



**DARLINGTON**

Borough Council

# General Licensing Committee Agenda

9.30 am, Tuesday, 2 July 2024

Council Chamber, Town Hall, Darlington DL1 5QT

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

1. Introductions/Attendance at Meeting
2. Appointment of Chair for the Municipal Year 2024/25
3. Appointment of Vice-Chair for the Municipal Year 2024/25
4. To consider the times of meetings of this Committee for the Municipal Year 2024/25 on the dates agreed in the Calendar of Meetings by Cabinet at Minute C106/Feb/24
5. Declarations of Interest
6. To approve the Minutes of the meeting of this Committee held on 27 February 2024 (Pages 3 - 6)
7. To approve the Minutes of the meetings of the General Licensing Sub Committee held on 27 February 2024, 28 February 2024 and 15 May 2024 (Pages 7 - 16)
8. Gambling Act 2005 Policy Review – Report of the Group Director of Services (Pages 17 - 64)
9. 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
10. Questions



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

**Monday, 24 June 2024**

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

**Membership**

Councillors Ali, Crumbie, Mrs Culley, Curry, Donoghue, Dulston, Haszeldine, Kane, Lawley, Lee, Mahmud, K Nicholson, Ray and Robinson

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Democratic and Elections Officer, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays Email: [paul.dalton@darlington.gov.uk](mailto:paul.dalton@darlington.gov.uk) or telephone 01325 405805

## GENERAL LICENSING COMMITTEE

Tuesday, 27 February 2024

**PRESENT** – Councillors K Nicholson (Chair), Mrs Culley, Curry, Donoghue, Dulston, Haszeldine, Kane, Lawley, Mahmud and Ray.

**APOLOGIES** – Councillors Ali, Crumbie and Lee.

**ABSENT** – Councillor Robinson.

**OFFICERS IN ATTENDANCE** – Amy Wennington (Principal Lawyer (Litigation)), Anthony Hall (Superintendent Registrar), Brian Murray (Assistant Licensing Manager), PC Alan Newcombe (Durham Constabulary), Mark Walton (Licensing Enforcement Officer), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

### **LG18 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at the meeting.

### **LG19 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 16 JANUARY 2024**

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on

**RESOLVED** – That the Minutes of the meeting of the General Licensing committee held on 16 January 2024 be approved as a correct record.

### **LG20 TO APPROVE THE MINUTES OF THE MEETINGS OF THE GENERAL LICENSING SUB COMMITTEE HELD ON 16 JANUARY 2024**

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 16 January 2024

**RESOLVED** – That the Minutes of the meeting of the General Licensing Sub-Committee held on 16 January 2024 be approved as a correct record.

### **LG21 APPLICATION FOR RENEWAL OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE FOR CIVIL MARRIAGES AND CIVIL PARTNERSHIPS - BANNATYNE HOTEL, SOUTHEND AVENUE, DARLINGTON**

The Assistant Director, Law and Governance, and Proper Officer for Darlington Registration District submitted a report (previously circulated) to give consideration an application to the renewal of a licence for the Bannatyne Hotel to be approved as a venue for Civil Marriages and Civil Partnerships in accordance with the provisions of The Marriage Act 1949 (as amended by the Marriage Act 1994); the Civil Partnership Act (2004); the Marriage and Civil Partnerships (Approved Premises) Regulations 2005 and 2021; and the Marriage (Same Sex Couples) Act (2013).

The submitted report provided a summary of the Bannatyne Hotel as an approved venue; the designated rooms and maximum capacity for each room for civil marriage and civil partnerships.

**RESOLVED** – That the licence for the Bannatyne Hotel as an approved premise for civil marriage and civil partnerships be granted for three years from 6 April 2024 to 6 April 2027, and that the places designated where civil marriage and civil partnerships can take place indoors at the premises and the maximum of numbers of persons who can attend those marriage and civil partnerships continue to be:

<b>Location</b>	<b>Maximum Capacity</b>
Maxine’s Restaurant & The Study Room	80
Wilbur Suite	150
The Library	20
The Gazebo	6 (see note c)

Notes:

- a) Maximum capacities do not include the couple being married, registrars, photographers/videographers and venue staff.
- b) Outdoor marriages/civil partnerships can take place at any location within the boundary of the venue.
- c) Where an outdoor structure has been approved for marriages/civil partnerships the maximum number of persons within the approved structure is the couple being married and their witnesses and excludes registrars, photographers/videographers and venue staff. The number of guests located outside of the structure is unlimited and does not form part of the maximum capacity of the structure.

