



General Licensing and Registration Committee

Date Thursday 11 October 2018
Time 10.00 am
Venue Committee Room 2 - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Declarations of Interest (if any)
3. The Minutes of the Meeting held on 18 January 2018 (Pages 3 - 4)
4. Triennial Review of the Council's Statement of Gambling Policy (Pages 5 - 152)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
3 October 2018

To: **The Members of the General Licensing and Registration Committee**

Councillor C Carr (Chair)
Councillor J Maitland (Vice-Chair)

Councillors P Atkinson, A Batey, D Bell, J Bell, J Blakey, D Brown, L Brown, M Clarke, P Crathorne, G Darkes, S Durham, C Hampson, D Hicks, A Hopgood, K Liddell, L Marshall, I McLean, A Reed, D Stoker, A Surtees, T Tucker, A Willis, M Wilson, L Kennedy and D Wood

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Committee Room 2, County Hall, Durham on **Thursday 18 January 2018 at 10.00 am**

Present:

Councillor J Maitland (Chair)

Members of the Committee:

Councillors P Atkinson, D Bell, D Brown, L Brown, G Darkes, A Hopgood and A Willis

1 Apologies for Absence

Apologies for absence were received from Councillors C Carr, A Batey, J Bell, J Considine, P Crathorne, C Hampson, D Hicks, L Marshall, J Stephenson, D Stoker, A Surtees, T Tucker and M Wilson.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 13 July 2017 were agreed as a correct record and were signed by the Chair.

4 Interim Update of the Council's Hackney Carriage and Private Hire Licensing Policy

The Committee considered a report of the Head of Environmental Health and Consumer Protection which informed Members of the outcome of an interim, technical update of Durham County Council's Hackney Carriage and Private Hire Licensing Policy (the Taxi Policy) and proposals for its revision and update (for copy see file of Minutes).

The proposed changes to the current Taxi Policy were set out in the Table of Changes in Appendix 3 of the report and the revised policy highlighting those amendments was attached at Appendix 4.

The Licensing Manager took Members through the key changes. The Equality Act 2010 required the drivers of wheelchair accessible vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibited them from charging extra, unless they held a valid exemption certificate.

Members discussed the proposed amendment and in response to questions from the Committee, the Licensing Manager advised that a driver could possess a wheelchair accessible vehicle and hold a valid exemption certificate but would be required to display this information in the vehicle. If the certificate was time limited this should be specified by the medical practitioner but it would not be deemed reasonable for the Licensing Authority to issue a certificate for a specific period of time. Currently there were no wheelchair accessible vehicles used by drivers with a valid exemption certificate. There was no requirement for operators to provide a wheelchair accessible vehicle.

Other key changes included the requirement for all applicants to be subject to a right to work check under the Immigration Act 2016, and amendments to guidelines on the relevance of arrest, conviction, caution or any other relevant information. The revised policy included information regarding Schedule 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended. The Order created categories of 'protected cautions' and 'protected convictions' which applicants and licensees must be treated as not having committed, or been charged with, or prosecuted for, or convicted of or sentenced for, even though 'spent' convictions may be taken into account. Members discussed the implications of this change in legislation on their consideration of applicants/licence holders appearing before the Sub-Committees. It was noted that further Government Guidance was needed on this.

Councillor Hopgood noted that the report would not be considered by Council until April 2018. The Member asked that in future the timing of the submission of reports to Committee be carefully planned to ensure that proposed changes to policy were reported to Council for adoption as quickly as possible.

Resolved:

That the proposed updates to the Taxi Policy be agreed and the revised version incorporating the proposed amendments be recommended to Council for adoption.

**General Licensing and Registration
Committee**

11 October 2018



**Triennial Review of the Council's
Statement of Gambling Policy**

**Report of Joanne Waller, Head of Environment, Health and Consumer
Protection**

**Councillor Brian Stephens, Cabinet Portfolio Holder for
Neighbourhoods and Local Partnerships**

Purpose of the Report

1. To enable the General Licensing and Registration Committee to consider, approve and recommend to Council a Statement of Principles (SOP) for 2019 to 2021 in accordance with the Gambling Act 2005. Once adopted, the revised SOP will enable the Council to continue to make decisions when exercising its responsibilities as the Licensing Authority under the Gambling Act 2005 for the next three years. The revised version is provided in **Appendix 4**.

Background

2. Under the Gambling Act 2005, the Council is responsible for issuing premises licences for gambling premises such as casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol-licensed premises.
3. The Act contains three licensing objectives, which underpin the functions of the Gambling Commission and the local authority, acting in their capacity as the licensing authority. These objectives are central to the regulatory regime created by the Act and are:
 -) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 -) Ensuring that gambling is conducted in a fair and open way; and
 -) Protecting children and other vulnerable persons from being harmed or exploited by gambling
4. Licensing authorities are required to prepare and publish, every three years, a statement of principles that they propose to apply when exercising their functions under the Gambling Act 2005, during the three-year period to which the policy applies.

5. In preparing such a statement, licensing authorities must follow the procedure set out in the Act as well as the accompanying guidance. The last review leading to the adoption of the current statement of principles was undertaken in 2016. A review of the current statement of principles was required to be undertaken to enable the revision and re-publication of this policy document by January 2019. For the purposes of the latest review period, the newly revised SOP must be published by 3rd January 2019 before it comes into force on 31st January 2019.
6. The SOP fulfils two principal purposes; firstly, it provides advice to businesses and the public on the Council's overall position regarding the Gambling Act 2005. Secondly, it provides a decision-making framework for the Council via its Licensing Committee to exercise its functions under the Act. As such, the SOP must balance the legitimate needs of businesses and demand for leisure and cultural activities alongside the need to protect those adversely affected by activities. Failure to achieve the correct balance could lead to a Statement being either, overly prescriptive and open to challenge, or alternatively, ineffective in the protection of local residents or through a failure to promote the licensing objectives effectively.
7. The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) require licensed operators to consider local risks. Gambling premises operators must undertake a risk assessment taking into consideration relevant local information. Licence holders must assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. Under this SOP, operators will be expected to have their own policies, procedures and control measures in place to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's Statement of Principles.
8. The draft, revised SOP attached at **Appendix 4** was produced by officers following the review process incorporates legislative requirements, national guidance and reflects good practice.

Consultation

9. Between May and August 2018 a public consultation exercise on the current statement of principles was conducted. In accordance with the Gambling Commissions guidance to Licensing Authorities and Government's Code of Practice on Consultation, 12 weeks were allocated for the consultation and for the return of responses.
10. The legislation provides the licensing authority with guidance on those organisations and bodies that the Council must consult with as part of the review. In addition to the statutory consultees, many other individuals, agencies and organisations considered to be affected by the SOP were identified and their comments were invited. We also contacted all existing Gambling licensees within in the County to obtain their views.

