

Licensing and Gambling Acts Committee

Agenda

Members of the Licensing and Gambling Acts Committee:

Cllr Y Bendle (Chairman)
Cllr D Burrill
Cllr J Easter
Cllr J Halls
Cllr T Holden
Cllr N Legg
Cllr J Savage
Cllr J Wilby

Cllr W Kemp (Vice Chairman)
Cllr F Curson
Cllr L Glover
Cllr P Hardy
Cllr J Hornby
Cllr J Rowe
Cllr T Spruce

Date & Time:

Wednesday 24 November 2021

on rising of the Licensing, Appeals and Complaints Committee Meeting, to begin at 10.00am

Place:

Council Chamber, South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

Contact:

Jessica Hammond tel (01508) 505298

Email: democracy@southnorfolkandbroadland.gov.uk

Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE:

If a member of the public would like to observe the meeting in person or to speak on an agenda item, please email your request to democracy@southnorfolkandbroadland.gov.uk, no later than 5.00pm on Friday 19 November 2021. Please see further guidance on the options for public speaking at page 2 of this agenda.

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

Public Speaking and Attendance

All public speakers are required to register to speak at public meetings by the date / time stipulated on the relevant agenda. Requests should be sent to:

democracy@southnorfolkandbroadland.gov.uk

Public speaking can take place:

- Through a written representation (which will be read out at the meeting)
- In person at the Council offices

Please note that the Council cannot guarantee the number of places available for public attendance, but we will endeavour to meet all requests.

All those attending the meeting in person are invited to sign in on the QR code for the building and promptly arrive at and leave the venue. Hand sanitiser are still provided, and we would encourage you to observe social distancing. Further guidance on what to do on arrival will follow once your public speaking registration has been accepted.

AGENDA

1. To report apologies for absence and to identify substitute members;
2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;
3. To receive Declarations of interest from Members;
(Please see guidance form and flow chart attached – page 3)
4. To confirm the minutes from the meeting of the Licensing and Gambling Acts Committee held on 25 August 2021;
(attached – page 6)
5. Gambling Act 2005; Review of Gambling Statement of Principles (Policy Statement);
(report attached – page 8)

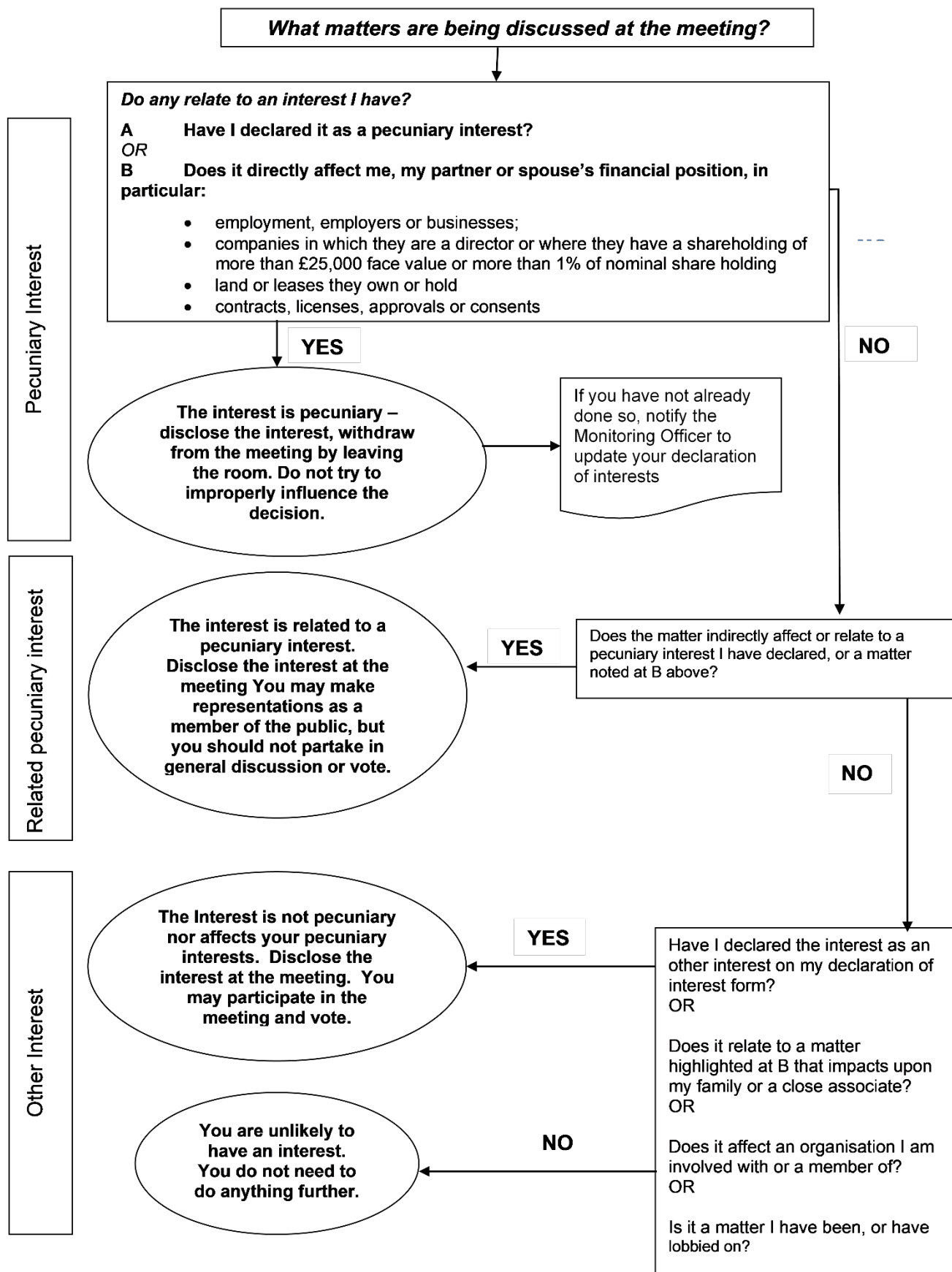
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST
INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



Agenda Item: 4

LICENSING AND GAMBLING ACTS COMMITTEE

Minutes of a meeting of the Licensing and Gambling Acts Committee of South Norfolk District Council held on 25 August 2021 at 4:20pm.

Committee Members Present: Councillors: Y Bendle (Chairman), F Curson, L Glover, J Halls, T Holden, J Hornby, W Kemp, N Legg, J Rowe, J Savage and T Spruce

Apologies: D Burrill, J Easter, P Hardy and J Wilby

Officers in Attendance: Licensing and Enforcement Officer (S Harris)

4 MINUTES

The minutes of the meeting of the Licensing and Gambling Acts Committee held on 24 November 2020 were confirmed as a correct record.

5 Review of Gambling Statement of Principles (Policy Statement)

Members considered the report of the Licensing Team Leader, which presented the draft reviewed Statement of Principles for the Committee's consideration in advance of a six-week consultation.

The Licensing Team Leader informed members that the Authority was required to review its Gambling Statement of principles every three years, with the current statement expiring in January 2022. If the Council did not review and approve an updated version of the Statement, it would be unable to accept new applications for gambling licenses nor carry out enforcement on current licensed premises. She further explained that there were no substantial changes proposed.

The Chairman of the Committee thanked officers for the comprehensive piece of work, and it was,

RESOLVED

To

Note the draft Statement of Principles, with comments outlined above to be considered in the consultation process.

