

**Sedgemoor District Council**

# **Statement of Gambling Policy**

**2019-2022**

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# **1. STATEMENT OF LICENSING POLICY**

## **1.1 Licensing Objectives**

The Gambling Act 2005 requires that the Council carry out its various licensing functions having regard to the following three licensing objectives:

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

## **1.2 Introduction**

Sedgemoor District Council is the licensing authority in accordance with the Gambling Act 2005 and is responsible for granting premises licences in the District of Sedgemoor ("the District") in respect of :-

- ◆ casino premises
- ◆ bingo premises
- ◆ betting premises, including tracks
- ◆ adult gaming centres; and
- ◆ family entertainment centres

Sedgemoor District Council is situated in the County of Somerset, which contains 5 District Councils and 1 County Council in total. The District area has a population of approximately 120,300 (the second largest in the County) and in terms of area it is the second smallest, covering 564 square kilometres. The largest town is Bridgwater followed by Burnham-on-Sea and Highbridge. Sedgemoor contains a broad range of neighbourhoods ranging from urban centres to rural villages and coastal retirement homes. Consequently, there is considerable variation demographically within the District when considering matters of policy. A map of the district is provided in Appendix A.

The Councils approach is to maximise benefits from the Hinkley C (HPC) project, and drive out legacy, as well as minimise impacts. Working with and supporting local business is important, whilst balancing risks and concerns in relation to the potential negative aspects of the night time economy.

During the period covered by this policy, the main construction work involved with HPC will be commencing with an anticipated 5,600 workers likely to be in the area at peak. The type/ salary/ skill level of workers will change as the project evolves. The Hinkley Community Safety Team, led by Sedgemoor, with police, fire and ambulance, regularly review community safety matters. To date no issues have arisen regarding gambling, however there is a small increase in night time incidents relative to the increasing proportion of the construction workforce.

The Hinkley C team are currently reviewing the Construction Workforce Development Strategy to ensure it is up to date and to check if worker numbers

are accurate. The Community Safety Management Plan is also in the process of being updated.

New jobs are also likely to be created locally in the supply chain as a benefit of the project, linked to training at the college, and new apprenticeships as well as new opportunities for permanent employment, for example in hotels.

The project will be the biggest development project in Western Europe with a construction period of approximately nine years. There will be a single campus in Bridgwater accommodating approximately 1000 of those workers and this will have its own security, restaurant and wider leisure services. There will be other workers who will be accommodated in their own owner occupied housing, as well as latent accommodation and hotels throughout the town. The concentration of workers will be higher in Cannington and Bridgwater as closer to the main site, and then disperse up and down the M5 corridor in close proximity to bus/ park and ride services. This is likely to result in an increase in applications for premises licences within the district.

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

This 'Statement of Gambling Policy' has, therefore, been prepared having regard to the provisions of the Gambling Act, Guidance issued by the Gambling Commission and responses received in response to the consultation process. It is intended to be a discussion document leading to the adoption by Sedgemoor District Council of a formal Statement of Licensing Policy after giving due regard to any responses from those consulted on the draft policy statement. The policy will come into effect on the date of adoption by the Council and will be reviewed as necessary and at least every three years from the date of adoption.

### **1.3 Glossary of Terms**

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

<b>Licensing Objectives:</b>	As defined in section 1.1 above.
<b>Council:</b>	Means Sedgemoor District Council
<b>District:</b>	Means the area of Somerset administered by Sedgemoor District Council – see map in Appendix A
<b>Licences:</b>	As defined in section 1.4 below.
<b>Applications:</b>	Means applications for Licences or Permits defined in section 1.4 below.
<b>Notifications:</b>	Means notifications of Temporary Use Notices and Occasional Use Notices.
<b>Act:</b>	Means the Gambling Act 2005
<b>Regulations:</b>	Means Regulations made under the Gambling Act 2005
<b>Premises:</b>	Means any place and includes a vehicle, vessel or moveable structure