11. The draft SOP was widely advertised in the regional press. It also appeared on the Council's website, where e-mail responses were invited.
12. At the culmination of the consultation exercise six relevant responses had been received. All comments received are attached as part of the table of changes in **Appendix 2**.
13. All of the comments received have been taken into consideration. Where it was appropriate to incorporate received suggestions and recommendations into the revised draft, this has been done. Where it was not appropriate to do so, explanations have been provided as to why this is the case in the Table of Changes in **Appendix 3**. The majority of proposed changes have been made following scrutiny of the current SOP by officers from Licensing Services with the aim to enhance clarity and provide useful information and advice to those who may be affected by or be subject to the policy.
14. The Licensing and General Purposes Committee is asked to consider the outcome of the consultation exercise with a view to recommending to Council the adoption of the amendments and a revised version of the SOP.

Conclusion

15. The Statement of Principles has been reviewed in accordance with the Gambling Act 2005 in accordance with the three-year cyclical basis. The proposed revised Gambling SOP incorporates legislative requirements and Gambling Commission Guidance.

Responses to the consultation have where it was appropriate to do so, been incorporated within the draft SOP. A copy of the final draft revised SOP is attached in **Appendix 4**.

Recommendations

17. That consideration is given to the consultation responses, officer proposals and content of the final draft statement of principles attached in **Appendix 4**.
18. That General Licensing and Registration Committee recommends to Council the adoption of the revised statement of principles.

Background Papers

-) Durham County Council's Gambling Act 2005 current Statement of Principles
-) Gambling Commissions Guidance to licensing authorities - 5th edition September 2015

Contact: Joanne Waller Tel: 0191 383 5672

Appendix 1: Implications

Finance

The costs of consultation and publication of the revised policy will be met from existing budgets. The report has no value for money implications.

Staffing

None

Equality and Diversity

A Diversity Impact Assessment (DIA) was carried out in the planning stages of this consultation.

Accommodation

None

Crime and Disorder

The Council's licensing Statement of Principles forms a central part of the control and regulation of the evening and night time economies. As such, it can be viewed as having a pivotal role in the prevention of alcohol related crime and disorder.

The effective control of licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for alcohol related issues or mitigate their effects. This coupled with monitoring and enforcement and the appropriate use of the review process can significantly contribute towards crime reduction and an increase in public reassurance.

Human Rights

None

Consultation

The 3 yearly review of the Statement of Principles is subject to Government Guidance which prescribes the statutory consultees who must be included in policy consultation. In addition to the statutory consultees, other relevant local, regional and national bodies and organisations have been identified and are consulted in relation to policy revision.

Procurement

None

Equality Act

None – a screening exercise has been undertaken and no equality matters have been identified

Legal Implications

It is a statutory requirement for a Licensing Authority to review, consult upon and publish, every three years, a Statement of Principles it proposes to apply when exercising Gambling Act functions. Such Statement of Principles should follow guidance and best practice in order to underpin decision making by the Licensing Authority in carrying out its functions. The decision to approve the Statement of Principles is an administrative decision which can be subject to

challenge by judicial review. The individual decisions of a Licensing Authority may be challenged by statutory appeals mechanisms.

2. Section 5 – I note the unusually broad and loosely worded definition of those falling within Section 158 c) of the Act – i.e. those representing persons who i) live sufficiently close to premises to be likely to be affected by the authorised activities or ii) have business interests that might be affected by the authorised activities. I do not believe that the current draft catch-all wording for such representatives is appropriate - in short and with respect, it is not for the Authority to “deem” that certain bodies will automatically represent Interested Parties.

Rather, the question of whether someone is a representative of an Interested Party within the section, should properly be a matter for consideration on a case by case basis. This is in keeping with the main wording in s158 that “...a person is an interested party in relation to an application... if, in the opinion of the licensing authority,.... the person represents persons who satisfy a) or b)”. My submission is also in keeping with the Commission’s Guidance on this (paras 8.06 and 8.17), which does not refer to the categories included in the Draft, but rather to e.g. democratically elected representatives, trade associations, trade unions, residents associations or community groups. The Guidance also refers to the licensing authority having to satisfy themselves on a case by case basis that a person does in fact represent an Interested Party and suggests obtaining a letter of confirmation from the Interested Party.

The Draft’s more general approach to categories seems to relate more closely to the concept of Responsible Authorities. However those bodies are already defined in S 157 of the Act and, again with respect, it is not for the Authority to add to those definitions or categories; instead it is a matter for parliament.

3. Section 6 – I refer to the 2008 case of R (on the application of Betting Shop Services Limited) – V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then current Guidance issued by the Commission was wrong. The Guidance was subsequently amended.
4. Section 8 – protection of children and other vulnerable persons. As is alluded to elsewhere in the Draft, it is perfectly legal for children to take part in some limited gambling activities (Category D machines). As such it is not appropriate to refer to this objective as meaning that children should be prevented from taking part in gambling. Perhaps this could be clarified.
5. Sections 10, 11, 13, 14 and 15 - while the Draft suggests that for AGCs, FECs and Tracks, the Authority may consider measures (examples of which are listed) to meet the licensing objectives, curiously these are not repeated for bingo premises, nor betting premises. This is inconsistent. No reason is given as to why such matters are not relevant to Bingo or Betting premises and I suggest that the provisions should be mirrored.

I hope that the above proves useful. If you have any questions, please to not hesitate to contact me.

Yours faithfully,

Elizabeth Speed

Group General Counsel

Novomatic UK

2. From: Tracey Rose

> Sent: 31 May 2018

14:33 To: AHS Licensing <Licensing@durham.gov.uk> Subject: Gambling Act 2005 - Review of Durham County Council's Gambling Statement of Principles

Gambling Act 2005

Review of Durham County Council's Gambling Statement of Principles

I refer to your attached copy letter of 24th May and write to enquire as to whether the Council intends publishing a draft consultation proposal, or whether you are looking to receive comments on the current policy at the following link:-

<https://www.durham.gov.uk/media/1060/Gambling-Act-Statement-of-Principles/pdf/GamblingAct2005StatementOfPrinciples2016.pdf>

I look forward to hearing from you.

Kind regards

Tracey

Tracey Rose

Senior Legal & Licence Compliance Administrator

LUXURY LEISURE, TALARIUS LTD & RAL LTD

NOVOMATIC GROUP

362C Dukesway

Team Valley Trading Estate

Gateshead

NE11 0PZ

3. From: Catherine Sweet

Sent: 12 June 2018 11:46

To: AHS Licensing <Licensing@durham.gov.uk>

Subject: Gambling Act 2005 - Review of Durham County Council's Gambling Statement of Principles

Hello,

Thank you for your letter, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process

comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,

Catherine

Catherine Sweet

Head of Marketing and Communications

4. From: Susan Smith

Sent: 31 May 2018 01:36

To: AHS Licensing <Licensing@durham.gov.uk>

Subject: Gambling

The current notices used by gambling companies such as 'when the fun stops, stop' and 'gamble responsibly' are both pretty meaningless. I therefore suggest it be made a legal requirement for all gambling outlets to have large notices stating 'ONLY GAMBLE WHAT YOU CAN AFFORD TO LOSE'. This notice should also be displayed in the window of establishment in at least an A3 size.

I also believe the gambling outlets should no longer be allowed to advertise their products and offers in their windows. Currently they are on full display and seen by all, including children. Children seeing these adverts leads to gambling being normalized for them.