(The meeting concluded at 4:27pm)

Chairman

Agenda Item: 5
Licensing and Gambling Acts Committee
24 November 2021

Gambling Act 2005

Review of Gambling Statement of Principles (Policy Statement)

Report Author(s): Sarah Harris
Licensing Team Leader
01603 430580
sarah.harris@southnorfolkandbroadland.gov.uk

Portfolio: Environmental Excellence

Ward(s) Affected: All

Purpose of the Report:

To enable the Committee to consider the draft Policy revisions following consultation. This report details the outcome of the consultation process in respect of the review of South Norfolk Council's Gambling Act Statement of Principles (Policy Statement) and makes recommendations to Council for its adoption.

Recommendations:

The Committee is recommended to:

- (1) Consider the schedule of responses received as a result of the consultation in respect of the draft Policy Statement and:
 - a. agree any amendments proposed arising from the appraisal of the responses,
 - and/or,
 - b. agree amendments proposed by Committee.
- (2) To recommend the draft Policy Statement to Council for formal adoption including the table of delegations on page 39 of the draft Policy and as a consequence request the relevant amendments are made to the Constitution.

1. Summary

- 1.1 The Gambling Act 2005 requires each Authority to carry out its various licensing functions so as to promote the following three licensing objectives:
- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime in any way.
 - 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 To achieve these objectives, the Authority is required to publish a Policy Statement every three years and set out the policies the Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Policy should be agreed by the Council.

2. Background

- 2.1 Details of the Policy Statement (attached at Appendix One) and where it could be viewed were circulated widely to stakeholders throughout the South Norfolk district, in addition to numerous national representative bodies and organisations, with a closing date for comments of 1 November 2021. Approximately 450 letters and emails advising groups, organisations, businesses and individuals of the six week consultation were circulated and the Policy Statement was also made available in local libraries and on the Council's website.
- 2.2 The draft document has previously been produced in conjunction with the six other licensing authorities in Norfolk. The Gambling Commission, in its Guidance to Licensing Authorities, April 2021 (updated May 2021), recommends that the Licensing Authority give appropriate weight to the views of those consulted in respect of the draft policy. In determining what weight to give particular representations, the factors to be taken into account should include:
- who is making the representations, the nature of their interest and their expertise
 - relevance of the factors to the licensing objectives
 - how many other people have expressed the same or similar views
 - how far the representations relate to matters that the licensing authority should be including in its policy statement.
- 2.3 It is important to demonstrate that in reviewing responses to the consultation, due weight and consideration has been given to all representations including, where appropriate, why some have been disregarded. This is so that in the event that the policy is challenged, the Authority can demonstrate to a court how it arrived at the

final policy.

2.4 Therefore, the representations received by 1 November 2021, attached at Appendix Two, have been set out in the following format:

- A reference number for each representation
- Name of the respondent
- A summary of the respondent's comments
- The Authority's response

3. Current position/findings

- 3.1 At the end of the consultation period, two responses had been received from outside the Authority. Each of these respondents indicated that they did not have any substantive comments to make in respect of the policy review.
- 3.2 Responses have also been received from the Council's legal advisers and these have been incorporated into the final draft document. These are highlighted by way of tracked changes throughout the policy.
- 3.3 The policy review is required by legislation and very few changes are being proposed to the current policy document. It was therefore not anticipated that the Authority would receive a significant number of responses to this consultation exercise.

4. Proposed action

- 4.1 The Licensing Committee is requested to thoroughly review and consider Appendix Two which details the responses to the consultation process.

5. Issues and risks

- 5.1 **Resource Implications** – there are no specific resource implications in respect of the Policy Statement, in addition to those resources already identified and accounted for within the Licensing Team.
- 5.2 **Legal Implications** – the Gambling Act 2005 requires the Authority to review its Policy Statement, to consult in respect of the policy and to have considered and formally adopted, published and advertised the policy by 3 January 2022 for implementation from 31 January 2022.
- 5.3 **Equality Implications** – an Equality Impact Assessment has been completed with no issues or concerns highlighted.
- 5.4 **Environmental Impact** – it is not anticipated that there will be a specific environmental impact as a result of this policy review.

- 5.5 **Crime and Disorder** – the licensing objective of, “Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime in any way” must be upheld.
- 5.6 **Risks** – if the Authority does not adopt and publish the revised policy statement by 3 January 2022, it would not be able to issue licences or otherwise carry out its functions under the Gambling Act 2005.

6. Conclusion

- 6.1 The review of the Authority’s Gambling Statement of Principles (Policy Statement) has been properly conducted in accordance with the requirements of the Gambling Act 2005 and the Gambling Commission’s Guidance to Licensing Authorities. Ensuring the revised Policy document is in place in accordance with the time frames set out will enable the Authority to continue to properly exercise its duties under the terms of the legislation.

7. Recommendations

- 7.1 The Committee is recommended to:

- (1) Consider the schedule of responses received as a result of the consultation in respect of the draft Policy Statement and:
 - a. agree any amendments proposed arising from the appraisal of the responses,
 - and/or,
 - b. agree amendments proposed by Committee.
- (2) To recommend the draft Policy Statement to Council for formal adoption including the table of delegations on page 39 of the draft Policy and as a consequence request the relevant amendments are made to the Constitution.

Background papers

Gambling Act 2005

Gambling Commission’s Guidance to Licensing Authorities (April 2021)

Appendices

- | | |
|--------------|--|
| Appendix One | Draft Proposed Statement of Principles |
| Appendix Two | Schedule of responses received as a result of the consultation in respect of Statement of Principles |

Equalities and Communities Impact Assessment

Name of Officer/s completing assessment: Sarah Harris

Date of Assessment: 02/11/2021

1. What is the proposed Policy (please provide sufficient detail)?

For the purposes of the assessment the term 'Policy' relates to any new or revised policies, practices or procedures under consideration.

We are undertaking a review of the South Norfolk Council Statement of Principles (Policy Statement). The Council is required to have this Policy in place under the Gambling Act 2005 and must review the policy document every three years. The current policy expires on 31 January 2022.

2. Which protected characteristics under the Equalities Act 2010 does this Policy impact: (indicate whether the impact could be **positive**, **neutral**, or **negative**)

Protected Characteristic	Potential Impact		
	Positive	Neutral	Negative
Age	✓		
Disability		✓	
Race		✓	
Sex		✓	
Religion or Belief		✓	
Sexual Orientation		✓	
Marriage/Civil Partnership		✓	
Pregnancy/Maternity		✓	
Gender Reassignment		✓	
3. Which additional Communities characteristics does this policy impact?			
Health	✓		
Place inc. Rurality		✓	
Low Income and Poverty	✓		

3. What do you believe are the potential equalities impacts of this policy?

Please include:

- Partnership organisations worked with in the development of this policy
- Evidence gathered to inform your decision
- Where you have consulted, Who and How this has informed the decision/policy
- Any other groups impacted not detailed above

Note: Impacts could be **positive**, **neutral**, or **negative** and impact groups differently

This is a review of the current Gambling Policy document which has been in place since January 2019 (the first policy took effect from January 2007). Earlier versions of the policy document were formulated following collaborative work with other Norfolk Licensing Authorities, the Police, Fire Service, Trading Standards and other bodies with an interest in the licensing process. The draft revised policy document

has undergone a 6 week consultation. During this period, various authorities, agencies, organisations and charities have been consulted, along with licence holders specifically affected by the policy review.

In terms of the protected characteristic of age, only persons over the age of 18 may apply for a licence and may participate in gambling activities (with the exception of very low stake and low pay out gaming machines). However, this is specified in legislation and cannot further be controlled by way of this policy document. Application of the gambling policy will have a positive impact on young people by ensuring that they only partake in very low level gambling activities and that this takes place responsibly and in line with the legislation.