<b>Code of Practice:</b>	Means any relevant code of practice under section 24 of the Gambling Act 2005
<b>Mandatory Condition:</b>	Means any specified condition provided by regulations to be attached to a licence
<b>Responsible Authority:</b>	<p>For the purposes of the Gambling Act 2005, the following are responsible authorities in relation to premises:</p> <ul style="list-style-type: none"> <li>• The Licensing Authority (Sedgemoor District Council)</li> <li>• The Gambling Commission</li> <li>• Avon &amp; Somerset Constabulary</li> <li>• Devon &amp; Somerset Fire &amp; Rescue Service</li> <li>• Development Management, Sedgemoor District Council</li> <li>• Environmental Protection Manager, Sedgemoor District Council</li> <li>• Somerset Local Safeguarding Children Board, Somerset County Council</li> <li>• HM Revenues and Customs</li> </ul>
<b>Interested Party:</b>	<p>For the purposes of the Gambling Act 2005, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:</p> <ul style="list-style-type: none"> <li>• Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> <li>• Has business interests that might be affected by the authorised activities; this could also include, for example, trade associations, charities, faith groups and medical practices.</li> <li>• Represents persons who satisfy either of the above; for example Residents' and Tenants' Associations</li> </ul> <p>When considering whether a person is an interested party, each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the Gambling Commission's Guidance to Local Authorities.</p>
<b>Operator Licence</b>	is a licence issued to the operator by the Gambling Commission
<b>Personal Licence</b>	is a licence issued to individuals by the Gambling Commission

## **1.4 Types of Licence**

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

1. Premises Licences;
2. Temporary Use Notices;
3. Occasional Use Notices;
4. Permits as required under the Act; and
5. Registrations as required under the Act

## **1.5 Licensable Premises and Permits**

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

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Licensed Family Entertainment Centres;
7. Unlicensed Family Entertainment Centres;
8. Club Gaming Permits;
9. Prize Gaming and Prize Gaming Permits;
10. Gaming Machine Permits (alcohol licensed premises);
11. Occasional Use Notices;
12. Temporary Use Notices; and
13. Registrations of small society lotteries.

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

## **1.6 General Principles**

Nothing in this 'Statement of Policy' will:

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

Licensing Authorities are required to "aim to permit" gambling and, therefore, the starting point in determining applications will be to grant the application. In accordance with the Act, premises licenses are subject to mandatory and default conditions which are usually sufficient to ensure that operation is reasonably consistent with the licensing objectives. Conditions will only be considered where evidence suggests that they are needed to meet the requirements of the licensing objectives and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the

'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

All applicants for premises licences will be required to set out how they will ensure operation is reasonably consistent with the Licensing Objectives, as specified in section 1.1 above, and what measures they intend to employ to ensure compliance with them.

When determining an application to grant a premises licence or whether to review a premises licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned. Each case will, however, be determined on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account. Further information regarding the requirement for local risk assessments is provided in section 4.1 below.

Licensing is about the control of licensed premises, Temporary Use Notices or Occasional Use Notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.

When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in other activity in the area concerned. The Secretary of State may, by regulation, provide for specific conditions to be attached to a Premises Licence as either "mandatory" or "default" conditions. In determining an application, the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

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

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

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

Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premises under consideration, puts themselves forward as representing the interests of residents in the vicinity, the Licensing

Authority will normally ask them to provide evidence that they are acting as representatives of others.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

### **1.7 Advisory body for the Protection of Children from Harm**

Sedgemoor District Council, as the licensing authority, designates the Safeguarding Children Board as the competent authority to provide advice on the protection of children from harm.

The Safeguarding Children Board is the Somerset County Council Child Protection Unit and operates throughout the county of Somerset, covering the district of Sedgemoor and has the specialist knowledge and expertise to fulfil this role.

