



Alcohol & Gambling Licensing Committee

A meeting of the Alcohol & Gambling Licensing Committee will be held in The Jeffrey Room at The Guildhall, Northampton, NN1 1DE on Wednesday 20 April 2022 at 7.00 pm

Agenda

1.	Apologies for Absence and Notification of Substitute Members
2.	Declarations of Interest Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	Chair's Announcements To receive communications from the Chair.
4.	Urgent Business The Chair to advise whether they have agreed to any items of urgent business be admitted to the agenda.
5.	Draft Statement of Licensing Principles Policy under the Gambling Act 2005 (Pages 5 - 50) The Committee to consider and approve a draft West Northamptonshire Council Statement of Gambling Licensing Principles Policy, as set out at Appendix A, for a statutory and public consultation exercise as required by section 349 of the Gambling Act 2005 ("the Act").

Catherine Whitehead
Proper Officer
8 April 2022

Alcohol & Gambling Licensing Committee Members:

Councillor Andrew Kilbride (Chair)

Councillor Sally Beardsworth

Councillor Maggie Clubley

Councillor Gareth Eales

Councillor Cheryl Hawes

Councillor Mark Hughes

Councillor Brian Sargeant

Councillor Winston Strachan

Councillor Mike Warren (Vice-Chair)

Councillor Alan Chantler

Councillor Janice Duffy

Councillor Terry Gilford

Councillor Keith Holland-Delamere

Councillor Jake Roberts

Councillor Richard Solesbury-Timms

Information about this Agenda

Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to democraticservices@westnorthants.gov.uk prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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Queries Regarding this Agenda

If you have any queries about this agenda please contact Richard Woods / Maisie McInnes, Democratic Services via the following:

Tel: 01327 322045

Email: democraticservices@westnorthants.gov.uk

Or by writing to:

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One Angel Square
Angel Street
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WEST NORTHAMPTONSHIRE COUNCIL
Alcohol and Gambling Licensing Committee
20th April 2022

Report Title	Draft Statement of Licensing Principles Policy under the Gambling Act 2005
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Report Author	Louise Faulkner Environmental Health & Licensing Manager Louise.Faulkner@westnorthants.gov.uk
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Contributors/Checkers/Approvers

Solicitor	James Chadwick	14th March 2022
MO	Sameera Khan	11th April 2022
Senior Finance Officer	Antony Russell	1st April 2022

List of Appendices

Appendix A – Draft Gambling Act 2005 Statement of Licensing Principles Policy

1. Purpose of Report

To approve a draft West Northamptonshire Council Statement of Gambling Licensing Principles Policy, as set out at **Appendix A**, for a statutory and public consultation exercise as required by section 349 of the Gambling Act 2005 (“the Act”).

2. Executive Summary

- 2.1 West Northamptonshire Council is a Licensing Authority for the purposes of the Act and as such is responsible for issuing premises licences for premises where

gambling activities are proposed to take place within its area. Examples of such premises are betting shops, bingo halls and entertainment / gaming centres.

- 2.2 Licensing Authorities are also responsible for issuing permits for gaming machines, notices for one off gambling events and for registering societies who wish to carry out small scale lotteries, and for ensuring local compliance and enforcement of the Act.
- 2.3 The Gambling Commission is responsible for licensing operators and individuals involved in the provision of gambling activities, including online and remote facilities.
- 2.4 Under section 349 of the Act and the Gambling Act (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ("the Policy Statement Regulations"), a Licensing Authority is required to prepare and publish a three-year statement of its gambling licensing principles, or Statement of Gambling Licensing Principles Policy ("the Policy"), which sets out its approach to the consideration and determination of applications made under the Act and any subsequent necessary compliance and enforcement action.

3. Recommendations

- 3.1 That the Committee resolves to approve the draft West Northamptonshire Council Policy at **Appendix A** for statutory and public consultation (see resolution at paragraph 6.3 below) and
- 3.2 That the Committee resolves to make a recommendation to full Council that it does not make a "No Casino" resolution for inclusion within the final Policy (see resolution at paragraph 6.7 below).

4. Reason for Recommendations

- 4.1 The Council's licensing service is currently operating under three separate legacy Gambling Statement of Licensing Principles Policies, each made by the three former district councils that now make up the Council. These legacy policies remain lawful and in force until such time as the Council publishes its own Policy, as required by section 349 of the Act.