5. What do you believe are the potential communities impacts of this policy?

Please include:

- How the policy can meet agreed priorities
- Evidence gathered to inform your decision
- Partnership organisations worked with in the development of this policy
- Where you have consulted, Who and How this has informed the decision/policy
- Any other groups impacted not detailed above

Note: Impacts could be **positive**, **neutral**, or **negative** and impact groups differently

Access to high stakes gambling is restricted by the terms of the legislation. However, gambling can be addictive and can consequently be detrimental to the health, including mental health, of consumers in cases of excessive use. Previous government studies have indicated that persons from a low-income background may be more likely to gamble and due to their low-income may be more likely to be adversely affected by gambling beyond their means. The Gambling industry works hard to guard against addictive gambling and has measures in place, including self-exclusion schemes for individuals who have been, or believe they may be susceptible to, gambling addiction.

The Policy supports and re-enforces the legislation and guidance in respect of gambling activities to ensure they are conducted safely and responsibly. Where premises are not upholding their responsibilities the licence can be reviewed and may subsequently be subject to additional conditions or revocation of the licence. The Gambling Commission is also responsible for issuing Operating licences to large companies and carries out various monitoring and compliance checks to ensure the licensing objectives are being upheld on a company-wide basis.

This Policy document has been widely consulted upon, including with agencies and organisations representing a wide range of interests. As stated above, we work closely with other local licensing authorities, with the Police, Planning, the Gambling Commission and other bodies as required under the Gambling Act 2005. They have each had an opportunity to input into this policy document.

6. How is it proposed that any identified negative impacts are mitigated?

Please include:

- Steps taken to mitigate, for example, other services that may be available
- If a neutral impact has been identified can a positive impact be achieved?
- If you are unable to resolve the issues highlighted during this assessment, please explain why
- How impacts will be monitored and addressed?
- Could the decision/policy be implemented in a different way?
- What is the impact if the decision/policy is not implemented?

The aim of this Policy document is that it does not impact against any protected characteristic in a negative way. It allows individuals, businesses and charities to obtain a licence for various types of gambling activity, from casinos, to betting shops, to small lotteries run on a charitable basis. Providing this is done in

accordance with the legislation and guidance, it does not seek to further prevent persons from doing so. Mandatory conditions on each licence place certain requirements on licensed premises, including how the premises may be accessed, who they may be accessed by and the location of cash points, etc in relation to gaming machines. These mandatory conditions help guard against children or vulnerable persons accessing high level gambling.



Signed by responsible head of department:

Please send your completed forms to the equalities lead (Victoria Parsons) to be reviewed and stored in accordance with our legal duty.

REVIEW DATE - _____

(See Page 2 for details of reviews. Please send a copy of the reviewed document to Victoria Parsons)



Gambling Act 2005

Statement of Principles

2022-2025

Section 349 of the Gambling Act 2005 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.

This 'Gambling Act 2005: Statement of Principles' document has been drafted to advise all of those with an interest in the Gambling Act 2005 function. It has been updated using available Regulations, Conditions, Codes of Practice, Guidance and Legislation. Following consultation, relevant consultee responses have also been included.

This document is the fifth statement produced by this Licensing Authority and must be published by 3 January 2022 before its implementation date of 31 January 2022.

Changes in legislation, regulations, case-law or guidance which impact upon the content of this *Gambling Act 2005 - Statement of Principles* document, and it may be amended or updated accordingly.

The Guidance document for Licensing Authorities, updated by The Gambling Commission on 13 May 2021 has been used in producing this document.

For further information please refer to: www.gamblingcommission.gov.uk

This Statement of Licensing Principles was approved by South Norfolk District Council on DD/MM/YYYY

GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES 2022-2025

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PART A – GENERAL

1. Introduction

This Statement of Licensing Policy sets out the principles that South Norfolk Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as ‘the Act’), proposes to apply in discharging its functions to licence premises for gambling under the Act as well as:

- Designating the body responsible for advising the Authority on the protection of children from harm;
- Determining whether or not a person is an “Interested Party”;
- Exchanging information with the Gambling Commission and others; and
- Inspecting premises and instituting proceedings for offences under the Act.

It should be noted that this policy may, from time to time, be affected by revised guidance issued by the Gambling Commission or as a result of Court judgements made.

2. The Licensing Objectives

In exercising most of its functions under the Gambling Act 2005 (The Act), the Licensing Authority 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.**

The Gambling Commission 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 Act, in making decisions about premises licences and temporary use notices, The Licensing Authority 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 Principles

2. Introduction

3. The Local Area Profile

South Norfolk is an attractive rural district home to 138 000 people. It consists of the southern suburbs of Norwich, such as Trowse and Cringleford, as well as several market towns including Diss, Wymondham and a number of rural villages. An extensive network of trunk, main and local roads enable easy access to all parts of the district.

Gambling activities within South Norfolk, as at August 2015, consist of 4 betting shops, 1 adult gaming centre and a total of 52 premises with a premises licence authorising the sale of alcohol where gaming machines have been provided by way of notification or permit. There are 9 clubs that hold club machine/gaming permits and there are 158 small society lotteries.

Currently it is not felt that there are any significant concerns relating to gambling premises within the South Norfolk district.

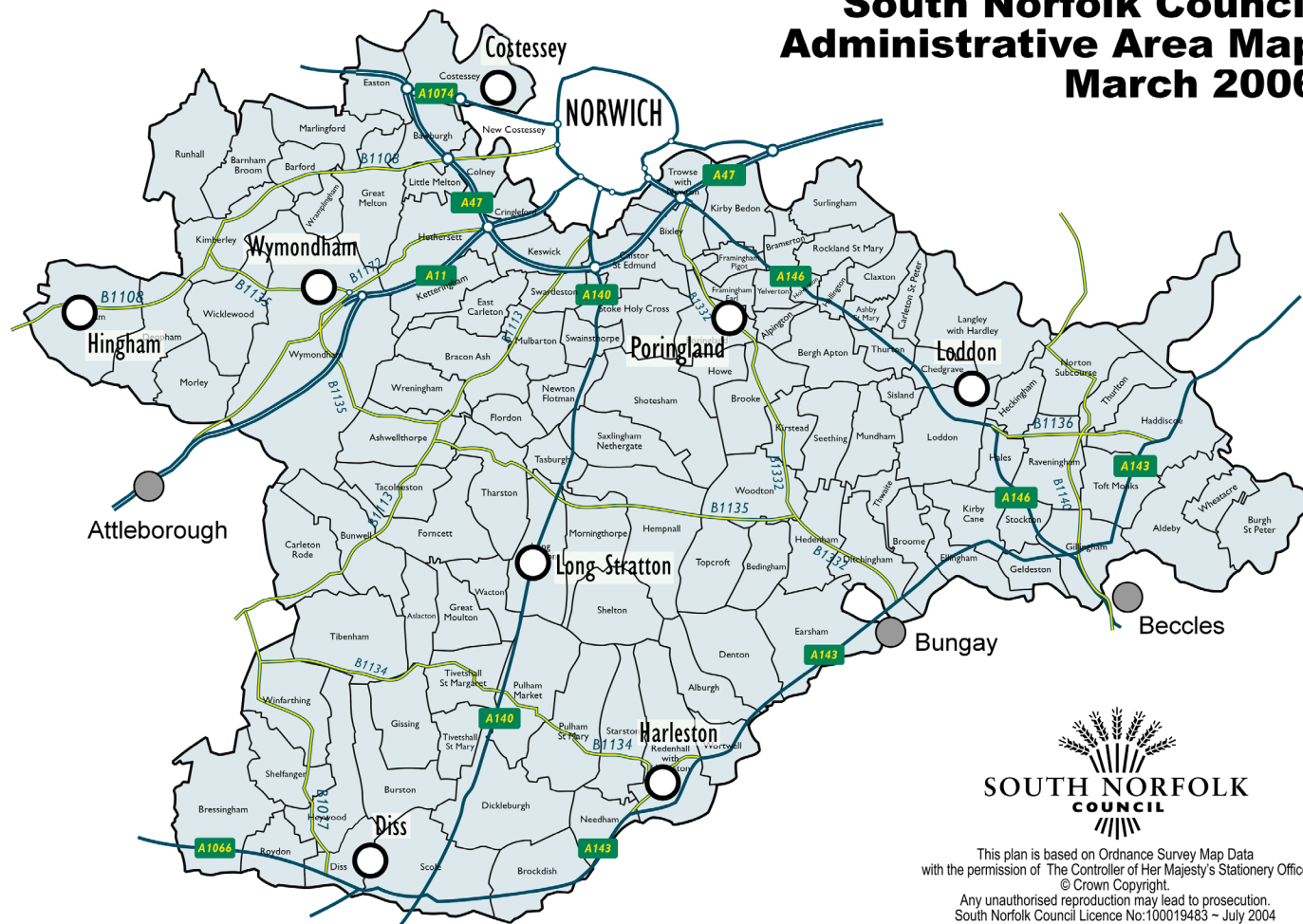
The Council appreciates the potential risks from gambling activities in relation to young and vulnerable persons therefore operators and applicants should take the following factors into consideration when submitting applications and compiling premises based risk assessments.