If you can do anything to implement these suggestions, you could make a real difference to people's quality of life.

Regards

S. Smith

5. Form Submission User: ANONYMOUS

URL:

Was this page Useful?

Was this page useful? Yes

How can we make it better? -1

Any Comments?

Totally Agree to reduced slot machine maximum amount to £2 bet NOT £100. Agree with principles

6. From: Rachel Stockdale <

Sent: 03 June 2018 14:02

To: Helen Johnson - Licensing Team Leader (N'hoods)

<Helen.Johnson2@durham.gov.uk>

Subject: FW: Review of Durham County Council's Gambling Statement of Principles

Helen,

The only other thing I could see which may frustrate for the future is that when considering an application the LA should not give any consideration to if the premises has or is likely to get planning permission/change of use. That this should be left to the planning committee as an entirely separate matter:

"The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

The Gambling Commission Guidance to Licensing Authorities states:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

Durham County Council will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance: When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally 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.”

I appreciate that is what it says now but if we are looking to future proof in line with making planning and licensing run in harmony rather than against each other is this something worth exploring to see if we can be out there, and ahead of the curve to try and align them better – not to over step the law but to make it streamlined and work better for all of us going forward?

Planning have done some brilliant work around children in care and with the planning around the new builds on the old passport site so are really up for doing things differently and challenging where we are.

Just a suggestion – hope this makes sense

Rachel

7. From: Sean Barry Sent: 11 June 2018 14:18
To: AHS Licensing <Licensing@durham.gov.uk>
Cc: Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>; Jacqui Doherty <Jacqui.Doherty@durham.gov.uk>
Subject: RE: Review of Durham County Council's Gambling Statement of Principles

Good Afternoon

My Ref: SB/2018/068

I represent the Durham Local Safeguarding Children Board (LSCB) which is a responsible authority identified under Durham County Council Gambling Act 2005 Statement of Principles.

In reviewing the current Statement of Principles to promote the protection of children and in preparation for a new revised Statement I offer the following comments:

Section 4 – Responsible Authorities (page 10)

Currently Durham Local Safeguarding Children Board is identified as the competent body to advise the authority (Durham County Council) about the protection of children from harm. Local child safeguarding structures and framework will be changing due to the introduction of new legislation in the Children and Social Work Act 2017. The time scale for this work is currently autumn 2018 – March 2019.

In short this means Durham Safeguarding Children Board will be replaced at some point by a new (as yet unnamed) safeguarding partnership. It will be this new safeguarding partnership that will undertake the 'Responsible Authorities' duty for licensing. Up until the change the LSCB continues to hold and carry out the statutory duty. Depending on your timescales and ours you may have a new 'competent body to advise the authority (Durham County Council) about the protection of children from harm' or you may still be referencing the LSCB. If the latter is the case you will have to build in a revision of the Statement of Principles to reflect the safeguarding changes once they come into force.

We will update you as we get to know more.

Section 15 – Tracks (page 8 and page 30)

While this focuses solely on the gambling element, access and environment of a track. I note that the review of the current Statement of Principles provides an opportunity to address the issue of a child witnessing disturbing scenes due to animal injury. It is suggested that the Statement of Principles could advise as best practice that track owners introduce of warning notices, so that parents can make informed choices before bringing children to track events.

I have no other comments to make on behalf of Durham LSCB.

Regards
Sean

Sean Barry
Strategy and Development Officer
Local Safeguarding Children Board
www.durham-lscb.org.uk
Tel: 03000 265 434

Durham County Council, DH1 5UL
Website www.durham.gov.uk
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Review of Gambling Act 2005 Statement of Principles 2016 - 2019

A. Changes proposed by DCC Licensing Services for and on behalf of the Licensing Authority

Section and pages	Recommended Change
Title page 1	Departmental name, dates and Act reference
Version control page 2	Version date, information contact details and accessibility
Forward page 3	Foreword by Councillor Brian Stephens - Portfolio Member for Neighbourhoods and Local Partnerships
Contents pages 4 to 5	New format and contents reflecting additional sections
1.0 Introduction pages 6 to 9	New introduction – explanatory, background information and contextual settings (strategic, legal and local)
2.0 Part A The Gambling Act 2005 pages 10 to 18	Additional explanations and clarifications relating to the legislation, objectives, general approach to decision making, risk assessments, policy integration and the licensing framework. An expansion of the overview of the Councils' functions and how they are exercised in practice. Enhanced clarification and greater description of roles and responsibilities, new section on fees and contact details together with update of data protection legislation and information exchange with reference to the General Data Protection Regulations.
3.0 Part B – Promotion of the licensing objectives pages 19 to 23	Additional information and descriptions for explanatory and clarification purposes in relation to the three licensing objectives. Information about enquiry processes that the Council may undertake for the protection of children and of vulnerable people. Reference to the Care Act 2014
4.0 Part C Premises Licences pages 24 to 47	Additional information and descriptions for explanatory and clarification purposes. Extra information providing enhanced descriptions of the meaning of 'premises' and effects of their adaptation or separation into separate units. Information on newly developed premises. Extra information for explanatory and clarification purposes in relation to locality and locational issues including local risk assessments. New examples of factors to be taken into consideration by the Council are provided to assist operators in carrying out their risk assessments. Extra information to provide clarification on mandatory

	conditions and specific measures which may be required for buildings which are subject to multiple premises licences for the protection of children. Changes to and additional Information on door supervision, fixed odds betting terminals, tracks, travelling fairs and provisional statements for clarification and explanatory reasons.
5.0 Part D Permits, Notices and Lottery Registrations pages 48 to 57	Additional information and descriptions for explanatory and clarification purposes. References to Gambling Commission Guidance for legal clarification in connection with prize gaming. Examples of measures the council may expect to be included in operator's policies and procedures aimed at promoting and supporting the licensing objectives. Information clarifying the role and purpose of the Councils statement of principles and its use by operators and premises licence holders or applicants.
6.0 Part E Enforcement pages 58 to 62	Additional information and descriptions for explanatory and clarification purposes. Reference to the Statutory Regulators Code and Primary Authority scheme. Additional information in connection with premises licence reviews, appeals to the courts and complaints about gambling premises licenced by the Council.
Appendix 2 Glossary pages 64 to 67	New appendix for information and clarification
Appendix 4 Summary of Gaming Machine Categories and Entitlements page 70	Latest information from the Gambling Commission reformatted and represented.