5. Report Background

- 5.1 Statements of Gambling Licensing Principles Policies made under the Act must be reviewed by Licensing Authorities at least every three years and either renewed or a new Policy published, following a statutory consultation exercise with the following statutory consultees;

- a) the chief officer of police for Licensing Authority's area,
 - b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
 - c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 5.2 In preparing their Policy, the Licensing Authority must have regard to the current Guidance for Licensing Authorities issued by the Gambling Commission, along with any relevant Codes of Practice, the licensing objectives and any consultation responses.
- 5.3 The Act and the Policy Statement Regulations are prescriptive in terms of the form and the information to be provided within Licensing Authority policies, resulting in noticeable similarities between these policies across the country and limited local influence over what may be included within them.
- 5.4 Section 153 of the Act states that Licensing Authorities "shall aim to permit" gambling activities through the licensing of gambling premises, insofar as they consider the proposed activity to be in accordance with any relevant Code of Practice and any relevant guidance issued by the Gambling Commission, as well as with the Licensing Authority's Statement of Licensing Principles Policy. Any gambling activity should also be 'reasonably consistent' with the licensing objectives, which 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 and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.5 However, this framework does not result in a presumption that premises licenses will be granted and any which are will subject to mandatory conditions and the Codes of Practice issued by the Gambling Commission. Additional non-mandatory conditions can also be imposed on premises licences at a hearing where is it considered necessary.
- 5.6 Gambling activities which are carried out in licensed premises such as betting shops are generally considered by the Gambling Commission guidance to be safer for the user in terms of the control mechanisms in place to mitigate addictive or compulsive gambling behaviour because of the highly regulated nature of the environment. Users also have the ability to take advantage of self-exclusion schemes and signposting is available for treatment options for problem gamblers.

- 5.7 In terms of protecting children and other vulnerable persons from being harmed or exploited from gambling, the draft Policy clearly sets out, at Part B section 1.25, the Licensing Authority's expectations in relation to the measures it expects operators to take in order to ensure compliance with this objective. Control measures are suggested which operators can consider for inclusion within their local risk assessments depending on the local circumstances of the premises.
- 5.8 Should concerns arise, premises licences can be reviewed upon receipt of an acceptable review application, which can be made by any responsible authority or interested party. The Licensing Authority may also request a review of a premises licence where it considers it to be appropriate. It should be noted that applications cannot be refused or licences revoked on the grounds of either business need or because of moral objections to gambling generally.
- 5.9 The Act states that a resolution to publish a Policy must be made by the full Council. It cannot be the subject of a Licensing Committee resolution or Cabinet.
- 5.10 **Risk Assessments and Local Area Profiles**
- 5.11 The Gambling Commission Licence Conditions and Codes of Practice (LCCP) require 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 to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, premises licensees must take into account relevant matters identified in the Licensing Authority's Policy.
- 5.12 Applicants must carry out a local risk assessment when applying for a new premises licence and existing operators are required to review and update risk assessments when applying for a variation of their licence or when there are any changes in the local area which may affect the provision of gambling activities.
- 5.13 The Gambling Commission Guidance for Local Authorities states that there is no mandatory requirement for local authorities to produce a Local Area Profile (LAP), but there are a number of benefits in doing so. A Local Area Profile:
- enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it,
 - provides greater clarity for operators as to the relevant factors in licensing authority decision making, which will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application,

- enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge and
 - encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.
- 5.14 There is currently no gambling LAP for West Northamptonshire Council, however engagement with relevant partners will be undertaken to include this information in future policy reviews.
- 5.15 It is proposed that the outline guidance on factors to be considered in the local risk assessments are:
- The location of services for children such as schools, playgrounds, leisure/ community centres and other areas where children will gather,
 - The vicinity of the premises to gambling or addiction support or treatment centres where children or vulnerable groups may be present,
 - Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, service tills, refreshment and entertainment type facilities,
 - The demographics of the area in relation to vulnerable groups,
 - Whether the premises are in an area subject to high levels of crime and / or disorder,
 - Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected and
 - Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

Casinos

- 5.16 Section 7(1) of the 2005 Act states that a casino is “*an arrangement whereby people are given an opportunity to participate in one or more casino games*”. Casino games are defined by the 2005 Act to mean games of chance which are not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.
- 5.17 When the Gambling Act 2005 was implemented in September 2007 it was possible for local authorities to submit a bid to the Gambling Commission for the opportunity to obtain a non-remote casino operating licence within their

area. The regulations permitted operating licences for one regional casino, 8 large casinos and 8 small casinos within the United Kingdom. All of the licences for large and small casinos were awarded, although not all of the planned casinos were subsequently built. The plans for a regional casino in Manchester were scrapped by the government in 2008. There is currently no provision legally to grant any further casino non-remote operating licences due to the quota limits on the overall number of operating licenses having been reached, although this situation may change in the future.