**REASON** - To facilitate civil marriages and civil partnerships at The Bannatyne Hotel, Darlington.

**LG22 APPLICATION FOR RENEWAL OF LICENCE FOR PREMISES TO BE APPROVED AS A VENUE FOR CIVIL MARRIAGES AND CIVIL PARTNERSHIPS - THE TOWN HALL, DARLINGTON**

The Assistant Director, Law and Governance, and Proper Officer for Darlington Registration District submitted a report (previously circulated) to give consideration an application to the renewal of a licence for the Town Hall to be approved as a venue for Civil Marriages and Civil Partnerships in accordance with the provisions of The Marriage Act 1949 (as amended by the Marriage Act 1994); the Civil Partnership Act (2004); the Marriage and Civil Partnerships (Approved Premises) Regulations 2005 and 2021; and the Marriage (Same Sex Couples) Act (2013).

The submitted report provided a summary of the Town Hall as an approved venue; the designated rooms and maximum capacity for each room for civil marriage and civil partnerships.

**RESOLVED** – That the licence for the Town Hall as an approved premise for civil marriage and civil partnerships be granted for three years from 6 April 2024 to 6 April 2027, and that the places designated where civil marriage and civil partnerships can take place indoors at the premises and the maximum of numbers of persons who can attend those marriage and civil partnerships continue to be:

<b>Location</b>	<b>Maximum Capacity</b>
The Oak Room	50
Council Chamber Foyer	12
The Council Chamber	50
Committee Room 2	40
Committee Room 3	20
Civic Reception	30

Notes to maximum capacities:

- (a) Maximum capacities do not include the couple being married, registrars, photographers/videographers.
- (b) The Council Chamber, Committee Rooms 2 and 3 and the Civic Reception area are to be licensed for emergency/business continuity purposes only and not intended for regular use for ceremonies.
- (c) Outdoor ceremonies are not available at the Town Hall, Darlington.

**REASON** – To facilitate civil marriages and civil partnerships at The Town Hall, Darlington.

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## GENERAL LICENSING SUB COMMITTEE

Tuesday, 27 February 2024

**PRESENT** – Councillors Mrs Culley, Donoghue, Kane, Lawley and K Nicholson.

**OFFICERS IN ATTENDANCE** – Amy Wennington (Principal Lawyer (Litigation)), Brian Murray (Assistant Licensing Manager), Mark Walton (Licensing Enforcement Officer), PC Alan Newcombe (Durham Constabulary), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

### **LGS25 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING**

**RESOLVED** - That Councillor K. Nicholson be elected Chair for the purpose of this meeting.

### **LGS26 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at this meeting.

### **LGS27 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part 1 of Schedule 12A to the Act.

### **LGS28 PRIVATE HIRE DRIVER LICENCE - APPLICATIONS FOR GRANT AND REVIEWS OF A HACKNEY CARRIAGE DRIVER LICENCE AND A PRIVATE HIRE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)**

The Group Director of Services submitted a report (previously circulated) to give consideration to three applications, namely the grant of a Private Hire Drivers Licence application in light of a previous conviction and a live motoring conviction; the grant of a Private Hire Drivers Licence application in light of previous convictions; and the grant of a Private Hire Drivers Licence application in light of a concern raised during the application process.

#### **Ref: 02/24**

To give consideration to the grant of a Private Hire Drivers Licence application in light of a previous conviction and a live motoring conviction.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Private Hire Driver Licence.

During the meeting, the Police Officer in attendance from Durham Constabulary disclosed to the Committee that the driver had been arrested on 3<sup>rd</sup> December 2021, on suspicion of possession with intent to supply a Class A drug, namely cocaine, and that following a search warrant being executed at the driver's property a large quantity of money and bagged drugs

were found in a safe in the driver's bedroom. The Committee was informed that the driver was released under investigation and that this matter had recently been passed to the Crown Prosecution Service for a charging decision to be made.