B. Changes proposed by respondent consultees

Consultees	Proposals	Recommendations
The Gambling Commission (Mel Potter, Compliance Manager)	<ul style="list-style-type: none"> • If you are including a table of stakes and prizes in your current Statement of Policy review then we suggest you just add a footnote to say the stakes are subject to change (if you have not done so already). • Similarly if you have suggested specific local risk assessment requirements in relation to B2 machines in your Policy, you may want to review the wording and consider making it more generic - either to all category B machines or all machines, as appropriate (for example some policies are stating 	<p>Footnote added to table of stakes and prizes Appendix 4 – Summary of Gaming Machine Categories and Entitlements page 70.</p> <p>The policy does not require specific risk assessments for category B2 machines.</p> <p>Information noted. Draft policy vetted by DCC Legal Services</p>

	<p>that a variation is required for introducing screens/booths around B2 machines only)</p> <p>We have become aware that industry lawyers are scrutinising LA's Statement of Policy.</p> <p>Some are contesting the content.</p> <p>We wish to ensure that in such circumstances, Local Authorities understand that the Gambling Commission are willing to discuss the issues raised with yourselves and provide assistance rather than just agreeing to change your SoP.</p> <p>Please do not hesitate to contact me, should you require any assistance.</p>	
<p>Elizabeth Speed, Novomatic UK on behalf of 'Luxury Leisure'</p>	<p>On behalf of Luxury Leisure I make the following comments in relation to the consultation draft (the "Draft"):</p> <p>1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act") it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. I cannot see a reference to the Regulators' Code in the current Draft and suggest that it is incorporated.</p>	<p>Reference is made to the Regulators code in Section 6.0 Part E Enforcement at 6.1 on page 58.</p>

	<p>2. Section 5 – I note the unusually broad and loosely worded definition of those falling within Section 158 c) of the Act – i.e. those representing persons who i) live sufficiently close to premises to be likely to be affected by the authorised activities or ii) have business interests that might be affected by the authorised activities. I do not believe that the current draft catch-all wording for such representatives is appropriate - in short and with respect, it is not for the Authority to “deem” that certain bodies will automatically represent Interested Parties.</p> <p>Rather, the question of whether someone is a representative of an Interested Party within the section, should properly be a matter for consideration on a case by case basis. This is in keeping with the main wording in s158 that “...a person is an interested party in relation to an application... if, in the opinion of the licensing authority... the person represents persons who satisfy a) or b)”. My submission is also in keeping with the Commission’s Guidance on this (paras 8.06 and 8.17), which does not refer to the categories included in the Draft, but rather to e.g. democratically elected representatives, trade associations, trade unions, residents associations or community groups. The Guidance also refers to the licensing authority having to satisfy themselves on a case by case basis that a person does in fact represent an Interested Party and suggests obtaining a letter of confirmation from the Interested Party.</p> <p>The Draft’s more general approach to categories seems to relate more closely to the concept of Responsible Authorities. However those bodies are already defined in</p>	<p>This subject is now fully addressed in section 2.0 Part A The Gambling Act at paragraph section 2.14 interested parties which states that In accordance with guidance from the Gambling Commission it is not the council’s role to deem that certain bodies will automatically represent Interested Parties. The question of whether someone is a representative of an Interested Party will be a matter for consideration on a case by case basis.</p>
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	<p>S 157 of the Act and, again with respect, it is not for the Authority to add to those definitions or categories; instead it is a matter for parliament.</p> <p>3. Section 6 – I refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then current Guidance issued by the Commission was wrong. The Guidance was subsequently amended.</p> <p>4. Section 8 – protection of children and other vulnerable persons. As is alluded to elsewhere in the Draft, it is perfectly legal for children to take part in some limited gambling activities (Category D machines). As such it is not appropriate to refer to this objective as meaning that children should be prevented from taking part in gambling. Perhaps this could be clarified.</p> <p>5. Sections 10, 11, 13, 14 and 15 - while the Draft suggests that for AGCs, FECs and Tracks, the Authority may consider measures (examples of which are listed) to meet the licensing objectives, curiously these are not repeated for bingo premises, nor betting premises. This is inconsistent. No reason is given as to why such matters are not relevant to Bingo or Betting premises and I suggest that the provisions should be mirrored.</p>	<p>This matter is addressed in section 4.0 Part C Premises Licences at paragraph section 4.20 Provisional Statements on pages 44 to 45.</p> <p>Clarification is provided in section 3.0 Part B Promotion of the licensing objectives at paragraph sections 3.3 and 3.4 on pages 19 to 21 and in section 4.0 Part C Premises Licences at paragraph 4.10 Licensed Family Entertainment Centres (LFECs).</p> <p>This matter has now been addressed in section 4.0 Part C Premises Licences at 4.7 Decision Making on pages 32 to 36 and in sections 4.10 Licensed Family Entertainment Centres (LFECs), 4.12 Bingo premises and 4.16 Tracks</p>
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<p>Catherine Sweet, Head of Marketing and Communications of gamcare.org.uk</p>	<p>While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below:</p> <ul style="list-style-type: none"> • A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/ • Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities. • A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local 	<p>For health and deprivation, crime and community safety information about the local area visit: https://www.durhaminsight.info/</p> <p>These matters are comprehensively addressed in section 4.0 Part C Premises Licences at section 4.5 Location and section 4.6 Local Risk assessments on pages 28 to 32.</p> <p>These matters are comprehensively addressed in section 4.0 Part C Premises Licences at</p>
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	<p>Licensing Authority that appropriate mitigations are in place.</p> <ul style="list-style-type: none"> • Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately? • Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs. • Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling. • Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so. 	<p>section 4.5 Location and section 4.6 Local Risk assessments on pages 28 to 32.</p> <p>This matter is addressed in section 4.0 Part C Premises Licences at section 4.3 Building separation, access arrangements and multiple licences; section 4.7 Decision Making pages 32 to 36 and in section 4.9 on page 36 to section 4.19 on pages 43 and 44.</p> <p>This is addressed in section 4.6 Local Risk assessments on page 32.</p> <p>These matters are addressed in section 4.0 Part C Premises Licences at section 4.3 Building separation, access arrangements and multiple licences; This is also addressed in section 4.6 Local Risk assessments; section 4.7 Decision Making pages 32 to 36 and in section 4.9 on page 36 to section 4.19 on pages 43 and 44.</p>
Susan Smith	<p>The current notices used by gambling companies such as 'when the fun stops, stop' and 'gamble responsibly' are both pretty meaningless. I therefore suggest it be made a legal requirement for all</p>	<p>Durham County Council is not able to make legislation, only policy. This proposal cannot be actioned by DCC. The advertising and promotion of gambling</p>

	<p>gambling outlets to have large notices stating 'ONLY GAMBLE WHAT YOU CAN AFFORD TO LOSE'. This notice should also be displayed in the window of establishment in at least an A3 size. I also believe the gambling outlets should no longer be allowed to advertise their products and offers in their windows. Currently they are on full display and seen by all, including children. Children seeing these adverts leads to gambling being normalized for them.</p> <p>If you can do anything to implement these suggestions, you could make a real difference to people's quality of life.</p>	<p>activities are outside the remit and responsibility of local councils and are matters which are governed and regulated by the gambling Commission and the Advertising Standards Authority. This policy seeks to protect children from harm by promoting the licensing objectives – i.e. protecting children and other vulnerable persons from being harmed or exploited by gambling see sections 1 to 6.</p>
<p>Rachel Stockdale on behalf of Durham Constabulary</p>	<p>The only other thing I could see which may frustrate for the future is that when considering an application the LA should not give any consideration to if the premises has or is likely to get planning permission/change of use. That this should be left to the planning committee as an entirely separate matter:</p> <p>“The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.</p> <p>The Gambling Commission Guidance to Licensing Authorities states: In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One</p>	<p>See section 2.0 Part A The Gambling Act 2005 paragraph section 2.10 Duplication with other regulatory regimes and 2.11 Planning. Also see section Part C Premises Licences paragraph sections 4.3 Building separation, access arrangements and multiple licences; 4.4 Premises “ready for gambling” and 4.20 Provisional statements. The Council will pay due regard to the legislation and associated guidance.</p>