- Temporary accommodation for homeless persons are located in Long Stratton and Costessey.
- Providers of care for those suffering with mental health issues are located in Diss, Wicklewood and Wymondham.
- Clearly there are a number of schools within the district, the Council would expect licence holders and applicants to take their location into consideration and ensure measures are in place to address advertising of gambling premises that may affect young persons.

Any new gambling proposals which seeks to intensify gambling activities will be carefully considered and reviewed to ensure it does not significantly alter, adversely affect or otherwise impact upon the current level of gambling activity across the district.

Area Map of the South Norfolk District

South Norfolk Council Administrative Area Map March 2006



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Licensing authorities are required by the Act 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 must be re-consulted upon. Following any amendment and consultation, the revised statement must be then re-published.

South Norfolk Council consulted widely upon this statement of principles before it was finalised and published.

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;
- 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.

The consultation took place between 20 September and 1 November 2021. *A list of those consulted is set out in Annex B.*

The full list of comments made and the consideration by the Council of those comments is available via the Council's website at: www.southnorfolkandbroadland.gov.uk.

The revised statement of principles was approved at a meeting of the Full Council on DD/MM/YYYY. The document is available on our website or upon request to the Licensing Team.

It should be noted that this policy statement 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.

4. DECLARATION

In producing this statement of principles, the 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.

5. LICENCE CONDITIONS AND CODES OF PRACTICE

Operators should be mindful of the Commission's published Licence Conditions and Codes of Practice (LCCP) which provides sector-specific advice about steps that a business should take to meet its social responsibilities and reflect the licensing objectives. In particular this relates to those business activities which fall under the responsibility of the Licensing Authority i.e. in the areas of non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

6. RISK ASSESSMENTS AND LOCAL AREA PROFILES

Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.

The Gambling Commission issue codes of practice under section 24 of The Act regarding the manner in which facilities for gambling are provided to ensure that:

- gambling is conducted in a fair and open way
- children and other vulnerable people are protected from being harmed or exploited by gambling
- assistance is made available to people who are, or may be, affected by problems

related to gambling.

Codes of practice are either:

- social responsibility code provisions - which must be adhered to by all licence holders and have the force of a licence conditions, or
- ordinary code provisions – these are not mandatory but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective. ~~do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.~~

~~New~~ Regarding code provisions covering risk assessments and local authority area profiles, more came into force in April 2016 ~~More~~ detail can be found by going to the Gambling Commission website at www.gamblingcommission.gov.uk. The following are extracts relating to this aspect:

Social responsibility code provision 10.1.1

Assessing local risk

In the case of all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

1. Licensees must 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 making risk assessments, licensees must take into account relevant matters identified in the licensing authority's Statement of Principles.
2. Licensees must review (and update as necessary) their local risk assessments:
 - a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c) when applying for a variation of a premises licence; and
 - d) in any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.2

Sharing local risk assessments

In the case of all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

- 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 on request.

The 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 gather;
- the demographics of the area in relation to vulnerable groups,
- whether the premises is in an area subject to high levels of crime and/or disorder.

The local risk assessment should show how vulnerable people, including those with gambling dependencies are protected.

The Licensing Authority would expect the local area risk assessment to be kept on the individual premises and be available for inspection.

Local Area Profile

Such risk assessments can make reference to the council's local area profile which may be compiled with respect to reported gambling-related problems in an area. BSNs local area profile is an assessment of the local environment and identifies key characteristics. At the time of preparing this edition of the Statement of Principles there has been no evidence to suggest that any part of our district is experiencing problems from gambling activities. The local area can change, and it is important to retain the ability to review and update the local area profile so that any current and emerging risks can be included. For this reason, the local area profile is not included within the body of this Policy and is published as a separate document. It is available by request from the Licensing Team licensingteam@s-norfolk.gov.uk.

7. RESPONSIBLE AUTHORITIES

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.

In accordance with the Gambling Commission's Guidance this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at www.southnorfolkandbroadland.gov.uk.

8. INTERESTED PARTIES

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 persons who in the opinion of the licensing authority:

- a. live sufficiently close to the premises to be likely to be affected by the authorised activities,
- b. have business interests that might be affected by the authorised activities, or
- c. represents persons who satisfy paragraph *a or b.*”

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:

- ~~*Whether a person is an interested party will be decided on a case by case basis. Each case will be decided upon its merits.*~~
- This authority will not apply a rigid rule to its decision making as to who is an interested party. It may have regard to a number of factors, for example:
 - ~~t~~The size of the premises
 - ~~t~~The nature of activities the applicant proposes to provide at the premises;
 - the distance of the premises from the location of the person making the representation
 - the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
 - the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.
 - Guidance from the Gambling Commission that *business interests* should be given the widest possible interpretation (see para 6.21 of the GC Guidance)

Interested parties can include persons who are democratically elected such as county, parish and town councillors and MPs. Other than these persons, the licensing authority will normally require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. Other representatives might include bodies such as trade associations and trade unions, and residents’ and tenants’ associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

9. EXCHANGE OF INFORMATION

~~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.~~

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 1998 will not be contravened. The licensing authority will also

comply with any relevant requirements of the Freedom of Information Act 2000 and 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.

Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form.) An audit trail should include:-

- record of data disclosed;
- project chronology; and
- notes of meetings with other partners and recent correspondence including phone calls.

In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- 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
- Scottish Ministers
- Any other person or body designated by the Secretary of State in accordance with the Act.

The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

~~Should any protocols be established as regards information exchange with other bodies then they will be made available.~~

The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

Should any protocols be established pursuant to section 350 of the Act concerning information exchange with the other bodies as listed in Schedule 6(1) of the act then these will be made available by the licensing authority.

10. ENFORCEMENT

Licensing authorities are required by regulation under the Act 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.