- 5.18 Licensing Authorities have the power under section 166 of the Act to resolve not to issue premises licences for casinos anywhere in their area, which is known as a "No Casino" resolution. This resolution does not necessarily have to be made when an Licensing Authority makes a new or revised Policy. However, a "No Casino" resolution can only be made at a full meeting of the Council, rather than at the Alcohol and Gambling Licensing Committee or Cabinet. If made, it would form part of the Policy itself.
- 5.19 A "No Casino" resolution would only prevent the creation of new casinos. It would not have any effect on casino premises licences issued before the resolution takes effect or on provisional statements issued before that date. Similarly a resolution will not affect the ability of existing casinos with preserved entitlements from the Gaming Act 1968 ("grandfather rights") from continuing to operate as casinos.
- 5.20 In relation to the legacy district councils, Northampton Borough Council decided not to make a "No Casino" resolution. There are a total of four premises licences issued for existing casinos in Northampton, each of which were automatically converted by grandfather rights to have effect under the 2005 Act. However, South Northants and Daventry District Councils each passed a "No Casino" resolution and these are currently still in force in the former district areas, along with the legacy council Policies themselves, and will remain so until West Northamptonshire Council publishes its own Policy.
- 5.21 As set out at paragraph 5.16 above, it is not currently legally possible for the Gambling Commission to grant any casino operating licences due to the lack of quota availability. Were this situation to change and an application submitted to the Council for a premises license in due course, the grant of such a licence could provide significant economic and employment benefits to the local area. The requirements within the Act, the relevant Codes of Practice and planning controls provide safeguards so as to ensure that any such premises would be properly operated and would not cause a detrimental impact on the surrounding area.
- 5.22 Should any future premises license applications be possible, where any relevant representations are received or where Licensing Officers propose to exclude a standard condition or add a non-standard condition, they would have to be determined by an Alcohol and Gambling Licensing Sub-Committee. This is in accordance with the Alcohol and Gambling Committee terms of reference as set

out at paragraph 4.2 of the West Northamptonshire Council Constitution. This would give the Committee the opportunity to scrutinise in detail any application and to ensure that it was satisfied with the proposals set out and the mitigation measures proposed prior to the grant of any premises licence.

- 5.23 Given this robust approach, it is suggested that a "No Casino" resolution would not currently be advisable for the West Northamptonshire Council Licensing Authority area and the most appropriate option is not to recommend to full Council that it make a "No Casino" resolution.
- 5.24 If a "No Casino" resolution were to be made at full Council, this would not affect existing casino premises licences, but would apply only to any new application for a premises license. If a resolution is passed it would have effect only for a period of three years, following which it would lapse and a new resolution would be required. If made, a resolution may be revoked at any time by further resolution of the full Council. If no resolution is made for inclusion in the draft Policy, that would not prevent full Council from considering whether to do so in the future.

6. **Issues and Choices**

- 6.1 The choices available to the Committee regarding the draft Policy at **Appendix A** are as follows;
- A. To approve the draft Policy for statutory consultation in accordance with section 349 of the Act (see paragraph 5.1 above). **This is recommended.** As a Licensing Authority, the Council is legally required to review and publish a Policy as part of its functions under Act 2005. The three year periods in which the legacy council policies will soon expire. If the Council fails to complete a review and publish its own Policy, it will be in breach of its legal obligations and may be subject to judicial review proceedings in the High Court by any aggrieved person.
 - B. To specify amendments to the draft Policy before the statutory consultation process can begin in accordance with section 349 of the Act. **This is not recommended** as the content of the Policy must comply with the requirements of the Policy Statement Regulations, which Members of the Committee may be unfamiliar with.
 - C. To reject the draft Policy at **Appendix A. This is not recommended.** The reason for this is the same as set out at choice A above.
- 6.2 A "No Casino" resolution under Section 166 of the Act may only be made by the full West Northamptonshire Council and cannot be lawfully delegated to the Committee. The choices available to the Committee regarding a "No Casino" resolution are as follows;

- D. To make a resolution to recommend to the full Council that it not make a “No Casino” resolution for inclusion within the final Policy. **This is recommended.** See paragraphs 5.21 to 5.23 above.
- E. To not make a decision at this time regarding a “No Casino” recommendation to full Council. **This is not recommended.** Also see paragraphs 5.21 to 5.23 above. However, the Committee will have to make a decision when it considers the final draft Policy for recommendation to full Council following the conclusion of the consultation exercise.