	<p>example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.</p> <p>Durham County Council will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance: When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally 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.”</p> <p>I appreciate that is what it says now but if we are looking to future proof in line with making planning and licensing run in harmony rather than against each other is this something worth exploring to see if we can be out there, and ahead of the curve to try and align them better – not to over step the law but to make it streamlined and work better for all of us going forward?</p>	
Sean Barry representing Durham Local Safeguarding	I represent the Durham Local Safeguarding Children Board (LSCB) which is a responsible authority identified under Durham County Council Gambling Act 2005	

<p>Children Board (LSCB)</p>	<p>Statement of Principles.</p> <p>In reviewing the current Statement of Principles to promote the protection of children and in preparation for a new revised Statement I offer the following comments:</p> <p>Section 4 – Responsible Authorities (page 10) Currently Durham Local Safeguarding Children Board is identified as the competent body to advise the authority (Durham County Council) about the protection of children from harm. Local child safeguarding structures and framework will be changing due to the introduction of new legislation in the Children and Social Work Act 2017. The time scale for this work is currently autumn 2018 – March 2019.</p> <p>In short this means Durham Safeguarding Children Board will be replaced at some point by a new (as yet unnamed) safeguarding partnership. It will be this new safeguarding partnership that will undertake the ‘Responsible Authorities’ duty for licensing. Up until the change the LSCB continues to hold and carry out the statutory duty. Depending on your timescales and ours you may have a new ‘competent body to advise the authority (Durham County Council) about the protection of children from harm’ or you may still be referencing the LSCB. If the latter is the case you will have to build in a revision of the Statement of Principles to reflect the safeguarding changes once they come into force.</p> <p>We will update you as we get to know more.</p>	
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	<p>Section 15 – Tracks (page 8 and page 30)</p> <p>While this focuses solely on the gambling element, access and environment of a track. I note that the review of the current Statement of Principles provides an opportunity to address the issue of a child witnessing disturbing scenes due to animal injury. It is suggested that the Statement of Principles could advise as best practice that track owners introduce of warning notices, so that parents can make informed choices before bringing children to track events.</p> <p>I have no other comments to make on behalf of Durham LSCB.</p>	

Regeneration and Local Services

Environment Health and Consumer Protection

Durham County Council

DRAFT

Statement of Principles

2019 - 2021

Gambling Act 2005

Altogether better



Version Date	Version ref	Revision History	Reviser	Approved by	Review Date
2009	V1	Final version	Joanne Waller	County Council	2013
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Further copies of this document can be obtained from:

Durham County Council
Regeneration and Local Services
Environment, Health and Consumer Protection
Annand House
John Street North
Meadowfield
Durham
DH7 8RS

Email: licensingadministration@durham.gov.uk

Please note:

The information contained within this document can be made available in different languages and formats including Braille and large print

Foreword by Councillor Brian Stephens - Portfolio Member for Neighbourhoods and Local Partnerships

Our most important role is to actively work to protect those who live and work in the County and who visit our area. As part of this role, the Council licenses certain types of business and commercial premises where activities take place that may impact on both individuals and the community as a whole. Premises used for gambling purposes are in this category.

This Statement of Principles, or more commonly known, gambling policy for County Durham accords with seeking to promote the licensing objectives set out in the Gambling Act:

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

By working together, listening to, learning from and responding to our residents and service users, Durham County Council aims to build a district where people are proud to live and work. We have produced this statement as required by the Gambling Act 2005 having had regard to the Gambling Commission's guidance, the licensing objectives and to the views of those that we have consulted. We consulted widely upon this statement before finalising and publishing.

We intend that this document should provide information and guidance on the general approach that we will take to licensing gambling premises in the County. It is intended that this Statement of Principles not only reflects but aims to support our strategic purposes, as set out in the Council Plan.

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1.0 Introduction

1.1 Background

The Gambling Act 2005 created a system of licensing and regulation for commercial gambling in this country. The Act gives local authorities responsibilities for licensing premises for gambling including gaming machine arcades, betting, casino gaming and bingo.

The Gambling Act 2005 (the Act) received Royal Assent in 2005 and came into force in 2007. The Act and associated regulations together with the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), statutory guidance issued to licensing authorities, the Commission's formal statement of principles, form a central framework for regulating commercial gambling.

Under Section 349 of the Gambling Act 2005 each licensing authority is required to develop, consult on and publish a Statement of Principles (SOP). The statement must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. This process repeated every three years, a process that began on 31st January 2007. The Council's Statement of Principles provides the local framework for the licensing of premises and specified gambling activities.

The Act requires the Gambling Commission to issue guidance to licensing authorities on the manner in which they are to exercise their functions under the Act and the principles to be applied by them in exercising those functions. Licensing authorities are required to take account of all such guidance. The guidance is designed to ensure the spread of best practice and consistency of approach in decision making amongst licensing authorities, whilst not preventing authorities from properly exercising the discretion they have to take account of appropriate and relevant local issues and factors.

The consultation process leading to the development of this latest version of Durham County Council's policy is laid out in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).

1.2 The licensing objectives

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005. The Council will carry out its functions under the Act with a

view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at 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.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives. More information can be found about how the Council will achieve this in Part B and C of this document.

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. It also makes reference to the provision of adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The Council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Statement of Principles .

Club gaming and club machine permits are also issued by the Council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

1.3 Consultation

In preparing this statement the Council consulted with and considered the views of a wide range of people and organisations. The Council has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities (5th edition) issued by the Gambling Commission and the responses from those consulted on the statement.

A full list of comments made in response to the consultation and the consideration by the Council of those comments is available on request to the Licensing Manager whose details are listed below and also via the Council's website at www.durham.gov.uk

This Statement of Principles was approved at a meeting of the Full Council [DATE to be inserted]

1.4 Strategic context

Durham County Council Plan objectives and outcomes provide the broader strategic direction for the authority. The Plan includes the following objectives:

-) Vibrant and successful towns and a thriving Durham City.
-) Sustainable neighbourhoods & rural communities.
-) Improve the mental and physical wellbeing of the population.
-) Reduce anti-social behaviour.
-) Protect vulnerable people from harm.
-) Implement measures to promote a safe environment.
-) Children and Young People make healthy choices.
-) To have the best start in life.

1.5 Legal Context

This Statement of Principles is intended to meet the Council's obligations under Section 349 of the Gambling Act 2005. The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.

1.6 Local Context

Local data is not currently available on the prevalence of gambling in County Durham. However national data does exist. It suggests 63% of adults (aged 16+) had gambled in the previous year, or 45% if playing the National Lottery is excluded. The great majority of these will be non-problem or low-risk gamblers, but a small proportion will be at moderate risk or be problem gamblers. Nationally, it is estimated less than 1% of the population is a problem gambler, most of whom (more than 90%) will be men.