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance (in particular Part 36), the Regulators' Compliance Code – and shall endeavour to regulate in the public interest and be:

- Proportionate: regulators should only intervene when necessary and 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;
- Targeted: regulation should be focused on the problem, and minimise side effects

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

Any inspection programme which may be adopted by the licensing authority shall be risk-based.

As part of its ongoing inspection programme, the licensing authority may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Operators will always be advised of the outcome of the test. Where operators carry out their own test purchasing, the licensing authority expect to be advised of the results. Should the results show a failure then the licensing authority will, in the first instance, work with the operator to review and improve their policies and procedures.

The enforcement and compliance role for the Licensing Authority under 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 Operator and Personal Licences and Manufacture, supply or repair of gaming machines.

This Licensing Authority aims to work in partnership with and support local businesses, having regard to the stated principles and best practice guidelines published by the Better Regulation Executive, in respect of its responsibilities under the Gambling Act 2005 and other regulatory functions of the Local Authority.

Any enforcement/compliance protocols or written agreements developed by the Licensing Authority shall be made available upon request.

In considering applications, and taking enforcement action, under the Gambling Act 2005 the Licensing Authority shall duly consider any Human Rights Act 1998 implications (in particular Article 1, Protocol 1 and Articles 6, 8 and 10).

11. LICENSING AUTHORITY FUNCTIONS

The Act gives Licensing Authorities a number of regulatory functions in relation to gambling. The

main functions of which are to:

- Licence **premises** for gambling activities;
- Consider **notices** given for the temporary use of premises for gambling;
- Grant gaming and gaming machines **permits** in **clubs and miners' welfare institutes**;
- Regulate gaming and gaming machines in **alcohol-licensed premises**;
- Grant **permits** to Family Entertainment Centres (FEC's) for the use of certain lower stake gaming machines;
- Grant **permits** for **prize gaming**;
- Consider **occasional use notices** for betting at tracks;
- Register small societies' lotteries;
- Consider applications for **provisional statements**;
- Provide information to the Gambling Commission regarding details of licences, permits, notices and registrations issued;
- **Maintain registers** of the permits, notices and licences issued;
- Prepare and publish, every three years a **statement of principles** it proposes to apply when exercising its functions under the Act.

The Gambling Commission is responsible for issuing operating and personal licences to persons and organisations who:-

- operate a casino;
- provide facilities for playing bingo or for pool betting;
- provide betting or act as intermediaries for betting;
- make gaming machines available for use in Adult Gaming Centres and licensed Family Entertainment Centres;
- manufacture, supply, install, adapt, maintain or repair gaming machines; • manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:

- In accordance with any relevant codes of practice;
- In accordance with any relevant Guidance issued by the Gambling Commission;
- Reasonably consistent with the Licensing Objectives, and
- In accordance with the Licensing Authority's Statement of Licensing Policy. 4.6

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence must have been obtained from the Gambling Commission (With the exception of Tracks).

It should be noted that licensing authorities are not involved in licensing remote gambling. This

is the responsibility of the Gambling Commission.

12. PUBLIC REGISTER

The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others (e.g. H.M. Revenue and Customs). Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

12.13. APPEALS

Appeals relating to premises licensing and other decisions by licensing authorities are covered within the relevant legislation and regulations and are referred to in Part 12 of the Gambling Commission guidance.

PART B - PREMISES LICENCES

1. GENERAL PRINCIPLES

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations. The Act provides that conditions may be attached to licences in a number of ways:

1. automatically, having been set out on the face of the Act;
2. through regulations made by the Secretary of State
3. by the Commission, to operating and personal licences;
4. by the licensing authority, to premises licences and some permits;
5. by the licensing authority, by excluding certain default conditions on a premises licence.

~~When determining an application, this Licensing Authority aims 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;~~
- ~~• in accordance with the Authority's statement of principles.~~

Decision making

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 (subject to the above); and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 18) and also that unmet demand is not a criterion for a licensing authority.

This licensing authority also notes Gambling Commission guidance on Appropriate Licensing Environment (previously known as primary gambling activity).

It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A general non-remote betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting...' (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

This authority notes the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

Definition of "premises"

Premises" is defined in The Act as "any place". A particular premises cannot be granted more than one premises licence under the Act at any one time. It is possible for a single building to 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 separate premises.

Whether different parts of a building are genuinely separate premises will depend on the circumstances. 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 be properly regarded as different premises.

Consideration will be given to whether the premises is genuinely a separate premises and would merit its own licence and not an artificially created part of what is readily identifiable as a single premises.

The Gambling Commission Guidance states that Licensing Authorities should take particular care when considering applications *for more than one premises licences for a single building*, and applications for a premises licence where part of the premises is used for non-gambling purposes. In particular the Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot 'drift' into a gambling area;
- 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;
- customers are able to participate in the principal gambling activity authorised by the premises licence.

The Gambling Commission Guidance also stipulates that Licensing Authorities should pay attention to applications where access to the licensed premises is through other premises, whether licensed or unlicensed. The Licensing Authority will consider whether:

- entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised and that people cannot 'drift' into a gambling area;
- 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;
- customers are able to participate in the principal gambling activity authorised by the premises licence.
- children can gain access to the premises;
- the two establishments are compatible; and
- The proposed licence holder would be able to comply with the requirements of the Act, for example, mandatory operating licence conditions; and
- Gambling Commission Guidance in relation to division, separation or splitting of premises and primary gambling activity (Part 7 of guidance).

An overriding consideration for the Licensing Authority is whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

Where an application is made in respect of a premises to be constructed or altered the Licensing Authority will consider each application on its own merits having due regard to the advice given by the Gambling Commission in its Guidance (particularly sections 7.58 to 7.65). The Licensing Authority will consider:

- if a future effective date on the licence is appropriate;
- the licence should be issued subject to a condition that trading shall not commence until the premises have been completed in all respects and in accordance with the scale plans provided with the application.

The Licensing Authority may require inspection of the completed works or written confirmation from the applicant, their agent or surveyor to satisfy the Authority that the completed works comply with the original, or changed, plan attached to the premises licence.

Location:

Demand or need for licensed premises cannot be considered with regard to the location of premises. In accordance with the Gambling Commission Guidance, the Licensing Authority will pay particular attention to protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Consideration will include the type of gambling that is proposed for the premises. Should any specific policy be decided upon concerning areas where gambling premises should not be located, this policy 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 possibility for the applicant to show how any concerns can be overcome.

Duplication with other regulatory regimes:

The Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems wherever possible, including planning, building control, health and safety and fire safety.

Should it come to the attention of the Licensing Authority that planning conditions or other regulatory restrictions/controls may impact on a premises operator's ability to comply with mandatory or default conditions then it may alert the applicant accordingly. The grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Licensing objectives:

Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission Guidance and provides some commentary below:

(1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Gambling Commission will take the leading role in preventing gambling from being a source of crime. Where a particular area is associated with criminal activity the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate, for example the provision of door supervisors. There is a distinction between disorder and nuisance and the licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed when determining applications under the Gambling Act 2005.

(2) Ensuring that gambling is conducted in a fair and open way:

The Gambling Commission stated in its Guidance that it would, with the exception of tracks (see Part B section ~~97~~ of this document), generally not expect Licensing Authorities to be ~~concerned dealing~~ with ~~issues around ensuring that~~ gambling ~~is being~~ conducted in a fair and open way as this is usually addressed via Operator and Personal licensing requirements. If the Licensing Authority suspects that gambling is not being conducted in a fair and open way then this will be brought to the attention of the Gambling Commission for its further consideration.