Implications (including financial implications)

7. Resources and Financial

- 7.1 The issuing of relevant licenses would generate income revenue, subject to certain limitations in relation to the level at which such fees can be set. Otherwise there are no resource implications.

8. Legal

- 8.1 Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.
- 8.2 The Policy Statement Regulations require a statement of gambling licensing policy to include certain information. The draft Policy at Appendix A includes that proscribed information.
- 8.3 Section 175 (2) of the Act sets out that no more than 8 “large” casino premises licenses may have effect at any time and section 175 (3) sets out the same with regard to “small” casino premises licenses. This does not include converted casino premises licenses. Section 175 (1) in respect of “regional” casino premises licenses is not currently in force, so no such licenses may be granted.
- 8.4 However, only those licensing authorities named in the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 may currently award either “large” or “small” casino premises licenses. West Northamptonshire Council is not named as one of those authorities and neither are Daventry District Council, Northampton Borough Council or South Northants District Council. As a result, West Northamptonshire Council is not currently able to consider applications for casino premises licenses unless the 2008 Order is amended by Parliament. However, the Council must still comply with the requirement to publish a three year statement of gambling licensing policy as required by section 349 of the Act.

- 8.5 Section 154 of the Act states that a licensing authority may not delegate the decision to resolve to publish its Policy in accordance with section 349 of the Act nor make a 'No Casino' resolution under section 166. Accordingly, only the full West Northamptonshire Council may lawfully decide whether to make a resolution in respect of either decision and not the Alcohol and Gambling Licensing Committee.
- 8.4 However, as the statutory committee responsible for the discharge of the Council's gambling licensing functions under the Act, the Committee is able to approve a draft Policy, consult upon that draft in accordance with section 349 of the Act and recommend to the full Council that it make a resolution to publish it as the West Northamptonshire Council Policy for the period 2022 to 2025, in accordance with that section and the publicity provisions of the Policy Statement Regulations.
- 8.5 As regards a "No Casino" resolution, at present the Council is not currently able to lawfully grant any new casino premises licences as set out above. However, a number of licenses automatically continue to have effect having been granted under previous gambling legislation. New legislation amending the current casino quota numbers would be required in order for the Council to consider granting new casino premises licences. Despite this, it would be still be necessary to have clear and strong reasons to pass a lawful "No Casino" resolution. There is no legal provision preventing consideration of a resolution were new legislation concerning quota numbers to be introduced in the future.

9. **Risk**

- 9.1 As a result of the ages of the three legacy council Policies, failing to publish a West Northamptonshire Council Policy for the period 2022 to 2025 would be unlawful and would leave the Council open to legal challenge by way of judicial review in the High Court.
- 9.2 It is highly likely that the outcome of such a challenge would be that the Council would be ordered to comply with section 349 of the Act and publish a Policy. It is also likely that, in the event that such an order is made, the Council would be required to pay most of, if not all, of the legal costs of the entire judicial review process.
- 9.3 As a result, the Committee is recommended to approve the draft at Appendix A for consultation in accordance with the requirements of section 349 of the Act.

Comments added and checked by James Chadwick, Senior Licensing and Litigation Solicitor.

10 **Consultation**

- 10.1 If the draft Policy is approved for consultation, Officers propose to carry out a non-statutory public consultation regarding the Policy for a period of 6 weeks,

in addition to the statutory consultation process. A further report with details of all consultation responses and any consequent proposed amendments to the draft Policy will be presented to the Committee in due course.

10.2 The following time scales are proposed;

- 6-week public consultation period and statutory consultation commence– TBC
- Result of consultations reported to the Committee with a view to resolving a recommended final draft Policy to full Council – TBC
- Final draft Policy recommended to full Council for publication – TBC

11 Climate Impact

11.1 There are no climate impact implications arising from this report or from the statutory gambling licensing regime in general.

12 Community Impact

12.1 There are no identified distinct community impacts arising from the approval of a draft Policy to undergo consultation. Responses to the consultation process may include detail about any current or potential impacts in specific parts of the Council's area. These will be addressed within the further report to the Committee following the conclusion of the consultation process.