It was noted that the driver did not disclose this pending matter to the Licensing Team at the time of making his application, and nor did the driver advise the Members of the Committee about this ongoing investigation. Members were only made aware of this information as the Police Officer in attendance divulged it to the Committee. When questioned, the driver offered no explanation for these events.

In reaching their decision, Members took into consideration the Council's Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006.

After careful consideration Members decided to refuse the application as they did not consider the driver to be "fit and proper", and decided not to grant the driver a Private Hire Driver Licence. The Members made this decision under section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

Members made this decision as they felt that the driver had been dishonest in failing to disclose details of an ongoing serious criminal investigation involving himself, both to the Licensing Team and to the Committee.

**RESOLVED** – That the application for grant of a Private Hire Driver Licence be refused.

**Ref: 03/24**

To give consideration to the grant of a Private Hire Drivers Licence application in light of previous convictions.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Private Hire Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976; and Section 52 of the Road Safety Act 2006.

After careful consideration, Members did consider the driver to be "fit and proper" and decided to grant the driver a Private Hire Driver Licence. In doing so, Members noted that the vast majority of offences on the driver's record were extremely old; that the driver's last custodial sentence was completed in 1997; that the driver had notably matured and turned his life around since the offences had been committed; and that the driver had shown



remorse and was apologetic for that behaviour. Members decided that a warning as to future conduct should also be issued due to the driver's extensive criminal record and two offences of speeding in 2021.

**RESOLVED** - That the application for a Private Hire Driver Licence be granted, with a warning as to future conduct.

**Ref: 04/24**

To give consideration to the grant of a Private Hire Drivers Licence application in light of a concern raised about the driver's behaviour during the application process.

Members were informed that the driver had indicated that he would not be in attendance at this meeting and that the driver had contacted the Assistant Licensing Manager during the previous afternoon to request a further adjournment to proceedings. Members concluded that a further adjournment was not required and that a decision could be made in the driver's absence.

Members subsequently heard that the driver had displayed conduct that was unbecoming of a taxi driver and demonstrated inappropriate behaviour towards Council Officers, which was supported by accounts in the report submitted to the Committee.

After careful consideration, the Members of the Committee did not consider the driver to be "fit and proper" and decided not to grant the driver a Private Hire Driver Licence. Members made this decision under section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

Members made this decision as they felt that the driver had displayed conduct that was unbecoming of a taxi driver.

**RESOLVED** – That the application for grant of a Private Hire Driver Licence be refused.

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## GENERAL LICENSING SUB COMMITTEE

Wednesday, 28 February 2024

**PRESENT** – Councillors Mrs Culley, Curry, Donoghue, Kane and K Nicholson.

**OFFICERS IN ATTENDANCE** – Amy Wennington (Principal Lawyer (Litigation)), Colin Dobson (Licensing Manager), Brian Murray (Assistant Licensing Manager), PC Alan Newcombe (Durham Constabulary), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

### **LGS29 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING**

**RESOLVED** - That Councillor K. Nicholson be elected Chair for the purpose of this meeting.

### **LGS30 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at this meeting.

### **LGS31 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part 1 of Schedule 12A to the Act.

### **LGS32 PRIVATE HIRE / HACKNEY CARRIAGE DRIVER LICENCE - APPLICATIONS FOR GRANT AND REVIEWS OF A HACKNEY CARRIAGE DRIVER LICENCE AND A PRIVATE HIRE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)**

The Group Director of Services submitted a report (previously circulated) to give consideration to three applications, namely the review of a Private Hire Driver Licence in light of new motoring convictions; the review of a Hackney Carriage Driver Licence in light of new motoring convictions; and a new application for a Private Hire Driver Licence in light of a previous conviction.

**Ref: 05/24**

To review a Private Hire Driver Licence in light of new motoring convictions.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Private Hire Driver Licence.

In reaching their decision, Members took into consideration the Council's guidance as to the Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to permit the driver to retain his Private Hire Driver Licence, however it was noted that Members were unimpressed by the lack of care and responsibility the driver had shown towards the general public by committing these offences and issued the driver with a warning about future conduct, and advised that any further offences of any kind would result in the driver's immediate return to the Sub-Committee for a further review of his Private Hire Driver Licence.