(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling:

The Gambling Commission has stated, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities ~~(see schedule D)~~, and for there to 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

(excepting category D machines).

The Licensing Authority will therefore consider, as suggested in the Gambling Commission Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include such matters as supervision of entrances/machines or segregation of areas.

The Licensing Authority will also have due regard to any relevant Codes of Practice issued by the Gambling Commission concerning this licensing objective in relation to specific premises.

The Gambling Commission does not provide a definition for the term “vulnerable persons” but states that “for regulatory purposes assume that this group includes people who:

- gamble more than they want to;
- gamble beyond their means; and
- may not be able to make informed or balanced decisions about gambling due to mental health needs, alcohol or drugs.”

The Licensing Authority will consider this licensing objective on a case by case basis.

Conditions:

Since the Licensing Authority must aim to permit the use of premises for gambling, it will not attach conditions which limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:

- in accordance with the Gambling Commission Guidance, the Commission’s codes of practice or this Licensing Authority’s Statement of Policy; or
- in a way that is reasonably consistent with the Licensing Objectives.

This Licensing Authority notes that conditions on premises licences should only relate to gambling, and it is not necessary, proportionate or appropriate to impose conditions on a premises licence where the Gambling Commission’s Licence Conditions and Codes of Practice, or other legislation, places the same or similar duties, responsibilities or restrictions on an employer or the operator of gambling premises.

This Licensing Authority shares the view of the Gambling Commission that the mandatory and default conditions set by the Secretary of State will normally be adequate for the general good conduct of gambling premises. However, where there are specific, evidenced risks or problems associated with a particular locality, specific premises, or class of premises in its area then the Licensing Authority may be able to attach individual conditions to address this.

Any conditions attached by the Licensing Authority to a premises licence shall be:

- carefully considered in view of the matters mentioned above;
- proportionate; directly related to the premises and the type of licence applied for;

- relevant to the need to make the proposed building suitable as a gambling facility;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Sections 169 to 172 of the Act set out certain matters that may not be the subject of Licensing Authority conditions, as set out below:

- any condition on the Premises Licence which makes it impossible to comply with an Operator 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.

The Licensing Authority will have due regard to these when considering the need for conditions.

The Licensing Authority will also consider specific measures which may be required for buildings which are the subject of more than one Premises Licence. In considering these matters the Licensing Authority shall have due regard to:

- any mandatory or default conditions of licence,
- any relevant Codes of Practice (particularly social responsibility provisions linked to operator licences) issued by the Gambling Commission; and
- Gambling Commission Guidance.

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 specific non-adult gambling premises in order to promote the licensing objectives.

The Licensing Authority must be satisfied that where category C or above machines are available 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 may apply to premises including buildings where more than one Premises Licence is applicable.

Tracks (defined below) may be subject to one, or more than one, Premises Licence provided each licence relates to a specified area of the track. In accordance with the Gambling Commission Guidance, the Licensing Authority will consider the impact upon the protection of children 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.

In accordance with Gambling Commission Guidance, the Licensing Authority may consider whether door supervisors are appropriate in particular circumstances in order to:

- prevent premises from becoming a source of crime or disorder; or
- protect children and vulnerable persons from being harmed or exploited by gambling.

Should the Licensing Authority consider that door supervisors are necessary and appropriate in the particular circumstances to promote the licensing objectives for a particular premises, it will normally expect that any person employed as a door supervisor at that premises will either:

- meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption from the licensing of door supervisors by the SIA for in-house staff of casino and bingo premises);
- the holder of the operator licence will have recruitment criteria for their door supervisors, which may specify:
 - (a) a minimum training standard (whether within the organisation, or a nationally accredited training course); and
 - (b) an assessment of whether that individual is fit and proper, for example by means of a subject access search, Disclosure and Barring Service disclosure or other means.

2. REVIEWS

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, assessing each application on its merits, 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 licensing policy.

~~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.~~

When considering any review request, or whether to instigate its own review, the licensing authority will have due regard to the guidance issued by the Gambling Commission and consider:

- each application on its merits
- whether matters raised in the application are frivolous or vexatious
- whether the application would cause it to amend or suspend or revoke the licence, or
- whether the request is substantially the same as any previous representations or requests made for a review or previous application for the same premises.

There is no appeal against the Authority's determination of the relevance of an application for review.

Officers of the authority may attempt informal mediation or dispute resolution techniques, where practicable, prior to a review being conducted.

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.

More details including time periods can be found in the Gambling Act 2005 (Premises Licences) (Review) Regulations 2007.

A review application must only be determined by a subcommittee, and not by an officer. 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:-

- (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; and
- (d) revoke the premises licence.

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

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.

Once the review has been completed, the licensing authority shall, 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.

3. PROVISIONAL STATEMENTS

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.

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.

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.

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.

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.

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;
- 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.

S.210 of the Act, which applies to both premises licences and provisional statements, makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

4. TEMPORARY USE NOTICES

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.

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.

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 for equal chance gaming, where the gaming is intended to Produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices, including that a Temporary Use Notice may only be granted to a person or company holding a relevant operator licence, and limitations on the number of times a 'set of premises' can be used under these provisions.

~~The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Guidance. 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.~~

A 'set of premises', as referred to in section 218 of the Act, is the subject of a Temporary Use Notice if any part of the premises is the subject of a notice. This reference to 'premises' is not the same as that in Part 8 of the Act. It prevents one large premises from serving a TUN for different parts of the premises and exceeding the statutory limit of 21 days in any 12-month period.

The definition of "a set of premises" will be a question of fact in the each particular circumstance. In considering whether a place falls within the definition of "a set of premises" the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

The Authority will consider whether they wish to give a notice of objection in respect of a

Temporary Use Notice. In considering whether to do so, they must have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications they must give notice of objection to the person who gave the Temporary Use Notice.

5. OCCASIONAL USE NOTICES

Occasional Use Notices apply only to tracks which are defined by the Act 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. Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. This licensing authority will though, consider the definition of a 'track' which do not need to be a permanent fixture, and whether the applicant is permitted to avail him/herself of the notice.

6. 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 this authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

7. BINGO PREMISES

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category B or C or machines are made available for use on premises to which children are admitted Licensing Authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; and
- only adults are admitted to the area where the machines are located

The Licensing Authority shall have due regard to relevant licence conditions and codes of practice in relation to the operation of Bingo premises, and also the Gambling Commission's guidance about the particular issues that Licensing Authorities should take into account in relation to the suitability and layout of bingo premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

8. BETTING PREMISES

The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises. The Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises.

Betting machines

S.235(2)(c) provides that a machine is not a gaming machine by reason only of the fact that it is designed or adapted for use to bet on future real events. Some betting premises may make available for use machines that accept bets on live events, such as a sporting event, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely replicate and automate the process that can be conducted in person, and therefore do not require regulation as gaming machines.

S.181 of the Act contains an express power for licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino).

The holder of a betting premises licence may make up to 4 gaming machines (category B,C or D) available for use.

Part [paragraph 19.5](#) of the Gambling Commission Guidance provides further details.

9. TRACK PREMISES LICENCES

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 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.

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.

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.

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.

Betting machines - This licensing authority will, as per Part 6 of 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

The Gambling Act 2005 (Premises Licences and Provisional Statements Regulations 2007) require 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 is fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity (see Guidance to Licensing Authorities, para 20.43). 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 (see Guidance to Licensing Authorities, para 20.44).

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.

This Authority will require that the plan provides sufficient information to enable them to assess an application.