13 Communications

13.1 A consultation will be carried out in accordance with the statutory requirements.

14 Background Papers

14.1 Gambling Commissions Guidance for Local Authorities
<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

14.2 Gambling Commission Local Authority Bulletin
<http://www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-January-2018.pdf>

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**West
Northamptonshire
Council**

**West Northamptonshire Council
Gambling Act 2005
Policy Statement**

This Statement of Principles was adopted by West Northamptonshire Council at its Council meeting on the xxxxxx

Revisions

Version	Date	Author
V.1	4 th January 2022	Louise Faulkner

**West Northamptonshire Council Statement of Principles
Gambling Act 2005**

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PART A

1. The Licensing Objectives

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

2. Introduction

- 2.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.
- 2.2 The Council consulted widely upon this statement before finalising and publishing it. A list of Northamptonshire local authorities and their partners is provided in Annex 1. A list of the persons/organisations that we consulted is provided in Annex 2. The statement applies to the whole of West Northamptonshire Council and a plan and description of the area covered is provided at annex 3.
- 2.3 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;

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

2.4 Our consultation took place between **[Insert consultation period dates]** and we followed the [Cabinet Office Consultation principles \(published 2018\)](#)

The full list of comments made and consideration given is available by request from the relevant contacts detailed in Annex 1.

2.5 The policy was approved at a meeting of the Full Council on **[Insert date]** and was subsequently published on our website.

2.6 Should you have any comments about this policy statement, please send them by email to the relevant contacts specified in Annex 1.

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

3. Declaration

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

4. Responsible Authorities

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

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

4.2 This authority designates the Northamptonshire Safeguarding Children Board for this purpose.

4.3 The contact details of all the Responsible Authorities under the Gambling Act

2005 are available via the Council's website, please see Annex 1.

5. Interested Parties

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

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

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) Has business interests that might be affected by the authorised activities, or
- c) Represents persons who satisfy paragraph (a) or (b)"

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

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

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

5.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the relevant licensing team as specified in Annex 1.

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 and the General Data Protection Regulation will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- the licensing objectives

- relevant codes of practice
 - guidance issued by the Gambling Commission
 - the principles set out in this statement of principles.
- 7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission, the Primary Authority (if applicable) and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.7 This licensing authority also keeps itself informed of developments as regards the work of the Department for Business, Energy & Industrial Strategy in its consideration of the regulatory functions of local authorities.
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing team (see Annex 1 for relevant contact details).

8. Licensing authority functions

8.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- issue Provisional Statements
- regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue Club Machine Permits to Commercial Clubs
- grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register *small society lotteries* below prescribed thresholds
- issue Prize Gaming Permits

- receive and Endorse *Temporary Use Notices*
- receive Occasional Use Notices
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that licensing authorities are not be involved in licensing remote gambling as this is regulated by the Gambling Commission via operating licences.

PART B: PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

1.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as 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 it is believed to be appropriate.

(i) Decision-making

1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks 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; and
- in accordance with the authority's statement of licensing policy.

1.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (with the exception of the casino resolution powers).

1.4 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licenses.

1.5 In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity:

- the offer of established core products (including live event pictures and bet range)
- the provision of information on products and events
- the promotion of gambling opportunities and products
- the actual use made of betting facilities
- the size of premises
- the delivery of betting facilities

(ii) Definition of "premises"

- 1.6 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 1.7 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
 - entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
 - customers should be able to participate in the activity named on the premises licence.
- 1.8 Social responsibility code 10.1.1 requires licensees to assess the local risks to licensing objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate those risks.
- 1.9 West Northamptonshire has a population of 405,000 with 174,260 households. The area is mixture of urban and rural areas with Northampton being the largest urban town and with the three smaller towns of; Daventry, Towcester and Brackley. At the last census the % of the population living in Northampton was approximately 55%, 15 % living in Daventry, 5 % Towcester, and 5 % Brackley, with the rest living across villages and rural settlements.

West Northamptonshire Council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure / community centres and other areas where children will gather.
- the vicinity of the premises to gambling or addiction support or treatment centres where children or vulnerable groups may be present.
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, service tills, refreshment and entertainment type facilities.
- the demographics of the area in relation to vulnerable groups.
- whether the premises are in an area subject to high levels of crime and / or disorder.
- local risk assessments should show how vulnerable people, including people with gambling dependencies are protected including the use of Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

The Licensing Authority expects a current copy of the Local Risk Assessment to be kept at the licensed premises.

1.10 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include whether:

- the premises have a separate registration for business rates;
- the premises' neighbouring premises are owned by the same person or someone else?
- the premises can be accessed from the street or a public passageway?
- the premises can only be accessed from any other gambling premises?

111 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

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

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

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

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

1.12 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.

(iii) Premises "ready for gambling"

1.13 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future,

consistent with the scale of building or alterations required before the premises are brought into use.

