halls will require a Bingo Premises Licence from the Council. Amusement arcades providing prize bingo will require a Prize Gaming Permit from the Council.

In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game/gambling other than on category D machines. When considering applications of this type this Licensing Authority will, therefore, take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

Where category C or above machines are available in premises to which children are admitted, the Licensing Authority will seek to ensure that:

- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier that is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where these machines are located.
- Access to the area where the machines are located is supervised.
- The area where the machines are located is arranged so that staff of the operator or the licence holder can observe it.
- At the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This Licensing Authority will also consider any guidance issued by the Gambling Commission about particular issues to be taken into account by Licensing Authorities in relation to suitability and layout.

Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in Section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a Bingo Operators Licence and the corresponding Personal and Premises Licenses.

## **7. BETTING PREMISES**

Anyone wishing to operate a betting office will require a Betting Premises Licence from the Council. Betting premises will be able to provide a limited number of gaming machines and some betting machines.

In accordance with the Gambling Commission's guidance, this Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 years of age to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wishes to offer. Each application will, however, be considered on its own individual merits.

## **8. TRACKS**

Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. Examples of tracks include:

- a horse racecourse (referred to in this Guidance as 'racecourses')
- a greyhound track
- a point-to-point horserace meeting



- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- a premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event.

Only one Premises Licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place. Tracks may be subject to more than one Premises Licence, provided each licence relates to a specified area of the track.

In accordance with the Gambling Commission's Guidance this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling), the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing Authority will, therefore, expect applicants for Premises Licences to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. Applicants will be expected to offer their own measures to meet the licensing objectives and appropriate measures/licence conditions may cover such issues as:

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

This list is neither mandatory, nor exhaustive. It is merely indicative of example measures.

## **8.1 GAMING MACHINES ON TRACKS**

The 2005 Act permits track owners holding both a track premises licence and a pool betting operating licence up to four gaming machines within categories B2 to D on the track. If a track qualifies for an alcohol licence they will be automatically entitled to two gaming machines of category C or D by notifying the Licensing Authority and paying the relevant fee. Therefore if a track premises licence holder has both an alcohol licence and a pool betting operating licence, then they will be entitled to a total of six gaming machines.

## **8.2 BETTING MACHINES ON TRACKS**

Bet receipt terminals may be installed on tracks. There is no restriction on the number that may be in use but operators must supervise such terminals to prevent them being used by those under 18 years of age.

This Licensing Authority will, in accordance with the Gambling Commission's guidance, take into account the size of the premises, the ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 years of age to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wishes to offer. It will also take into account the Gambling Commission's suggestion that Licensing Authorities will want to

consider restricting the number and location of such machines in respect of applications for track betting premises licences. Each application will, however, be considered on its own individual merits.

### **8.3 CONDITION ON RULES BEING DISPLAYED**

In line with guidance from the Gambling Commission a condition will be attached to a track premises licence requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. Examples of how this may be achieved may include rules being printed in the race card or made available in leaflet form from the track office.

## **9. TRAVELLING FAIRS**

The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. It applies to the piece of land on which fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This authority will monitor the use of land and maintain a record of the dates on which it is used. If the land straddles other licensing authority areas, it will work together to ensure statutory limits are not exceeded.

Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the Licensing Authority must decide whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. It will also consider whether the applicant falls within the statutory definition of a travelling fair.

## **10. REVIEW OF PREMISES LICENCES**

Interested Parties or Responsible Authorities can make requests for a review of a Premises Licence; however, it is for the Licensing Authority to decide whether the review is to be carried out.

This will be on the basis of whether the request for the review is relevant to the matters listed below (as well as consideration as to whether the request is frivolous, vexatious, will definitely not cause this Licensing Authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous representations or requests for review), i.e. that it is:

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with this Authority's statement of licensing policy.