10. ADULT GAMING CENTRES

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

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

The Licensing Authority may determine the opening hours for Adult Gaming Centres, on a case-by-case basis, in the absence of any default conditions addressing this matter.

11. (LICENSED) FAMILY ENTERTAINMENT CENTRES

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only Category C gaming machine areas.

The Licensing Authority will require applicants to demonstrate that there will be sufficient measures to promote the licensing objectives. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Access and Location of entry
- Notices / signage
- Challenging children or young persons attempting to play category C machines
- Self-barring schemes
- ATM location
- Prohibition of alcohol consumption
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware
- 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.

The Licensing Authority will, in accordance with the Gambling Commission Guidance, make itself

aware of any conditions that may apply to Operator licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will ensure that it has due regard to any mandatory or default conditions on these Premises Licences and Codes of Practice and guidance issued by the Gambling Commission when dispensing its functions in relation to licensed Family Entertainment Centres.

The Licensing Authority may determine the opening hours for licensed FEC's, on a case-by-case basis, in the absence of any default conditions addressing this matter.

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PART C – PERMITS, TRAVELLING FAIRS AND SOCIETY LOTTERIES

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

Unlicensed Family Entertainment Centres (FEC's) are commonly located at seaside resorts, in airports and at motorway service stations, catering for families - including unaccompanied children and young persons.

Where a premises does not hold a Premises Licence but there is an intention to provide gaming machines (category D only), an application may be made to the Licensing Authority for the grant of this permit. The applicant must be an individual aged 18 or over, and he/she must occupy or plan to occupy the relevant premises. The Licensing Authority may only grant a permit where it is satisfied that the applicant intends to use the premises as an unlicensed FEC and where it has consulted the Chief Officer of Police on the application. Any duties on the applicant to comply with other legislation such as fire regulations or Health and Safety are not issues for the Licensing Authority under the Gambling Act 2005.

If the operator of an Unlicensed Family Entertainment Centre intends to make category C machines available, in addition to category D machines, then an application must be made for an Operator Licence from the Gambling Commission and a Premises Licence from the Licensing Authority (see section 24.4 Unlicensed Family Entertainment Centre).

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles

The Licensing Authority will expect the applicant to satisfy it that they and their employees can demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's. The applicant is expected to demonstrate that he has considered appropriate measures to promote the licensing objectives, and training for staff on matters such as:

- suspected truant school children on the premises;
- how staff would deal with unsupervised very young children being on the premises;
- children causing problems on or around the premises; and
- maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's

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

The Chief Officer of Police is a statutory consultee for all such permit applications, and any representations made by him will be considered by the Licensing Authority.

This licensing authority will also expect, as per Gambling Commission Guidance at para 24.9, that applicants can 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.

The Licensing Authority will require the following to be submitted in addition to the application form and fee:

- (1) Proof of the applicant's identity and age;
- (2) Proof of the applicant's right to occupy the premises for which the permit is sought;
- (3) (Where the applicant is an individual) a 'basic' criminal records disclosure dated no earlier than one calendar month on the day the application is received by the Licensing Authority. Where the applicant is a partnership the disclosure must be carried out on all partners. Where the applicant is a company the disclosure must be completed for the company secretary and directors, where applicable. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.
- (4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity.
- (5) A plan of scale 1:100 of the premises showing:
 - a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
 - b. The location of any fixed or temporary structures.
 - c. The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
 - d. The location of any public toilets within the boundary of the premises.
 - e. The location of CCTV cameras.
 - f. The location of any ATM or other cash/change machines.
 - g. The proposed location of the Category 'D' machines.
 - h. Details of non category 'D' machines (e.g. skill with prizes machines)

The Licensing Authority may also require the applicant to provide details of any relevant convictions, (those that are set out in Schedule 7 of the Act), the following documents will be accepted:

- basic Disclosure and Barring Service disclosure; or
- a police subject access search.

Details of up to date application requirements, including any supporting documentation, are available via the Council website at www.southnorfolkandbroadland.gov.uk or directly from the Licensing Team.

2. CLUB GAMING PERMITS

Members Clubs and Miners' welfare institutes (but not commercial Clubs) may apply for a Club

Gaming Permit which authorises the premises to:

- make available for use up to 3 gaming machines of categories B3A to D,
- equal chance gaming (without restriction on the stakes and prizes); and
- games of chance as prescribed by regulations (namely pontoon and chemin de fer.

The gaming which a club gaming permit allows is subject to the following conditions:

In respect of equal chance gaming:

- a. The club must not deduct money from sums staked or won;
- b. The participation fee must not exceed the amount prescribed in regulations;
- c. The game takes place on the premises and must not be linked with a game on another set of premises.

Two games are linked if:

- i. The result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
- ii. The amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game, and a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
- iii. Only club members and their genuine guests participate

In respect of other games of chance:

- a. the game must be pontoon and chemin de fer only
- b. no participation fee may be charged otherwise than in accordance with the regulations
- c. no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

A club gaming permit may not be granted in respect of a vehicle or a vessel.

The Licensing Authority may only refuse an application on the grounds that:

- a. 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;
- 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 Gambling Commission or the Police

Where the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. In determining an application the Licensing Authority shall have regard to the relevant guidance issued by the Gambling Commission and, subject to that guidance, the licensing objectives.

Where a permit is granted, the permit holder must comply with statutory conditions:

- no child or young person may use a category B or C machine on the premises; and
- the permit holder must comply with any relevant provision of a code of practice regarding the location and operation of gaming machines.

There is a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003. Where an application is made under the fast track procedure, there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are limited as below:

- the club is established primarily for gaming, other than gaming of a prescribed kind
- in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions concerning Club Gaming Permits

3. CLUB MACHINE PERMITS

Members Clubs and Miners' welfare institutes and commercial Clubs may apply for a Club Machine Permit, which enables the premises to make available for use up to 3 gaming machines of categories B4, C and D. Members clubs and Miner's welfare institutes only may also make available for use category B3A machines offering lottery games in the club under a club machine permit.

Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations covering bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

Commercial clubs must have at least 25 members but may be established with a view to making

a profit, which is not returned to the members, but the proprietor(s) of the club. Examples of commercial clubs include snooker clubs, clubs established for personal profit and most clubs established as private companies.

The Gambling Commission Guidance advises that 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 Gambling Commission or the Police

It should be noted that either type of permit may not be issued in respect of a vessel or vehicle.

There is also a 'fast-track' procedure available for premises where the club holds a Club Premises Certificate under section 72 of the Licensing Act 2003 (. As the Gambling Commission Guidance states: "Under the fast-track procedure there is no opportunity for an objection to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are that:

- a. the club is established primarily for gaming, other than gaming of a prescribed kind;
- b. in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- c. a club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions concerning Club Machine Permits that no child or young person may use a category B or C machine on the premises and that the permit holder complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

4. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

The Act makes provision for premises licensed to sell alcohol for general consumption on the premises to be entitled to make available up to 2 gaming machines, of categories C and/or D. The Licensing Act 2003 premises licence holder needs only to notify the Licensing Authority of this intention and pay the prescribed fee. The Licensing Authority may remove the automatic authorisation in respect of any particular premises only if it is satisfied that:

- 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.

Before making any such order the Licensing Authority shall give the licensee at least 21 days prior notice and consider any representations made by the applicant (at a hearing if requested by the Licence holder).

If a Licensing Act 2003 premises licence holder wishes to use more than 2 gaming machines, then (s)he will need to apply to the Licensing Authority for a permit and the Licensing Authority must consider that application based upon:

- the licensing objectives;
- any guidance issued by the Gambling Commission; and
- “such matters” as it thinks relevant.