The Council is aware of research looking specifically at identifying groups of the society that could be considered vulnerable to problem gambling. The study of Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016, identifies the following groups:

-) Young people.
-) Minority ethnic groups.
-) Unemployed and constrained economic circumstance.
-) People living in deprived areas.
-) People who are homeless.
-) People suffering with some forms of mental ill health.

-) People engaged in substance abuse/misuses.
-) Some people with certain personality traits/cognitive distortions.
-) Problem gamblers seeking treatment.

The Council acknowledges that problem gamblers are more likely than other people to experience the following harms:

-) **Financial harms:** overdue utility bills; borrowing from family friends and loan sharks; debts; pawning or selling possessions; eviction or repossession; defaults; committing illegal acts like fraud, theft, embezzlement to finance gambling; bankruptcy.
-) **Family harms:** preoccupied with gambling so normal family life becomes difficult; increased arguments over money and debts; emotional and physical abuse, neglect and violence towards spouse /partner and/or children; relationship problems and separation/divorce.
-) **Health harms:** low self-esteem; stress-related disorders; anxious, worried or mood swings; poor sleep and appetite; substance misuse; depression, suicidal ideas and attempts.
-) **School/college/work harms:** poor school, college or work performance; increased absenteeism; expulsion dismissal.

The Council is committed to developing an improved understanding of the prevalence of gambling and gambling harm in the County so that applicants, licensees and Members of the Licensing Committee have access to the best information available. The outcome of research projects and best practice from across the UK will be considered as it becomes available and adopted as a means of gathering and presenting relevant data where appropriate.

1.7 Durham County Council

Durham County Council is situated in the County of Durham, the heart of the North East of England. The area features a rich diversity in lifestyle and culture including a historic city with a World Heritage Site, Beamish and Bowes Museums, Durham, Lumley and Lambton Castles, designated Areas of Outstanding Natural Beauty, and historic villages and market towns.

County Durham has 519,700 people, with 60.8% (312,658 people) classed as living in rural areas. It varies in character with sparsely populated rural areas in the Uplands and Durham Dales, to the larger villages located within the former coalfield communities in the centre and east. The ethnic minority population of the area accounts for 1.4% of the total population (2011 census). Durham University has 16,355 students and the area attracts over 4 million visitors per year.

For further health and deprivation, crime and community safety information about the local area visit: <https://www.durhaminsight.info/>

2.0 Part A The Gambling Act 2005

2.1 The Legislation

The Gambling Act came into force in 2007 and put in place a comprehensive and cohesive regulatory regime based on three fundamental objectives. Under the Gambling Act 2005 (the Act) Durham County Council is the licensing authority for the district and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to the Durham County Council as the Licensing Authority.

2.2 Decision making

The Council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The Council 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 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 this document.

The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.

2.3 Risk assessments

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Section 4.0.

2.4 Integration with other guidance, policies, objectives and strategies

Many stakeholders are involved in the leisure industry and they are all involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Council will aim to integrate and co-ordinate them. See also 1.3.

The Council recognises in particular the importance of the co-ordination and integration of this policy statement with other plans aimed at the management of town centres and the night-time economy.

2.5 The purpose of the Gambling Act 2005 – Statement of Licensing Principles (SOP)

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.

Durham County Council consulted widely upon the SOP before finalising and publishing the document. The SOP was presented for public consultation on the Durham County Council website, by email and post to solicitors, licensees, support organisations, responsible authorities, ward members, MPs, trade associations, and parish Councils. In total xxx emails and xxx letters were sent advising interested parties of the consultation. The consultation was also advertised on the Council’s webpages.

The consultation took place between xxx and xxx and followed the Cabinet Office’s Code of Practice on Consultation. The consultation elicited xxx responses which are available on request. The SOP was approved at a meeting of the Full Council on xxx November 2018.

2.6 The licensing framework

The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the Council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises.

The Council’s role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate smaller

scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

The Council recognises that in matters of regulation under the Gambling Act 2005 (the “Act”), it is subject to the Regulators’ Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow.

Additionally under the Code, when designing and reviewing policies, the Council must among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates.

The Council will take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates.

2.7 Functions of the Council as the Licensing Authority

Under the Act, Durham County Council is responsible for the following activities:

-) Licensing premises where gambling activities are to take place by issuing premises licences.
-) Issuing provisional statements,
-) Regulating members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
-) Issuing Club Machine Permits to commercial clubs.
-) Granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres.
-) Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines.
-) Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.
-) Registering small society lotteries below prescribed thresholds
-) Issuing Prize Gaming Permits.
-) Receiving and endorsing Temporary Use Notices.
-) Receiving Occasional Use Notices (for tracks).
-) Providing information to the Gambling Commission regarding details of licences issued (see section above on ‘Exchange of information’).
-) Maintaining registers of the permits and licences that are issued under these functions.

The Council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission via operator licences. The

National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

The provisions of the Gambling Act delegates all decisions relating to Premises Licences, Temporary Use Notices, Occasional Use Notices and the issuing of permits for gaming machines and prize gaming to the Licensing and General Registration Committee of the Council.

2.8 Exercise of licensing functions

The Licensing Authority's licensing functions under the Act will be carried out by the Licensing Committee. In order to provide a speedy, efficient and cost effective service and in accordance with the Act, the Licensing Committee will delegate decisions and functions and will establish a number of sub-committees to deal with them as detailed in this Statement. Three members will sit on these sub-committees. Further, with any of the decisions and functions being administrative in nature, the grant of non-contentious applications, including those where no representations have been made, are delegated to officers.

2.9 Duplication with other regulatory regimes and planning matters

Durham County Council seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. Durham County Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise. When dealing with a premises licence application for finished buildings, Durham County Council will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Although the Council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the impact this will have on residents, including children and vulnerable groups.

2.11 Declaration

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

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

2.12 Responsible authorities

The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.

Durham County Council 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
-) answerable to democratically elected persons, rather than any particular vested interest group

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, Durham County Council designates the Local Safeguarding Children Board for this purpose. The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix 3.

2.13 Interested parties

Interested parties include people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. Interested parties can make representations about licence applications, or apply for a review of an existing licence.

In accordance with guidance from the Gambling Commission it is not the Council's role to deem that certain bodies will automatically represent Interested Parties. The question of whether someone is a representative of an Interested Party will be a matter for consideration on a case by case basis.

In keeping with the Commission's Guidance on interested parties (paras 8.06 and 8.17), such persons will include e.g. democratically elected representatives, trade associations, trade unions, residents associations or community groups etc. The Council will satisfy its self on a case by case basis that a person does in fact

represent an Interested Party and to achieve this we may need to consider obtaining a letter of confirmation from a prospective interested party.