### **1.8 Consultees**

This Statement of Licensing Policy will be subject to formal consultation with:

1. Avon and Somerset Constabulary;
2. Devon & Somerset Fire & Rescue Service;
3. The Somerset Local Safeguarding Children Board;
4. Safer Somerset Community Safety Partnership;
5. Representatives of the holders of the various licences for premises in the District who will be affected by this policy;
6. Parish and Town Councils;
7. Persons and businesses likely to be affected by authorised gambling within the District.

For further information, see Appendix D

### **1.9 Information Exchange**

In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information the Council will conform to the requirements of the Gambling Act, data protection and freedom of information legislation in accordance with the Council's existing policies.

Contact details of those persons making representations and the details of the representations in question will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representation or applying for a review of a premises licence will be informed that these details will be disclosed.

## **2. LEGISLATION, POLICIES AND STRATEGIES**

### **2.1 Legislation**

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:

1. Section 17 of the Crime and Disorder Act 1998;
2. Human Rights Act 1998;
3. Health and Safety at Work etc. Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-social Behaviour Act 2003;
6. The Anti-social Behaviour, Crime & Policing Act 2014;
7. Equality Act 2010
8. Children Act 2004
9. The Data Protection Act 2018

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

### **2.2 Relationship with Planning Policies**

When determining an application, regard cannot, under the terms of the Act, be given to planning or building control permissions and/or any planning restrictions.

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

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

### **2.3 National Strategies**

The Council will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the licensing function.

### **2.4 Local Strategies and Policies**

The Council will consider applications with reference to other adopted local policies, including the following:

1. The Councils Corporate Strategy;
2. Avon & Somerset Police and Crime Plan;
3. Somerset District Authorities Regulatory Services Enforcement Policy;

4. Somerset Health & Wellbeing Strategy – including Sedgemoor’s Health & Wellbeing Strategy.

## **2.5 Integrating Strategies**

By consulting widely prior to this policy statement being published the Council will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

The Council’s Licensing & General Purposes Committee will therefore receive reports, when appropriate, on the -

1. Needs of the local tourist economy;
2. Cultural strategy for the area;
3. Employment situation in the area and the need for new investment and employment where appropriate;
4. Local Crime Prevention Strategies;
5. Most recent crime statistics and trends;
6. Community issues.

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

## **3. DECISION MAKING**

### **3.1 Committee Terms of Reference**

A licensing panel of three councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward councillors will not sit on a panel involving an application within their ward.

The Licensing & General Purposes Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

Where a councillor who is a member of the committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

The licensing panel will also refer to the committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the committee or a licensing panel shall be accompanied with clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's licensing officers will deal with all other licence applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or panels. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case.

### **3.2 Allocation of Decision making Responsibilities**

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

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

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

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

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

### **3.3 Licensing Reviews**

The Council will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may be that activities, including the following, are taking place:

1. Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crimes;
2. Use of licensed premises for the sale and distribution of illegal firearms;
3. Use of licensed premises for prostitution or the sale of unlawful pornography;

4. Use of licensed premises as a base for organised criminal activity;
5. Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
6. Use of licensed premises for the sale of smuggled or counterfeit tobacco or goods;
7. The use of licensed premises for the sale of stolen goods;
8. Children and/or vulnerable persons are put at risk;
9. Operation of a licensed premises not in accordance with the licensing objectives and/ or licence conditions.

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

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

A Premises Licence may also be reviewed by the Licensing Authority on its own volition.

## **4. LOCAL STANDARDS**

### **4.1 Applications & Local Risk Assessments**

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

The current Licence Conditions and Codes of Practice (LCCP) published by the Gambling Commission specifies a social responsibility (SR) code. This code requires operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures in place to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters referred to in this policy document.