Members also required that the driver must successfully undertake the Safe and Considerate Driving Course, run by Hartlepool Borough Council, at the driver's own expense, within the next six months, and that written evidence of undertaking this course must be produced to the Licensing Section within this timeframe.

**RESOLVED** – That the driver be permitted to retain his Private Hire Driver Licence, however that:

- (a) the driver be issued with a warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received he would be referred immediately to the General Licensing Sub-Committee; and
- (b) the driver must successfully undertake the Safe and Considerate Driving Course, run by Hartlepool Borough Council, at the driver's own expense, within the next six months, and that written evidence of undertaking this course must be produced to the Licensing Section within this timeframe.

**Ref: 06/24**

To review of a Hackney Carriage Driver Licence in light of new motoring convictions.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision, Members took into consideration the Council's guidance as to the Relevance of Convictions, Cautions, Reprimands, Fixed Penalties, Warnings and Complaints in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; and Section 61 (1) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to permit the driver to retain his Hackney Carriage Driver Licence, however it was noted that Members were unimpressed by the lack of care and responsibility that the driver had shown towards the general public by committing these offences and issued the driver with a warning about future conduct, and advised that any further offences of any kind would result in the driver's immediate return to the Sub-Committee for a further review of his Hackney Carriage Driver Licence.

Members also required that the driver must successfully undertake the Safe and Considerate Driving Course, run by Hartlepool Borough Council, at the driver's own expense, within the next six months, and that written evidence of undertaking this course must be produced to the Licensing Section within this timeframe.

**RESOLVED** – That the driver be permitted to retain his Hackney Carriage Driver Licence, however that:

- (a) the driver be issued with a warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received he would be referred immediately to the General Licensing Sub-Committee; and
- (b) the driver must successfully undertake the Safe and Considerate Driving Course, run by Hartlepool Borough Council, at the driver's own expense, within the next six months, and that written evidence of undertaking this course must be produced to the Licensing Section within this timeframe.

**Ref: 07/24**

To give consideration to the grant of a Private Hire Drivers Licence application in light of a previous conviction.

Members were advised that the driver had been convicted of an offence of failing to provide a specimen for analysis (driving or attempting to drive) in July 2020, and informed of the driver's personal circumstances that contributed to this conviction. The driver attended the meeting and responded to Members questions in relation to the above, and to why he felt that he was a fit and proper person to hold a Private Hire Driver Licence.

After careful consideration, the Members of the Committee did consider the driver to be "fit and proper" and decided to grant the driver a Private Hire Driver Licence. Members made this decision under section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

In reaching this decision, Members acknowledged that they had stepped outside of their own policy, however believed that the driver had made a terrible decision following a very difficult and traumatic period of his life, and Members were keen to offer the opportunity to the driver to advance and improve himself.

Members did, however, issue a warning in relation to future conduct, and advised that should the driver commit any offences of any kind, or should the Licensing Section receive any complaints about his conduct, or reports of any incident involving the driver, then this would result in the driver's immediate return to the Sub-Committee for a further review of his Private Hire Driver Licence.

**RESOLVED** – (a) That the application for a Private Hire Driver Licence be granted; and

- (b) That the driver be warned that if any further convictions, cautions, warnings or reprimands were received he would be referred immediately to the General Licensing Sub-Committee.

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## GENERAL LICENSING SUB COMMITTEE

Wednesday, 15 May 2024

**PRESENT** – Councillors Curry, Donoghue, Kane, Lee and K Nicholson.

**OFFICERS IN ATTENDANCE** – Jim Langley (Principal Lawyer - Litigation), Brian Murray (Assistant Licensing Manager), Sgt C Dickenson (Durham Constabulary) and Paul Dalton (Democratic and Elections Officer).