- 1.14 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 1.15 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
- first, whether the premises ought to be permitted to be used for gambling;
 - second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.16 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 1.17 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

(iv) Location

- 1.18 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

- 1.19 This authority will not take into account irrelevant matters as per the Gambling Commission guidance.

(vi) Duplication with other regulatory regimes

- 1.20 This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning

permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

- 1.21 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.22 Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

- 1.23 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.
- 1.24 Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document.
- 1.25 Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may

include;

- Supervision of entrances / machines
- Segregation of areas etc.
- Use of refusal logs to record failed proof of age ID checks
- Conspicuous signage advertising proof of age policy
- Use of till prompts to remind staff to implement proof of age policy
- Leaflets offering assistance to problem gamblers prominently displayed on the premises
- Notices displayed on the premises, in appropriate languages, to signpost support services for problem gamblers
- Documented staff training, with regular refresher training, with a focus on identifying vulnerable persons and implementing appropriate strategies for action where necessary
- Maintaining records of customer interactions where staff have concerns that a customer's behaviour may indicate problem gambling
- Regular staff meetings to discuss and identify local vulnerability issues
- Robust implementation of self-exclusion schemes, supported with signposting to appropriate sources of support and advice e.g. GamCare and Gamblers Anonymous
- Records to be maintained of self-exclusions schemes
- Rules being available in relation to the acceptance of bets, void bets, late bets and maximum pay-outs
- Written procedures in place and available in relation to handling customer complaints and the resolution of disputes and the arrangements for referring disputes to an identified independent person or body offering alternative dispute resolution services
- Windows and entrance displays designed so as not to entice passers-by
- Designing the layout, lighting and fitting out of the premises so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling
- Promotional material associated with the premises will be designed not to encourage the use of the premises by children or young people if they are not legally allowed to do so
- Regular liaison with local support services to identify emerging trends and existing issues in respect of vulnerability
- Avoidance of incentives to enter or loiter within shops, for example by not offering free food and drink or prohibiting customers from bringing their own refreshments
- Active participation and support for local forums that support the licensing objectives
- Avoidance of loan working, particularly in high risk areas
- Positioning gaming machines so they are not visible to passers-by
- Daily staff diaries to record any issues of concern observed by staff or actions taken
- The provision of SIA registered door supervisors
- The use of floor walkers to interact with customers
- Monitoring outside areas for signs of customer vulnerability for example

alcohol and drug use, signs of homelessness, begging, children congregating outside or children of customers left outside unsupervised
Effective staff support systems

- Prohibition of ATMs on the premises

1.26 This list is not by no means exhaustive and is provided as a guide. Operators and applicants should also be aware that there are extensive conditions attached to operating and personal licences issued by the Gambling Commission, along with additional mandatory conditions imposed by the Act on gambling facilities and activities.

1.27 In circumstances where the Licensing Authority considers that the risk of harm or exploitation to children and other vulnerable persons cannot be sufficiently mitigated by either the proposed control measures or additional conditions, an application may be refused, or licence revoked in the case of a review application.

1.28 For multi-occupied premises, consideration should also be given to the arrangements for controlling access to children and the compatibility of the activities of the occupants. In many cases separate and identifiable entrances may be required so that people do not drift inadvertently into a gambling area.

1.29 Children are not permitted to use Category C or above machines and in premises where these machines are available and children are permitted on the premises, the Licensing Authority will generally require:

- All Category C and above machines to be located in an area of the premises which is separated from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance
- adults only to be admitted to the area where these machines are located
- adequate supervised access to the area where the machines are located
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder 19
- prominent notices displayed at the entrance to, and inside, any such

1.30 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

1.31 Conditions

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

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

- reasonable in all other respects.
- 1.32 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to a way in which the licensing objectives can be met effectively.
- 1.33 This licensing authority will also consider specific measures which may be required for buildings which 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.
- 1.34 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

- 1.35 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.36 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

1.37 Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

- 1.38 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

2. Adult Gaming Centres

- 2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 2.2 This licensing authority may consider measures to meet the licensing objectives such as:
- proof of age schemes
 - CCTV
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours
 - self-exclusion schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres

- 3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 3.2 This licensing authority may consider measures to meet the licensing objectives such as:
- CCTV
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours
 - self-exclusion schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare.
 - measures / training for staff on how to deal with suspected truant school children on the premises

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

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

4. Casinos

- 4.1 The 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 the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision would be made by the Full Council. It should also be noted that there is currently no power within the Act to issue casino licences.

5. Bingo premises

- 5.1 This licensing authority will satisfy itself that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those

excluded areas.

- 5.2 This authority also notes the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted.