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

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

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

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

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

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

- The premises licence has been transferred to a new operator whose policies and procedures differ from those of the previous licence holder.
- The entrance or entrances to the premises are changed. This will include changes in access from one area in a premises to another (e.g. from an Adult Gaming Centre to/ from a Family Entertainment Centre (FEC) and/or unlicensed FEC).
- New gambling facilities are made available on the premises which were not provided previously. For example, handheld gaming devices for customers, Self-Service Betting Terminals, or the provision of a different category of gaming machine.
- The operator makes an application for a licence to undertake activities at that premises in accordance with other legislation. For example, this may include an application for the sale/ supply of alcohol, the provision of regulated entertainment and/ or the provision of late night refreshment (Licensing Act 2003).

The SR provision is supplemented by a further code that requires operators to share these risk assessments with Licensing Authorities on new applications, variations or otherwise at the request of the Licensing Authority.

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

- School
- College
- Other educational establishment (if applicable)
- Play area
- Youth Centre
- Leisure Centre
- Bank
- Cash Machine/ ATM
- Alcohol licensed premises
- Takeaway/ Fast Food Establishment
- Other gambling licensed premises
- Pay day loan/ pawn shop
- Homeless hostel
- Rehabilitation Centre
- Hospital/ Mental Health Services
- Place of Worship

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

It is important that an operator not only identifies the risks within the immediate proximity of the premises but also takes into account the impact of risks identified for the wider area locally. Again, the influx of workers arriving in the District as a result of HPC is potentially a major issue in Sedgemoor. Similarly, one-off events held on a regular basis within the area will need to be factored into the local risk assessment.

We will, therefore, expect risk to be assessed should the premises be affected by a temporary increase in the number of people situated in the immediate area during events such as the Somerset Carnival season and the week of Bridgwater Fair.

Operators will also be expected to include reference to:-

- local statistics regarding crime and disorder, including anti-social behaviour;
- whether or not the premises is situated within an area of deprivation;
- any nearby residential areas occupied by a high concentration of families with children;

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

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

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

This decision will, however, be reviewed should it be felt by the Council that potential or actual risks identified within the District deem it's production necessary. Applicants and existing operators should, therefore, take their own steps to identify risks by, for example, consulting with any relevant responsible authorities and liaising with other gambling operators in the area where necessary.

## **4.2 Assessment of Need**

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

## **4.3 Conditions**

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

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

#### **4.4 Enforcement**

The Council is a signatory to the Somerset District Authorities Regulatory Services Enforcement Policy and will follow the principles set out there in whilst carrying out our regulatory functions as the Licensing Authority. The Policy is based upon the principles that our activities will be transparent, accountable, proportionate and consistent whilst being targeted only at cases in which action is required.

The Enforcement Policy proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. For example, an isolated administrative offence such as failing to maintain certain records may be dealt with purely by way of a written warning. More serious offences or repeated offences that have been committed over a period of time may result in referral to Panel, the issue of a simple caution or a referral for prosecution.

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

When determining risk, consideration will be given to:-

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

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

The Council will seek to work actively with the police in enforcing licensing legislation. It encourages the police to share information about licensees and licensed premises under relevant legislation.

#### **4.5 Casinos**

There is no resolution to prohibit casinos in the District at present. Furthermore, the Council is not currently enabled by the Secretary of State (S.175 of the Act) to grant a licence for casino premises. However, the Council reserves its right to review the situation and may, at some time in the future, resolve not to permit casinos.

Should the Council choose to make such a resolution, this will be a resolution of full Council following considered debate and the reasons for making the resolution will be given.

#### **4.6 Unlicensed Family Entertainment Centre gaming machine permits**

Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit.

An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre (uFEC), and if the chief officer of police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre; and the suitability of the premises in relation to their location and issues about disorder.

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

In view of the above, the operator will be required to provide a detailed plan of the premises on application/ renewal of an uFEC. If the uFEC area is within a multi-purpose premises, the plan must specify the area subject to the permit application.

A local risk assessment will apply to the whole premises/ building if an uFEC is situated immediately adjacent to an area covered by a premises licence.

#### **4.7 General points regarding Gaming Machines**

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

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

- Clearly display the classification (e.g. Category D) of each machine on the machine itself.