Licensing Authority officers may be involved in the initial investigations of complaints leading to a review, try informal mediation or dispute resolution before a full review is conducted. Unlike the Licensing Act 2003, the Licensing Authority may review Premises Licences in its own right on the basis of any reason it thinks is appropriate.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed. The purpose of the review will be to determine whether any action is taken in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months;

(d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

The Licensing Authority itself may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

NB The Gambling Commission will be a Responsible Authority in Premises Licence reviews.

## PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

### 1. UNLICENSED FAMILY ENTERTAINMENT CENTRE (FEC) GAMING MACHINE PERMITS

Where a premises does not hold a Premises Licence but an applicant wishes to provide gaming machines, (s)he may apply to the Licensing Authority for a FEC permit. It should be noted that in accordance with Section 238 of the 2005 Act the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The 2005 Act states that a Licensing Authority may prepare a Statement of Principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25 of the 2005 Act.

An FEC Gaming Machine Permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC and if the Chief Officer of Police has been consulted on the application. No conditions can be imposed upon the grant of this type of permit. This Licensing Authority will, therefore, wish to be satisfied, among other things, that the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permitted in unlicensed FECs; has no relevant convictions (as detailed in Schedule 7 to the 2005 Act); and that all staff employed on the premises are provided with proper training in relation to stakes and prizes.

#### 1.1 STATEMENT OF PRINCIPLES

Applicants will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include appropriate measures/training for staff in relation to suspected truant school children on the premises/dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises. Applicants will be expected to demonstrate, among other things:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).
- That staff are trained to have a full understanding of the maximum stakes and prizes.
- An awareness of local school holiday times and how to identify the local education office should truants be identified.

Evidence of compliance with the Code of Practice for FECs issued by the British Amusement Catering Trade Association (BACTA) may be accepted as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above requirements. Full details of the statement of principles and requirements for applicants, including any requirement to submit plans etc may be obtained from the Licensing Section.

A Licensing Authority may refuse an application for renewal of a permit only on the grounds that an Authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

## **2. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

There is provision in the 2005 Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. Under section 284 of the 2005 Act a licensing authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- Gaming has taken place on the premises that breaches a condition of Section 282 of the 2005 Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with).
- The premises are mainly used for gaming.
- An offence under the 2005 Act has been committed on the premises.

Should it be necessary to issue a Section 284 order, the licence holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. A hearing will be held if requested by the licensee.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon:

- The licensing objectives
- Any Guidance issued by the Gambling Commission under Section 25 of the 2005 Act
- "Such matters as they think relevant"

### **2.1 STATEMENT OF PRINCIPLES**

This Licensing Authority considers that 'such matters' will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the licensing authority that there will be sufficient measures to ensure that children/young people under 18 years of age do not have access to the adult-only gaming machines. It will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

Measures which will satisfy the licensing authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also be helpful. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for such organisations as GamCare.

A plan will be required as part of the application indicating where and what type of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.

It is recognised that some alcohol-licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. It is likely that any such application would need to be made and dealt with as an Adult Gaming Centre Premises Licence.

A Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. The holder of a permit must, however, comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3. PRIZE GAMING PERMITS**

Prize gaming may be provided in bingo premises as a consequence of the Bingo Operating Licence. Any type of prize gaming may be provided in Adult Gaming Centres and licensed Family Entertainment Centres. Unlicensed Family Entertainment Centres may offer equal chance prize gaming under a gaming machine permit. Travelling fairs may provide prize gaming without a permit, as long as none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

#### **3.1 STATEMENT OF PRINCIPLES**

The Gambling Act 2005 states that a Licensing Authority may prepare a Statement of Principles, which they propose to apply in exercising their functions and may specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit.

This Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and it is expected that the applicant will satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to unequal chances prize gaming. It will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

This Licensing Authority considers that the applicant should set out the types of gaming that (s)he is intending to offer and that the applicant should be able to demonstrate they understand the limits to stakes and prizes that are set out in the Regulations and that the gaming offered is within the law. Full details of this statement of principles and requirements for applicants may be obtained from the Licensing Section.