### **LGS33 ELECTION OF CHAIR FOR THE PURPOSE OF THE MEETING**

**RESOLVED** - That Councillor K. Nicholson be elected Chair for the purpose of this meeting.

### **LGS34 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at this meeting.

### **LGS35 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part 1 of Schedule 12A to the Act.

### **LGS36 PRIVATE HIRE DRIVER LICENCE - REVIEW OF A PRIVATE HIRE DRIVER LICENCE (EXCLUSION PARAGRAPHS 1 AND 7)**

The Group Director of Services submitted a report (previously circulated) which invited Members to give consideration to a review of a Private Hire Driver Licence in light of information provided by Durham Constabulary.

**Ref: 08/24**

The driver attended the meeting, responded to Members questions in relation to the above, and was invited to address the Committee in response to the ongoing investigation, which included why he remained a fit and proper person to hold a Private Hire Driver Licence.

During the meeting, the Police Officer in attendance from Durham Constabulary advised the Committee that the driver had been arrested on 27<sup>th</sup> March 2024, for the offence of stalking, and that there was an active ongoing investigation. Members were advised that allegation of stalking spanned several months, that his role as a taxi driver featured in the investigation, and the attending Police Officer outlined the incidents and pattern of behaviour that formed the investigation.

The sub-Committee were advised that the driver had been placed on conditional bail until 27<sup>th</sup> June 2024, whilst charging advice was awaited from the Crown Prosecution Service.

In reaching their decision, Members took into consideration the Council's Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and

Endorseable Fixed Penalties in assessing whether an applicant is a fit and proper person; the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures; Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976; Section 52 of the Road Safety Act 2006; and Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

After careful consideration Members decided to revoke the driver's Private Hire Driver Licence as they did not consider the driver to be "fit and proper". The Members made this decision in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Although the driver had not been charged or convicted, the Committee felt the offence alleged was sufficiently serious enough to warrant a revocation, particularly as it is alleged that the driver used his taxi when perpetrating the offence, and given the nature of the offence, Members decided that they would not feel comfortable with members of their family being a passenger in the driver's taxi.

**RESOLVED** – That the Private Hire Driver Licence be revoked.



**GENERAL LICENSING COMMITTEE  
2 JULY 2024**

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**GAMBLING ACT 2005 POLICY REVIEW**

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**Purpose of the Report**

1. The purpose of this report is to invite Members to approve a draft Statement of Licensing Principles for the Gambling Act 2005 (Gambling Policy) to be released for consultation (**Appendix 1**).

**Background**

2. The Gambling Act 2005 requires licensing authorities to publish a Statement of Principles they propose to apply in exercising their functions under the Act every three years. Darlington's current Statement of Licensing Principles was published in January 2022 and as such, a new policy is due to be published in January 2025.
3. The role of the Gambling Commission and Local Authorities differ and these are highlighted in **Appendix 2**.
4. The Gambling Commission provides guidance to Licensing Authorities and this was last updated by them on the 11 April 2023 with formatting changes. Previous amendments to this guidance were published in April 2021, which were fully incorporated into the current Statement of Principles.
5. In April 2023 The Department for Culture, Media and Sport (DCMS) published its gambling white paper, which set out the government's plans for modernising the regulation of the gambling sector. A series of key proposals specifically relating to the land-based gambling sector were outlined in the white paper, including measures to adjust outdated regulatory restrictions applying to the sector.
6. From 26 July to 4 October 2023, DCMS conducted a public consultation on these measures. Following publication of this response, regulations will be laid before Parliament relating to casinos; amending the 80/20 rule for arcades and bingo halls; allowing direct use of debit cards on gaming machines; introducing an age-limit on certain types of Category D gaming machines; increasing the maximum cap that licensing authorities can charge
7. On 15 April 2024, the Gambling Commission issued a statement saying, "*given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for*

*you to incorporate changes within your own Statement. Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised Guidance to Local Authorities, which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.”*

8. Key stakeholders will be made aware of this policy review by direct contact and it will also be published on our website for the for public to make comment.
9. Following this formal consultation, the Statement of Licensing Principles will be returned to the Licensing Committee to consider any outcomes of the consultation before a final decision is made, which must be by full Council.