- Undertake consultation with the Licensing Authority in advance of applying screening and/or booting to category B machines within licensed premises.
- Ensure that gaming machines situated in premises licensed to sell/ supply alcohol (authorised by way of notification of automatic entitlement and/or permit) are made available strictly in accordance with the Gambling Commission's code of practice with regards to gaming machines in alcohol-licensed premises.

## **5. Prevention of Crime and Disorder Objective**

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

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

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

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

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

## **6 Ensuring that gambling is conducted in a fair and open way Objective**

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

## **7 The Protection of Children and other Vulnerable Persons Objective**

### **7.1 Access to licensed premises**

With limited exceptions, the access of children and young persons to those gambling premises, which are adult only environments, will not be permitted.

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

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

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

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

1. Supervision of entrances;
2. Segregation of gambling areas from areas frequented by children;
3. Supervision of gaming machines in non-adult gambling specific premises.

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

### **7.2 Vulnerable Persons**

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

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

## **8. COMPLAINTS AGAINST LICENSED PREMISES**

The Council will investigate complaints against licensed premises regarding matters relating to the licensing objectives for which it has responsibility. In the

first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.

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

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

**Due consideration will be given to all relevant representations unless they are considered to be frivolous, vexatious or repetitious.**

## **9. Further Information**

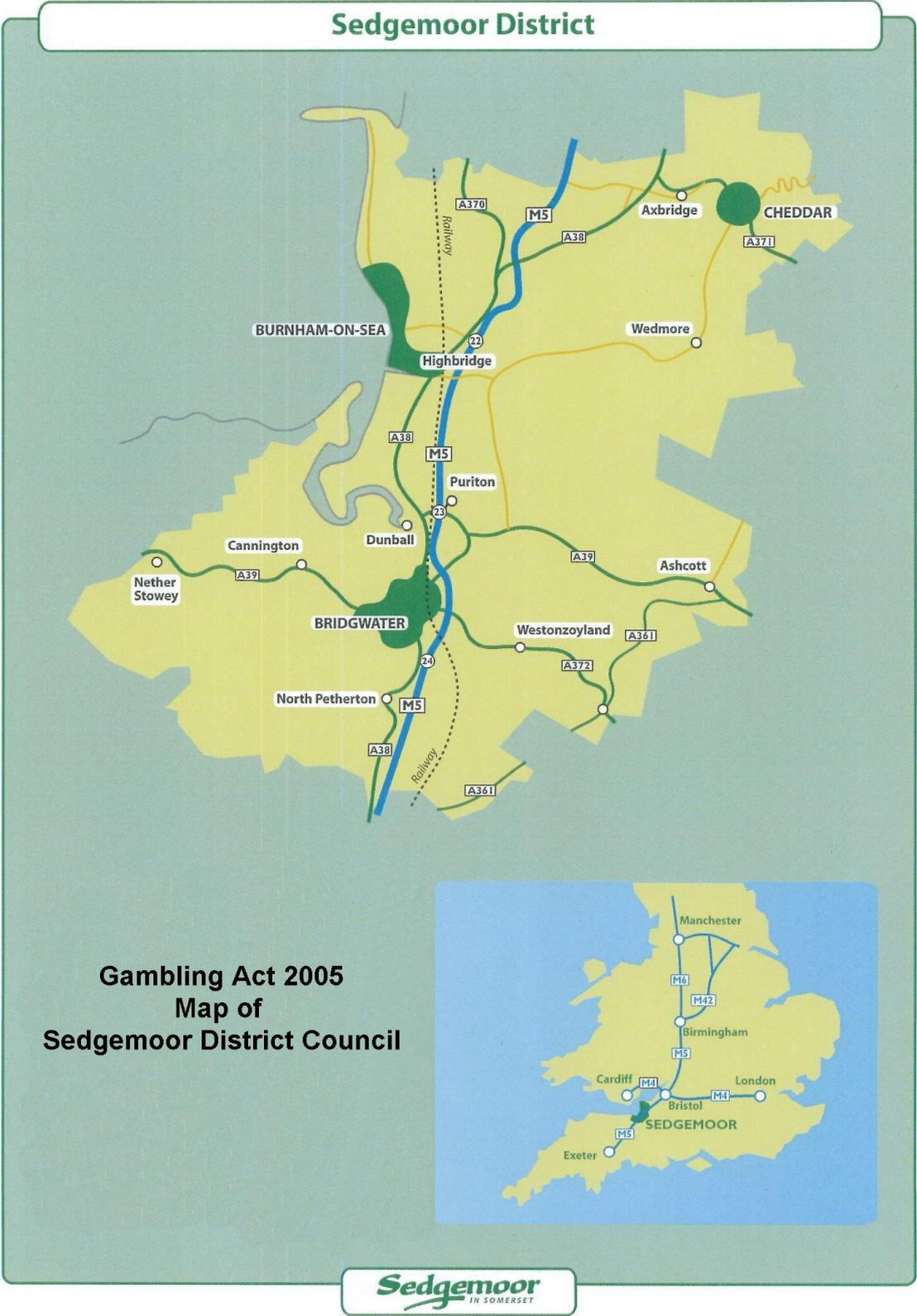
Further information about the Gambling Act 2005, this Statement of Licensing Policy and about the application process, including application forms and guidance notes can be obtained from:

The Licensing Officer  
Sedgemoor District Council  
Bridgwater House  
King Square  
Bridgwater  
Somerset  
TA6 3AR

Tel: 0300 303 7806  
E-mail: [licensing@sedgemoor.gov.uk](mailto:licensing@sedgemoor.gov.uk)  
Website: [www.sedgemoor.gov.uk/licensing](http://www.sedgemoor.gov.uk/licensing)

Information is also available from the

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Tel: 0121 230 6666  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)



## Appendix B

### TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE OR PANEL	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		Executive	
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		X	
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		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an Interested Party			X

Determination as to whether representations are relevant			X
Determination as to whether a representation is frivolous, vexatious or repetitive			X

## Contact Details for Relevant Authorities

<b>Sedgemoor District Council</b>	<b>Bridgwater House King Square Bridgwater TA6 3AR</b>
<b>The Gambling Commission</b>	<b>Fourth Floor Victoria Square House Victoria Square Birmingham B2 4BP</b>
<b>Avon &amp; Somerset Constabulary</b>	<b>Licensing Bureau PO Box 3259 Bristol BS2 2EJ</b>
<b>Devon &amp; Somerset Fire &amp; Rescue Service</b>	<b>Devon &amp; Somerset Fire &amp; Rescue Service Service Headquarters The Knowle Clyst St George Exeter EX3 0NW</b>
<b>Safeguarding Children Board</b>	<b>Somerset LSCB PP2 B3W County Hall Taunton TA1 4DY</b>
<b>HM Customs &amp; Excise</b>	<b>HM Revenue &amp; Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</b>

### Consultees

Elected Members, Sedgemoor District Council  
Town and Parish Councils in Sedgemoor  
The Gambling Commission  
Avon & Somerset Constabulary  
Devon & Somerset Fire & Rescue Service  
Somerset Health & Wellbeing Board  
Development Management, Sedgemoor District Council  
Somerset Local Safeguarding Children Board  
HM Revenues and Customs  
Sedgemoor Community Safety Partnership  
William Hill  
Ladbrokes  
Bet Fred  
Paddy Power  
Mecca Bingo/Rank  
Association of British Bookmakers  
British Amusement Catering Trade Association  
Bingo Association  
Lotteries Council  
Somerset Chamber of Commerce  
Gamcare  
Gamblers Anonymous  
GambleAware  
Mencap  
NSPCC  
CAB  
Director of Public Health

Representatives of the holders of the various licences for premises in the District who will be affected by this policy

Members of the public who will be affected by this policy

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