This Licensing Authority considers that “such matters” will be assessed on a case by case basis. Generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.

This permit replaces, and is not in addition to, the automatic entitlement notification.

The Licensing Authority expects the applicant to satisfy it that there will be sufficient measures in place to ensure that persons under the age of 18 do not have access to the adult only category C gaming machines. The applicant may consider appropriate measures to comply with Gambling Commission Codes of Practice and monitor access to machines. This may include:

- ensuring that the adult gaming machines are within sight of the bar, or within the sight of staff who can monitor that the machines are not being used by persons under the age of 18;
- Notices and signage may also be an appropriate measure/safeguard;
- the provision of information leaflets / helpline numbers for organisations that give support to vulnerable persons such as GamCare and Gamble Aware.

The holder of a permit must comply with any relevant code of practice issued under section 24 of the Act by the Gambling Commission concerning the location and operation of the gaming machines.

It should be noted that the Licensing Authority can and may 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 to the grant of this permit.

There is a similar mechanism for applying to vary the number and category of machines specified on an existing permit.

Gaming machines can only be located on licensed premises that have a bar for serving alcohol to their customers. Premises restricted to selling alcohol only with food will not be able to apply for a permit.

5. PRIZE GAMING AND PRIZE GAMING PERMITS

Statement of principles:

The prize gaming 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 monetary 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.

It should be also noted that this permit cannot be issued in respect of a vessel or vehicle.

An application may only be made by an individual over the age of 18, who occupies or plans to occupy the relevant premises. An application for a permit cannot be made if a premises licence or club gaming permit is already in effect for the same premises.

The Licensing Authority will expect the applicant to satisfy the Authority that they and their employees can demonstrate a full understanding of the maximum stakes and prizes for the gaming offered and that the type of gaming offered is within the law. The applicant will normally be required to set out the types of gaming that he/she is intending to offer, and may wish to consider appropriate measures to promote the licensing objectives, and training for staff on:

- the type of gaming which they intend to provide; and
- the stakes and prizes which apply under the regulations relevant to the type of gaming they intend to offer.

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

In making its decision on an application for this permit the Licensing Authority may have regard to the licensing objectives and must have regard to any Gambling Commission Guidance. Given that the premises may be particularly appealing to children and young persons, the Licensing Authority will give appropriate weight to the consideration of child protection matters and may consult with the Safeguarding Children Board where necessary.

The Chief Officer of Police is a statutory consultee for all such permit applications. Any

representations made by the Chief Officer of Police which are relevant to the licensing objectives will be considered by the Licensing Authority relevant considerations may include:

- whether the applicant has any convictions that would render them unsuitable to operate prize gaming, or
- the suitability of the location of the premises in relation to any disorder concerns.

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

It should be noted that whilst there may be conditions in the Gambling Act 2005 and Gambling Commission codes of practice (including on social responsibility) with which the permit holder must comply, the Licensing Authority cannot attach conditions to this permit. Where the Authority is minded to refuse a permit application it will notify the applicant and allow the opportunity for the applicant to make representations (which may be considered at a hearing).

6. TRAVELLING FAIRS

It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are 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.

The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.

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

7. SOCIETY LOTTERIES

The Council as the local authority is responsible for registering small society lotteries. A lottery is defined under the Act and in the guidance as:

a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance

a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class

- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance

A society, or any separate branch of such a society, may be registered by the council to promote a small lottery where it is established and conducted:

- for charitable purposes
- for the purpose of enabling participation in , or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than private gain;
- and the proceeds of the lottery must be devoted to the purposes above.

The society must not be established for the sole purpose of facilitating lotteries.

The Council may only register a society which wishes to promote a small lottery where the society's *principal office* is located within its area. If the Council believes that the society's principal office does not fall within its boundaries it will inform the society and relevant authority at the earliest opportunity.

A small lottery is defined in the Act and the current limits are published on the Gambling Commission website. Definitions of exempt lotteries are also published at this address.

The Council will expect the society applying to register with it supply a copy of its terms conditions or constitution to enable it to establish that the society is non- commercial, together with a declaration to the effect that it is non-commercial.

Details of societies registered by the council will be published in a register maintained by the Council. The registration is for an indefinite period unless the registration is cancelled by:

- the society; or
- the council on failure of the society to pay the annual charge.

The council may refuse to register a small society lottery where:

- an operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused;
- the society cannot be deemed non-commercial
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
- information provided in or with the application for registration is found to be false or misleading.

Where the Council proposes to refuse to register a small society lottery it will give the society an opportunity to make representations in writing or at a hearing. The Council will notify the society in writing of the outcome of the hearing and the reasons for the decision.

The Council may revoke a society lottery registration where it considers that it would have had to, or would be entitled to refuse an application if it were to be made at that time.

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TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE OR SUB COMMITTEE	OFFICERS/ HEAD OF SERVICE
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee Setting - when appropriate			Head of Service or equivalent
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		✓	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give a counter notice to a temporary use notice		✓	

LIST OF CONSULTEES

List of persons this authority consulted:

- Norfolk Constabulary
- Norfolk Fire Service
- Social Services and Trading Standards, Norfolk County Council
- Norfolk Local Safeguarding Children Board
- HM Revenue and Customs
- Maritime Coastguard Agency and The Broads Authority
- The Environment Agency
- Legal Services Department, Norfolk County Council
- Norfolk Chamber of Commerce and Industry
- Association of British Bookmakers
- BACTA
- British Beer and Pub Association
- British Holiday and Home Parks Association
- Gamblers Anonymous
- Racecourse Association Ltd
- Responsible Gambling Trust t/a Gambleaware
- Gamcare
- Gambling Commission
- National Casino Industry Forum
- The Bingo Association
- Gaming machine suppliers
- Abbotts Leisure Park Ltd
- Head offices of Ladbrokes Coral, William Hill and Betfred and Local betting shops
- Councillors, Town & Parish Councils within South Norfolk
- South Norfolk Council Heads of Department, Directors and Chief Executive
- Relevant licence holders in the South Norfolk district.

Date	Name	Organisation/Occupation	Response to consultation	Response to comments
28 September 2021	Sarah Richards	Diss Town Council	<p>Thanks for consulting with the Town Council on the proposed changes to your Gambling policy.</p> <p>Given there are no proposed material changes to the Authority's processes in so much as the policy has not been amended as to how the Authority deals with licensing applications under the Gambling Act 2005, we feel we have no comments to make at this time.</p>	No changes to the policy document required.
13 October 2021	Hayley Goldson	Chedgrave Parish Council	Chedgrave Parish Council considered this matter at its meeting of 7th October 2021 and had no comment to make.	No changes to the policy document required.
21 October 2021	Julie Gowland	Birketts Solicitors	Amendments to the Policy proposed as per tracked changes within the draft Policy document.	Recommend changes as proposed within draft document as tracked changes (those not in italics).
1 November 2021	Licensing Team	South Norfolk Council	In order to ensure that the policies covering both the Broadland and South Norfolk licensing authority areas are as aligned as possible, it is proposed that the amendments to the document as suggested by the Broadland District Council legal advisers (NPLaw) are also incorporated into the final document. All amendments proposed are for clarification and do not significantly change the purpose or content of the Policy. This will greatly assist officers in processing applications and carrying out enforcement across the two districts. It is also proposed to incorporate the amendments suggested by Birketts Solicitors into the Broadland District Council draft Policy document.	Recommend changes as proposed within draft document as tracked changes (in italics).