Interested parties are defined in the Gambling Act 2005 as follows:

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

- a. lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b. has business interests that might be affected by the authorised activities or
- c. represents persons who satisfy paragraph (a) or (b)”

In addition to supplement the above information, Durham County Council 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:

-) Each case will be decided upon its merits. Durham County Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities at 8.11 to 8.18. It will also consider the Gambling Commission’s Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
-) Interested parties can be persons who are democratically elected such as Councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
-) Interested parties referred to under section 158 of the Act in the opinion of the licensing authority also includes those individuals and organisations concerned with or involved with social welfare, addiction, poverty, public health, poverty and protection of the vulnerable which individuals and organisations. They will be deemed to represent those who live sufficiently close to the premises to be likely to be affected by the authorised activities
-) If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the

Licensing Committee dealing with the licence application. If there are any doubts, contact should be made with DCC Licensing Services section

Note: The Council may from time to time publish more detailed information on the making of representations in separate guidance notes. Guidance notes will be prepared in accordance with relevant Statutory Instruments and the Gambling Commission's own guidance.

2.14 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 the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that Durham County Council 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 General Data Protection Regulations will not be contravened.

Durham County Council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of those persons making representations in relation to applications will ordinarily be made available to applicants to allow mediation to take place if appropriate, and in the event of a hearing, will form part of a public document. Anyone making representations or applying for a review of a premises licence will be informed that their details will be disclosed.

Should any protocols be established as regards information exchange with other bodies then they will be made available. The Council will look to exchange information connected to licensing activity with neighbouring authorities and other regions where deemed appropriate.

Please contact the licensing department for further information on our protocols.

2.15 Fees

The Department of Culture, Media and Sport (DCMS) published the Gambling (Premises Licence Fees) Regulations 2007 on 21 February 2007. The Regulations provide for Licensing Authorities to determine the fees, subject to maximum fees prescribed in the Regulations. The Regulations provide for licensing authorities to determine separate fees for different types of activities associated with licences (e.g. application for a licence; application to vary a licence etc.) and the annual fees payable in respect of a licence. The Regulations also provide for Licensing

Authorities to determine separate fees for different classes of premises licence (e.g. those relating to bingo halls, betting shops etc.) prescribing the maximum fees chargeable for each type of gambling premises.

Under section 212(2)(d) of the Gambling Act 2005, in determining fees, licensing authorities must aim to ensure that the income from the fees as nearly as possible equates to the cost of providing the service to which the fee relates. Fees will include the cost of administration (including hearings and appeals), inspection and enforcement associated with the regime (direct and indirect costs, including a full proportional share of overhead costs, insurance, depreciation and cost of capital charge). The fees are reviewed annually. The current Gambling Act fees can be found on the Council website at: www.durham.gov.uk

2.16 Contact details

Should you have any comments relating to this statement, please send them via contact address, telephone number and email address provided in Appendix 3, Page 69.

3.0 Part B – Promotion of the licensing objectives

3.1 Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime

The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The Council's main role is to promote this objective in relation to premises. The Council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the commission's guidance, codes of practice and this policy statement.

The Council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective. For example, if an area is affected by organised crime to a known and significant level the Council will consider carefully whether it is suitable for gambling premises to be located there and whether conditions may be required such as the provision of door supervision.

Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate. There is a distinction between disorder and nuisance. Should incidents of this nature occur in connection with premises the Council will consider whether police assistance was required and if threatening behaviour was a contributory factor etc.

3.2 Ensuring that gambling is conducted in a fair and open way

The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks. Generally the Gambling Commission does not expect licensing authorities to have to act to ensure that gambling is conducted in a fair and open way as this will for the most part be addressed via operator and personal licences.

The Council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

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

3.3.1 Protection of children

This licensing objective means preventing children from taking part in most types of gambling. The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate

measures may include supervision of entrances / machines, segregation of areas etc.

Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

Section 45 of The Act provides the following definition for child and young person:

Meaning of “child” and “young person” -

- (i) In this Act “child” means an individual who is less than 16 years old.
- (ii) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

The Council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

-) Casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18.
-) Bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18.
-) Family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18.
-) Clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines.
-) All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
-) The Council will have regard to any code of practice which the Gambling Commission issues as regards to this licensing objective in relation to specific premises.

-) The Council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part 5.0 of this policy.

3.3.2 Protection of vulnerable people

The term of a “vulnerable person” is a broad term. “Adults at risk of abuse or neglect” or “adults at risk” are terms often used in relevant literature.

Department of Health document “No Secrets” from 2000 offers a definition of a vulnerable adult as a person: “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

The Gambling Commission, in its guidance to local authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people: ‘Who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.’

The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

-) Combating problem gambling.
-) Access to gambling by children and young persons.
-) Information on how to gamble responsibly and help for problem gamblers.
-) Customer interaction.
-) Self-exclusion.
-) Employment of children and young persons.

The Council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant. Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

-) leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
-) training for staff members which focuses on an employee’s ability to detect a person who may be vulnerable and providing support to vulnerable persons

-) self-exclusion schemes
-) operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
-) posters and leaflets with GamCare Helpline and website displayed in prominent locations
-) external advertising e.g. on windows and entrances to be positioned or designed not to entice passers-by

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

Since 2007 there have been significant changes in how gambling is carried on both nationally and within the County. Gambling has for many years formed an important and significant part of the entertainment culture. It is however important that we understand the harm that can be caused by irresponsible and problem gambling.

Increasingly there is awareness and concern about the availability of some gambling activities that enable people to bet large amounts of money very quickly; and that doing so can lead to financial and other problems if it gets out of hand.

It is important also that we recognise that the vast majority of licensees operating in the County do so responsibly and with appropriate sensitivity to the needs of the communities in which they operate.

It is incumbent on all those involved in the gambling industry to be mindful of the needs of the most vulnerable members of our society, and Durham County Council has an important role to play through the licensing regime in helping to safeguard them.

The Care Act 2014 imposes a requirement on a local authority to "make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it".

In accordance with section 153 of the Act Durham County Council is aware that in making decisions about premises licences and temporary use notices, it should aim to permit the use of premises for gambling in so far as it thinks it is:

-) in accordance with any relevant code of practice issued by the Gambling Commission,
-) in accordance with any relevant guidance issued by the Gambling Commission,
-) reasonably consistent with the licensing objectives and,
-) in accordance with the authority's statement of licensing policy

The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom. "Abuse" includes financial abuse; and for that purpose "financial abuse" includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.

4.0 Part C Premises Licences

4.1 General Principles

The Council will issue premises licences to allow those premises to be used for certain types of gambling. These are:

-) Casino premises
-) Bingo premises
-) Betting premises including tracks and premises used by betting intermediaries
-) Adult gaming centre premises, or
-) Family entertainment centre premises

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate (necessary and proportionate).

The Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

4.2 Definition of “premises”

Premises is defined in the Act as “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

4.3 Building separation, access arrangements and multiple licences

The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building/ plot will be the subject of an application for a licence, for example, 32 High Street. But, that

does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.

This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Council will pay particular attention if there are issues about sub-divisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.

The Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

Durham County Council takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: "*licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:*

-) The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating*
-) Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit*
-) Customers should be able to participate in the activity names on the premises licence"*

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

-) Does the premises have a separate registration for business rates?*

-) Is the premises' neighbouring premises owned by the same person or someone else?
-) Can each of the premises be accessed from the street or a public passageway?
-) Can the premises only be accessed from any other gambling premises?

Durham County Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Council will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be 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.