### **Recommendation**

10. Members are invited to approve the draft Licensing Principles for the Gambling Act document for public consultation.

**Dave Winstanley**  
**Group Director of Services**

### **Appendices**

- Appendix 1 – Draft statement of the Licensing Principles
- Appendix 2 – Functions of Gambling Commission and Licensing Authorities



# Statement of Principles

## Gambling Act 2005

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APPROVED BY COUNCIL: XXXX

IMPLEMENTATION: 1<sup>st</sup> January 2025 – 1<sup>st</sup> January 2028

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## Foreword

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# Forword by Chair of the Licensing Committee

To be prepared prior to publication

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## 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 25<sup>th</sup> November 2021. The Statement of Principles became effective from **1<sup>st</sup> January 2022**

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 guidance published on 1<sup>st</sup> April 2021 and last updated on the 11<sup>th</sup> April 2023.



## 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: "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 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 to local authorities that:

Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and 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 2020 FINDINGS

Updated data from the Gambling Commission survey will be provided prior to publication

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, the Gross Gambling Yield (amount retained by gambling operators after the payment of winnings) in Great Britain between April 2019 and March 2020 was £14.2bn. This was a 0.6% decrease from the previous year. Online Gross Gambling Yield was £5.7bn during the same period, an increase of 8.1% from the previous year. During this time the National Lottery has contributed £1.7bn to good causes.

Interest in remote and online gambling has risen in recent years, as reflected in the sector's Gross Gambling Yield, from £751m to approximately £5.7bn. Within four years, the number of new players registering online has quadrupled and now comprises 39.9% of the market.

Gambling participation in Great Britain is slightly higher among males and the prevalence of problem gamblers tends to be younger than 34.

Online gambling advertisements have been very common, with 42 percent of children aged 11 to 16 stating they notice these at least a few times within a month.

## 2.1 Problem Gambling Estimates

There are around 2 million adults who may be experiencing some level of harm from their gambling, including 340,000 people who are classified as problem gamblers in Great Britain, as found in the Gambling Behaviour in Great Britain report (2018). It is acknowledged that the most recent data suggests rates of problem gambling are static, at around 0.5% of the population.

## 2.2 Online Gambling Behaviour

The last few years have seen a dramatic shift in the ways in which people gamble. Industry statistics for April 2019 - March 2020 show that remote (or online) gambling is now the largest industry sector, generating a Gross Gambling Yield of £5.7bn and comprising c.40% of the overall market. In 2020, almost one in four adults (24%) had gambled online in the previous four weeks, compared to around one in six (17%) five years ago.

Covid-19 has had an enormous effect on the gambling industry, with wave upon wave of restrictions imposed on daily lives and land-based gambling opportunities have been significantly reduced. While we can't know for certain what the trends in online gambling behaviour would have been without Covid-19, research in the coming months will hopefully paint a clearer picture.

The most popular way to access online gambling in 2020 remained via mobile phone, particularly for younger people. While half of all online gamblers have done so on their smartphone, there is a clear age skew, with three-quarters of 18–34-year-old online gamblers using their smartphones to gamble compared to only 14% of those aged 65 and over. Data also shows that online gamblers aged 18-34 tend to use a wider range of different devices for gambling.

While mobile phones remain the dominant device for online gambling, laptops, PCs and tablets halted recent declines in 2020. Laptops are the second most common way of accessing online gambling, used by four in ten online gamblers. Their use for online gambling has been declining in recent years but stabilised in 2020, and they are the preferred route to online gambling for those aged 55 and over.

Smart TVs remain a 'niche' way to access online gambling (for now at least). Used to access gambling by just 3% of online gamblers, smart TV usage did show significant growth among younger people, with usage doubling between 2019 and 2020 among those aged 18-24 (from 5% to 10%) and 25-34 (from 4% to 8%).

Most online gambling is still done within the home, but one in five online gamblers have done so outside the home.

This 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**

#### **The local profile will be updated prior to publication**

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 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 licences. The Gambling Commission is responsible for the issue of Operating and Personal licences.

#### **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**  
**4<sup>th</sup> Floor**  
**Victoria Square House**  
**Victoria Square**  
**BIRMINGHAM**  
**B2 4BP**

**Website:** [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)  
**Email:** [info@gamblingcomission.gov.uk](mailto:info@gamblingcomission.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 (Online) 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 Licences 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 people 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 people.