#### **3.2 CONDITIONS**

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

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

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

Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no Premises Licence or Club Gaming Permit issued under the 2005 Act may be in force. A plan must accompany applications indicating where and what type of prize gaming is to be provided.

#### **4. CLUB GAMING AND CLUB MACHINES PERMITS**

Members' clubs (but not commercial clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit allows the premises to provide:

- Up to three machines of categories B, C or D
- Equal chance gaming
- Games of chance as set out in regulations

A Club Gaming Machine Permit will enable the premises to provide up to three machines of categories B, C or D.

This Licensing Authority will wish to be satisfied that applicants for these permits meet the statutory criteria for Members' Clubs contained in Sections 266 and 267 of the 2005 Act. Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless gaming is permitted by separate regulations. It is anticipated that this will cover Bridge and Whist Clubs and this will replicate the position under the Gaming Act 1968. A Members' Club must be permanent in nature, not established to make commercial profit and be controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

The Gambling Commission's Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a members club or 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 2005 Act or a breach of permit has been committed by the applicant while providing gaming facilities.
- A permit held by the applicant has been cancelled in the previous 10 years.
- An objection has been lodged by the Commission or the Police.

Clubs, which hold a Club Premises Certificate under the Licensing Act 2003, are entitled to benefit from a fast-track application procedure. Under this procedure there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which a Licensing Authority can refuse a permit are reduced. Grounds for refusal are:

- That the club is established primarily for gaming other than gaming prescribed under Schedule 12 of the 2005 Act.
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming.
- That a Club Gaming Permit or Club Machine Permit issued to the applicant in the last 10 years has been cancelled.

There are statutory conditions on Club Gaming Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

## 5 SMALL SOCIETY LOTTERIES

5.1 Society Lotteries must be registered with the Council. A 'Society' is an organisation on whose behalf a lottery is to be promoted, which is:

- non-commercial
- is established and conducted for charitable purposes; or
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

A Society cannot be established for the sole purpose of facilitating lotteries – it must have some other purpose.

5.2 The total value of tickets for sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all lotteries in a calendar year must not exceed £250,000. If the Society plans to exceed either of these values they may need to be licensed with the Gambling Commission to operate large lotteries instead.

5.3 The requirements for a small society lottery include the following:

- At least 20% of the proceeds must be for purposes of the society
- No single prize may be worth more than £25,000
- Every ticket in the lottery must cost the same
- The society must take payment for the ticket fee before entry into the draw is allowed
- Lottery tickets may only be sold by persons over the age of 16 to persons over the age of 16

5.4 The society must send returns to the licensing authority after each lottery held. This information must include:

- The date on which tickets were available for sale
- The date of the draw
- The value of prizes, including any donated prizes
- The total proceeds of the lottery
- The amounts deducted by the promoter in providing prizes,
- The amounts deducted by the promoter in respect of costs incurred in organising the lottery
- The amount given to the purpose for which the society is conducted (this must be at least 20% of the proceeds)
- Details of any expenses incurred in connection with the lottery that were not paid for from the proceeds and from where they were paid.

5.5 Returns must be sent to the Council no later than three months after the date of the lottery draw. They must be signed by two members of the society, who must be aged eighteen or older, are appointed for the purpose in writing by the society or, if it has one, it's governing body, and be accompanied by a copy of their letter or letters of appointment.

5.6 Further information about applying for a small society lottery can be found on the Council's website at: <http://www.darlington.gov.uk/licensing>



## 6. TEMPORARY USE NOTICES

Temporary Use Notices (TUNs) allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice include hotels, conference centres and sporting venues. A TUN may only be granted to a person or company holding a relevant operating licence.

TUNs may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner but not where any person participating in the gaming does so by means of a gaming machine. Examples of equal chance gaming include backgammon, mah-jong, rummy, dominoes, cribbage, bingo and poker.