6. Betting premises

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

7. Tracks

- 7.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per 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) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes

- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 7.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 7.5 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

- 7.6 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.
- 7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 7.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 7.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 7.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take

place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling fairs

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

9. Provisional statements

- 9.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
 - expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

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

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

10.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

10.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

- 10.4 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.
- 10.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are to:
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 10.7 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.
- 10.8 In particular, the licensing authority 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.
- 10.9 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

PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

1. Unlicensed family entertainment centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 1.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

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

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

Automatic entitlement: 2 machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.
- 2.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

Permit: 3 or more machines

- 2.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"
- 2.4 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 will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.
- 2.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize gaming permits

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

4. Club gaming and Club Machines Permits

- 4.1 Members clubs and miners’ welfare institutes (but not commercial clubs) may apply for a club gaming permit. The permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.
- 4.2 Members clubs and miner’s welfare institutes – and also commercial clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB commercial clubs may not site category B3A gaming machines offering lottery games in their club.
- 4.3 The club must be conducted ‘wholly or mainly’ for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

- 4.4 Licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.5 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.
- 4.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary use notices

- 5.1 Temporary use notices 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, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as

including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

- 5.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional use notices (OUNs)

- 6.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

7. Small society lotteries

- 7.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
 - submission of incomplete or incorrect returns;
 - breaches of the limits for small society lotteries.
- 7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting, athletic or cultural activities.
- 7.3 Charities and community groups should contact the relevant licensing authority using the contact details in Annex 1.

PART D: ANNEXES

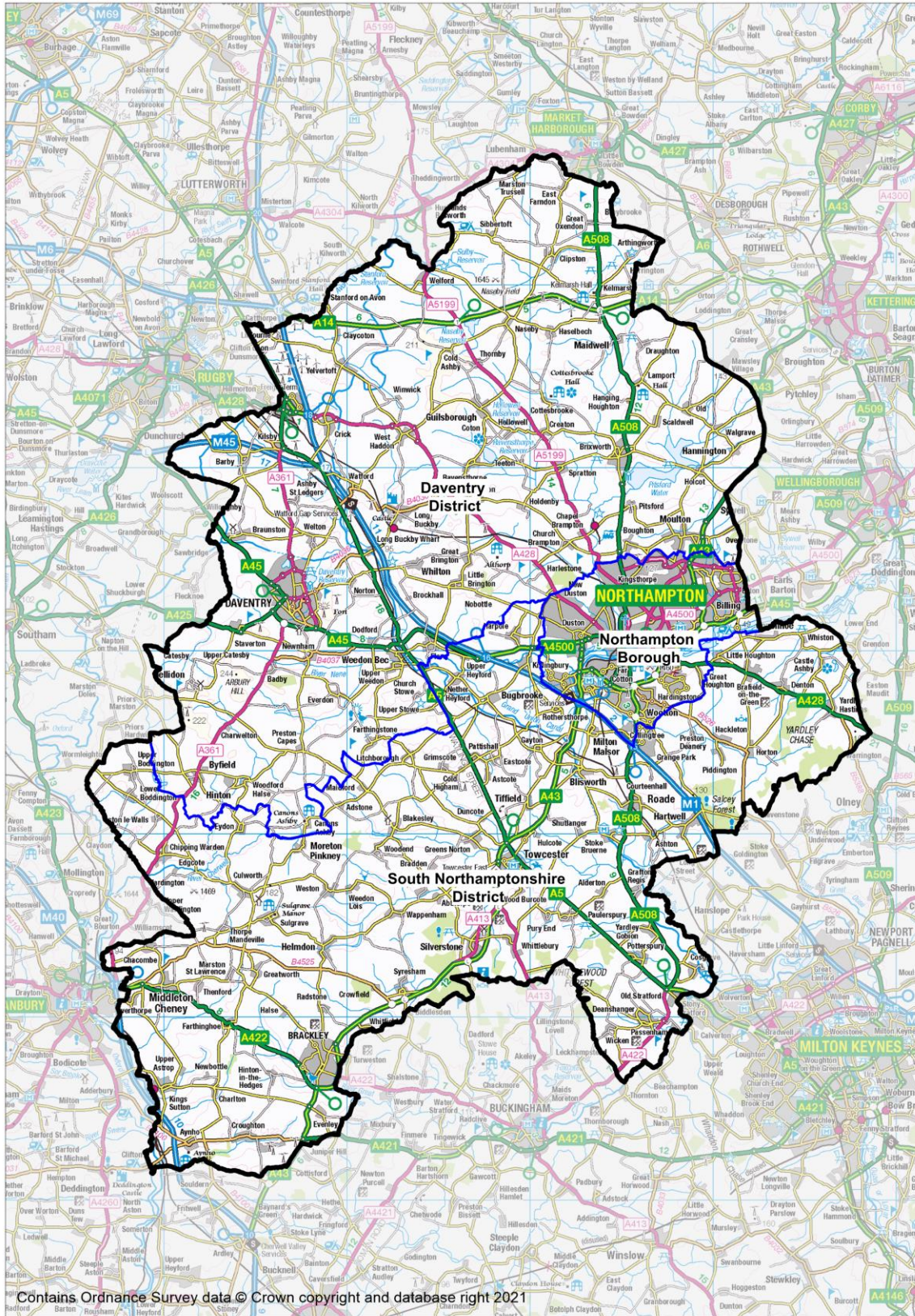
Annex 1: List of Local Authorities and other Partners