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 people (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
- Darlington Safeguarding Partnership\*\*\*
- 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 Safeguarding Partnership 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 within the Better Regulation Executive (BRE) in its consideration of the regulatory functions of local authorities. We will continue to work closely with our colleagues in Durham Constabulary.

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

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.

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 Gambling 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 premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed 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.

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 that 'in-house' door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA) however, where contract staff are employed as door supervisors at these premises, such staff will need to be licensed by the SIA.

## **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 Gambling Commission Guidance 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 SR provision is supplemented by an ordinary code provision indicating that licensees should 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. Both provisions took effect from April 2016.
- 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.
- 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 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 April 2019)	Maximum prize (from Jan 2014)
A	Unlimited - <i>No category A gaming machines are currently permitted</i>	Unlimited - <i>No category A gaming machines are currently permitted</i>
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D - non-money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10p	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	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
- Awareness of vulnerability issues around children, such as 'county lines'

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.

It is recognised that the industry operates a 'Think 21' age verification standard

### 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 Licences.

## **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.
- Have an awareness of wider vulnerability issues such as 'county lines' and demonstrate they have received relevant up to date training.

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 who 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 starting January 1<sup>st</sup>, 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. DARLINGTON SAFEGUARDING PARTNERSHIP**

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 17<sup>th</sup> August and 19<sup>th</sup> September 2021 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
- Betting and Gaming Council
- PCC
- North East Strategic Licensing Group (NESLG)
- Citizens Advice
- Gamble Aware
- Ladbrokes Coral Group
- William Hill
- Betfred
- The Industry Betting Arbitration Service (IBAS)
- Responsibility in Gambling Trust (RIGT)
- 'We are with you'
- British Beer and Pub Association
- Gamcare
- 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
- Pubwatch

Pub companies including:

- Cameron's
- Wetherspoons
- Punch Tavern
- Stonegate

Licensing Solicitors

- Sintons
- Gosschalks
- Poppleston Allen

**Glossary**

<u>Term</u>	<u>Description</u>
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	<p>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:</p> <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></ul>

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

## Lottery

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).

## Mandatory condition

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.

## Money prize machine

A machine in respect of which every prize which can be won as a result of using the machine is a money prize.

## Non-money prize machine

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:

- (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
- (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.

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.

## Support

National Gambling Helpline is 0808 8020 133 and also [www.begambleaware.org](http://www.begambleaware.org)

Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.

If English is not your first language and you would like more information about this document, or if you require information in large print or Braille or tape, please contact (01325) 388351.

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### **Main functions of the Commission**

For the purposes of this guidance, the Commission has the following principle statutory functions:

- issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions, and ensuring that holders of licences adhere to their terms
- publishing codes of practice
- publishing statutory guidance to licensing authorities.

The Commission also has a duty to advise the Secretary of State on gambling and its regulation. To ensure that the Commission is well placed to provide such advice, it monitors developments in gambling in Great Britain and in other jurisdictions. It works closely with a range of regulatory partners, including licensing authorities, the Advertising Standards Authority, the Information Commissioner's Office, Ofcom, and with stakeholders including the industry itself, faith and community groups, those with lived experience of gambling harm, government departments and bodies working in the field of gambling research.

### **Functions of Licensing Authorities**

Licensing authorities (as defined in s.2 of the Act) are responsible for local gambling regulation and the Act gives them responsibility for a number of regulatory functions in relation to gambling activities. These include:

- issuing a statement of licensing policy (policy statement) setting expectations about how gambling will be regulated in the area
- responsibility for licensing gambling premises
- the issue of permits to family entertainment centres (FEC) for the use of certain lower stake gaming machines
- granting permits for prize gaming
- registering society lotteries that fall below certain thresholds
- regulating members' clubs and miners' welfare institutes which undertake certain gaming activities
- setting and collecting fees.

The Act also provides a system of temporary and occasional use notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling, for limited periods.

In exercising their statutory functions, licensing authorities have a broad discretion in regulating the local provision of gambling through the wide ranging powers at their disposal, including:

- issuing a statement of licensing policy, setting expectations about how gambling will be regulated in a particular area
- granting, refusing and attaching conditions to premises licences
- reviewing premises licences and attaching conditions or revoking them as a result.