A set of premises may not be the subject of a TUN for more than 21 days in a period of 12 months but more than one TUN may be provided in respect of a set of premises during a 12 month period, provided that the aggregate of the periods do not exceed 21 days etc. In considering whether a place falls within the definition of 'a set of premises', the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises. For further information on what constitutes "Premises" please refer to section B 1 of this document

A TUN must be lodged with the licensing authority not less than three months and one day before the day on which the gambling event will begin and must be copied to:

- The Gambling Commission
- The Police
- HM Revenue and Customs
- If applicable, any other licensing authority in whose area the premises are situated.

It must contain the following information:

- The type of gaming to be carried on
- The premises where it will take place
- The dates and times the gaming will take place
- Any periods during the previous 12 months that a temporary use notice has had effect for the same premises
- The date on which the notice is given
- The nature of the event itself.

Although this Licensing Authority will aim to permit gambling under a TUN it may object to a notice where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## 7. OCCASIONAL USE NOTICES

Occasional Use Notices (OUNs) can be used in respect of the acceptance of bets on a track. A Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit is not exceeded (currently 8 days in a calendar year but this can be amended by the Secretary of State). This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## Scheme of Delegation for Gambling Act 2005 Functions

Matter to be dealt with	Full Council	Licensing Committee (Sub Committees)	Officers
Final approval of 3 year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for Premises Licence		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Making a representation on behalf of Licensing Authority			Assistant Director Community Services
Application for a Variation to a Licence		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Application for a Transfer of a Licence		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Application for a Provisional Statement		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Initiating a review on behalf of the Licensing Authority			Assistant Director Community Services
Review of a Premises Licence		X	
Application for Club Gaming/Club Machine Permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of Club Gaming/Club Machine Permits		X	
Applications for other Permits			X
Cancellation of Licensed Premises Gaming Machine Permits			X
Consideration of Temporary Use Notice			X
Decision to give a Counter Notice to a Temporary Use Notice		X	
Authorisation of Officer as a) Authorised Officer b) to Authorise other officers	To Authorise a) & b) to Licensing Manager		The Licensing Manager (b)
Section 346: Institution of criminal proceedings			The Licensing Manager

*NB: All delegations except those indicated as responsibility of Full Council will be determined by Sub Committees of the Licensing Committee established under section 6 of the Licensing Act 2003 in accordance with Section 154 of The Gambling Act 2005*

## APPENDIX B

### DETAILS OF RESPONSIBLE AUTHORITIES

1. **THE GAMBLING COMMISSION**  
Victoria Square House, Victoria Square, BIRMINGHAM B2 4BP  
E-mail [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk) Website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)
2. **POLICE**  
Chief Officer of Police, Police HQ, St Cuthbert's Way, DARLINGTON DL15LB
3. **FIRE AUTHORITY**  
Fire Safety Officer, Fire Brigade HQ, Framwellgate Moor, DURHAM DH1 5JR
4. **PLANNING**  
Head of Planning Development Management and Environmental Health, Darlington Borough Council, Town Hall, DARLINGTON, DL1 5QT
5. **ENVIRONMENTAL HEALTH**  
Environmental Health Manager, Darlington Borough Council, Town Hall DARLINGTON, DL1 5QT
6. **LOCAL SAFEGUARDING CHILDREN'S BOARD**  
Assistant Director of Children's Services, Town Hall, DARLINGTON, DL1 5QT
7. **HM REVENUE & CUSTOMS**  
Greenock Accounting Centre, Custom House, Custom House Quay, GREENOCK PA15 1EQ
8. **THE LICENSING AUTHORITY**  
The Assistant Director of Community Services  
Darlington Borough Council, 17 Allington Way, DARLINGTON DL1 4QB

## LIST OF CONSULTEES

Our consultation took place between **11 February 2019** and **23 March 2019** and we followed the Code of Practice and the Cabinet Office Guidance on consultations by the public sector. The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

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

This Authority has consulted the following persons/organisations:

- Durham Constabulary
- The Fire Service
- Environmental Health Manager, Darlington Borough Council
- Planning Manager, Darlington Borough Council
- The Safeguarding Children Board, Darlington Borough Council
- Legal Services, Darlington Borough Council
- Adult Services, Darlington Borough Council
- HM Customs & Excise
- The Gambling Commission
- Gamble Aware
- Ladbrokes Coral Group
- Buzz Group Ltd
- Luxury Leisure / Talarius Ltd
- William Hill (North Eastern) Ltd
- Betfred
- British Amusement Catering Trade Association (BACTA)
- The Industry Betting Arbitration Service (IBAS)
- Responsibility in Gambling Trust (RIGT)
- North East Council on Addictions (NECA) Darlington
- Business in Sport and Leisure
- British Beer and Pub Association
- Association of British Bookmakers (ABB)
- Gamcare
- All Darlington Borough Council Ward Councillors
- The Licensing Act 2003 Committee
- Clubs with club premises certificates under the Licensing Act 2003
- All Licensing Act 2003 Premises Licence holders with on licences
- Salvation Army

The various pub companies:

- Admiral Taverns (780) Ltd
- Cameron's Brewery
- Marston's PLC
- Spirit Group Ltd
- Stonegate Pub Company
- Enterprise Inns PLC
- Mitchells & Butlers
- Punch Tavern Ltd
- JD Wetherspoons
- The Craft Union Pub Company Ltd

Firms of licensing Solicitors:

- DWF
- Winkworth Sherwood
- Freeths
- Gosschalks
- Poppleston Allen
- Flint Bishop
- John Gaunt
- Ward Hadaway
- Shoosmiths
- Sintons

**Glossary**

<b><u>Term</u></b>	<b><u>Description</u></b>
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's

	success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed Odds Betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds Betting Terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are: <ul style="list-style-type: none"><li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li><li>• Ensuring that gambling is conducted in a fair and open way.</li><li>• Protecting children and other vulnerable persons from being harmed or exploited by gambling.</li></ul>

Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The Council will have no discretion to alter or remove these conditions.</p>
Money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <ul style="list-style-type: none"><li>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</li><li>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</li></ul>

Odds	The ratio to which a bet will be paid if the bet wins, e.g. 4-1 means for every £1 bet, a person would receive £4 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmaker. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.



Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the Council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totalizer, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

If you require this leaflet in any of the following formats please contact the Council on (01325) 405888



**BRAILLE**  
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## Arabic

إذا رغبتم الحصول على هذه النشرة بلغة أخرى غير اللغة الإنجليزية نرجو الاتصال بنا على رقم الهاتف التالي 01325 405888 مع ذكر رقم الإشارة.

## Bengali

যদি আপনার ইংরেজী ছাড়া অন্য কোন ভাষায় এই প্রকাশনাটির দরকার থাকে, তাহলে নম্বরে ফোন করুন এবং সূত্র নম্বর উল্লেখ করুন। 01325 405888

## Cantonese

如果你需要其它語言的版本，請與以下電話聯係並報出參考號碼：01325 405888

## Hindi

यदि आप यह प्रकाशन अंग्रेज़ी के अलावा अन्य भाषा में चाहते हैं तो कृपया संदर्भ नम्बर (रेफरन्स नम्बर) बताकर निम्नलिखित 01325 405888 पर संपर्क करें।

## Punjabi

ਜੇ ਇਹ ਪਰਚਾ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਤੋਂ ਬਿਨਾਂ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਨੂੰ ਨੰਬਰ 01325 405888 'ਤੇ ਫੋਨ ਕਰੋ ਅਤੇ ਰੈਫਰੈਂਸ (ਹਵਾਲਾ) ਨੰਬਰ ਦੱਸੋ।

## Urdu

اگر آپ کو یہ کتابچہ انگریزی کے علاوہ کسی دوسری زبان میں درکار ہو تو براہ مہربانی ٹیلیفون نمبر 01325 405888 پر فون کر کے حوالہ نمبر بتائیں۔

## Polish

Jeśli chciał(a)by Pan(i) otrzymać polską wersję językową tego dokumentu, proszę zadzwonić pod numer 01325 405888 i podać numer identyfikacyjny dokumentu.