- West Northamptonshire Council, The Guildhall, St Giles Square, Northampton, NN1 1DE
Tel: 0300 126 7000 Website: www.westnorthants.gov.uk
- North Northamptonshire Council, Deene House, New Post Office Square, Corby, NN17 1GD
Tel: 0300 126 3000 Website: www.northnorthants.gov.uk
- Northamptonshire Safeguarding, One Angel Square, Angel Street, Northampton, NN1 1ED
Tel: 01604 365681 Website: www.northamptonshiresab.org.uk
- H M Revenue & Customs, St James House, Mansfield Road, Derby, DE1 3TU
Website: www.hmrc.gov.uk
- Northampton Fire & Rescue Service, Service Headquarters, Darby House, Darby Close, Park Farm Industrial Estate, Wellingborough, NN8 6GS
Tel: 01604 797000 Email: fireprotection@northantsfire.gov.uk
- Northamptonshire Police Northamptonshire West Area, Western Area Commander, Campbell Square, The Mounts, Northampton, NN1 3EL
Tel: 08453 700700
- Northamptonshire Police Northamptonshire North Area, Northern Area Commander, Corby Police Station, Elizabeth Street, Corby, NN7 1SH
Tel: 08453 700700

Annex 2: List of Consultees on the Statement of Principles update list of consultees

- Chief Constable of Northamptonshire Police, Wootton Hall, Northampton, NN4 0JQ
- British Beer and Pub Association, Ground Floor, 61 Queen Street, London, EC4R 1EB
- Bingo Association, Lexham House, 75 High Street North, Dunstable, Bedfordshire, LU6 1JF
- West Northamptonshire Council, Trading Standards Service, The Guildhall, St Giles Square, Northampton, NN1 1DE
- North Northamptonshire Council, Trading Standards Service, Deene House, New Post Office Square, Corby, NN17 1GD
- Casino Operators Association, P O Box 55, Thorncombe, Chard, Somerset, TA20 4YT
- Her Majesty's Revenue & Customs, Holland House, 20 Oxford Road, Bournemouth, BH8 8DZ
- Internet Gambling Gaming and Betting Association, Regency House, 1-4 Warwick Street, London, W1B 5LT
- Responsibility in Gambling Trust, First Floor, Downstream Building, 1 London Bridge, London, SE1 9BG
- Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP
- GamCare 1st Floor, 91-94 Saffron Hill, London, EC1N 8QP
- British Casino Association, 38 Grosvenor Gardens, London, SW1W 0EB
- The Gordon House Association, 43-47 Maughan Street, Dudley, West Midlands, DY1 2BA
- BACTA, 29-30 Ely Place, London, EC1N 6TD
- Gamblers Anonymous, The Wellness Centre, 45 Montrose Avenue, Intake, Doncaster, DN2 6PL
- Association of British Bookmakers, Warwick House, 25 Buckingham Palace Road, London, SW1W 0PP
- Northampton Citizens Advice Bureau, 7-8 Mercers Row, Northampton, NN1 2QL
- National Casino Industry Forum (NCiF), Carlyle House, 235 – 237 Vauxhall Bridge Road, London, SW1V 1EJ
- Public Health Northants, One Angel Square, Angel Street, Northampton, NN1 1ED
- Northamptonshire PFCC, Darby House, Darby Close, Park Farm Industrial Estate, Wellingborough, NN8 6GS
- All Parish Councils in Northamptonshire
- All Town Councils in Northamptonshire
- All gambling premises in Northamptonshire
- Environmental Protection Team, West Northamptonshire Council
- Planning Team, West Northamptonshire Council

Annex 3 - Plan of West Northamptonshire Council area



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