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

a. Casinos

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

b. Adult Gaming Centre

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

c. Betting Shops

-) Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence.
-) No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

d. **Tracks** - No customer should be able to access the premises directly from:

-) a casino
-) an adult gaming centre

e. **Bingo Premises** - No customer must be able to access the premise directly from:

-) a casino
-) an adult gaming centre
-) a betting premises, other than a track

f. **Family Entertainment Centre** - No customer must be able to access the premises directly from:

-) a casino
-) an adult gaming centre
-) a betting premises, other than a track

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

4.4 Premises “ready for gambling”

An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, Durham County Council will determine applications on their merits, applying a two stage consideration process:

-) First, whether the premises ought to be permitted to be used for gambling.
-) Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that Durham County Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence. More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance produced by the Gambling Commission.

4.5 Location

The Council is aware that the issue demand for gambling activities cannot be considered with regard to the location of premises but that considerations in connection with the licensing objectives are relevant to its decision-making. In accordance with the Gambling Commission's Guidance to Licensing Authorities, Durham County Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. In deciding whether a licence for particular premises should be granted, each case will be decided on its merits.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. Any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

In relation to the licensing objectives, it is the Council's policy upon receipt of any relevant representations to consider location - specific issues, including the following factors. This list is not exhaustive:

-) The possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area.
-) The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children.
-) The size of the premises and the nature of the activities taking place.
-) Levels of organised crime in the area.

4.6 Local Risk Assessment

Licence holders must assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. Operators will be expected to have policies, procedures and control measures in place to mitigate those risks.

Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event, in this case the risk of the impact on the licensing objectives.

The local risk assessment process is not the same as other forms of risk assessments undertaken by gambling operators, such as Health and Safety at Work, Fire Safety etc. The local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the area and the local community.

Licence holders are required to undertake a local risk assessment when applying for a new premises licence. Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome. However, the Licensing Authority will expect the local risk assessment to consider as a minimum:

-) The location of educational establishments attended by persons under 18 years of age.
-) The location of services for children such as playgrounds, leisure centres and other areas where children will gather.
-) The location of any establishment frequented by vulnerable adults for the purpose of treatment and/or support.
-) The location of any establishment frequented by persons addicted to gambling for the purpose of treatment and/or support.
-) The layout of the local area and physical environment in which the premises are situated including any crime and disorder hotspots.

The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected by the licensee or applicant.

Licence holders must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this 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.

In relation to a. above, a significant change may include (but is not limited to):

-) The development of an educational establishment for persons under 18 years of age.
-) The development of an establishment at which vulnerable adults and/or persons addicted to gambling may attend for the purpose of treatment and/or support.
-) The licensee becoming aware of a particular risk to premises offering gambling facilities in the location of the premises.
-) The Licensing Authority, having received information and having consulted with the licensee upon the significance of that information, determines that this amounts to a change in local circumstances.
-) When there are significant changes at a licence holders premises that may affect their mitigation of local risks.
-) When applying for a variation of a premises licence.

The Council will expect local risk assessments to consider the following socio-economic and demographic factors:

-) The proximity of the premises to schools.
-) The commercial environment.
-) Factors affecting the footfall.
-) Whether the premises is in an area of deprivation.
-) Whether the premises is in an area subject to high levels of crime and/or disorder.
-) The ethnic profile of residents in the area.
-) The demographics of the area in relation to vulnerable groups.
-) The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
-) The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
-) Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
-) The proximity of churches, mosques, temples or any other place of worship.
-) The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, Council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

The Council will expect local risk assessments to show how vulnerable people, including people with gambling dependencies, are protected including:

-) The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
-) Information held by the licensee regarding self-exclusions and incidences of underage gambling.
-) Arrangements in place for local exchange of information regarding self-exclusion and gaming trends.
-) Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
-) Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
-) The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.

The Council will expect local risk assessments to show how children are to be protected:

-) The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
-) The proximity of place where children congregate such as bus stops, cafes, shops.
-) Areas affected by issues such as children and young people participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

The Council will also encourage the following matters to be included in local risk assessments:

-) Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
-) The layout of the premises so that staff have an unobstructed view of persons using the premises.
-) Gambling Act 2005 Statement of Licensing Policy 2019-2021

-) The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
-) Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

In preparing a Local Risk Assessment the licence holder may have regard to;

-) The crime mapping website: www.police.uk
-) Neighbourhood statistics website: www.neighbourhood.statistics.gov.uk
-) Information made available by Durham County Council
-) Health and deprivation, crime and community safety information about the local area visit: <https://www.durhaminsight.info/>

Where concerns do exist, the Council suggests that the licence holder considers consulting the most appropriate Responsible Authority for guidance before submitting an application for a licence or a variation of a licence, or where it is believed there has been a significant change in local circumstances.

When the officers from the Council undertake an inspection of premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is therefore a requirement that the Local Risk Assessment, or a copy, is kept at the premises at all times.

As a matter of best practice the Council recommends that operators establish a regular review regime. This review programme would ensure that these assessments are considered at regular intervals and updated if necessary.

4.7 Decision-making

Durham County Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

-) in accordance with any relevant code of practice issued by the Gambling Commission
-) in accordance with any relevant guidance issued by the Gambling Commission
-) reasonably consistent with the licensing objectives; and
-) in accordance with the authority's statement of licensing policy

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral 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 - page 12) and also that unmet demand is not a criterion for a licensing authority.

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

In making this determination, Durham County Council will have regard to the six indicators of betting as a primary gambling activity.

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

Application of the Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities.

Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Council may consider licence conditions to cover issues such as:

-) proof of age schemes
-) Proof of age schemes

-) CCTV
-) Supervision of entrances.
-) Supervision of machine areas
-) A reduction in the number of betting machines (betting premises)
-) The manning of premises
-) Physical separation of areas
-) Location of entrance points
-) Notices/signage
-) Specific opening hours
-) A requirement that children must be accompanied by an adult (in premises where children are allowed)
-) Enhanced CRB checks of the applicant and/or staff
-) Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse
-) Support to persons with gambling addiction, including brief intervention
-) Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays
-) Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble
-) Obscuring windows – labelling premises so it's clear that they are gambling premises

This list is not mandatory or exhaustive, and is merely indicative of examples of measures which may satisfy the requirements of the Council and the responsible authorities to meet the licensing objectives.

The Council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been addressed.

It is noted that there are conditions which the Council cannot attach to premises licences which are:

-) any condition on the premises licence which makes it impossible to comply with an operating licence condition;
-) conditions relating to gaming machine categories, numbers, or method of operation;

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

Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Council will attach individual conditions to address such matters.

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

Durham County Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

-) all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; only adults are admitted to the area where these machines are located; access to the area where the machines are located is supervised;
-) the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
-) at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
-) These considerations will apply to premises including buildings where multiple premises licences are applicable

Durham County Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, Durham County Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Any conditions attached to a licence issued by the Council will be proportionate and will be:

-) relevant to the need to make the proposed building suitable as a gambling facility
-) directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based
-) fairly and reasonably related to the scale, type and location of premises
-) consistent with the licensing objectives; and
-) reasonable in all other respects

Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

4.8 Door supervision

The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (CRB) check on potential staff and for such personnel to have attended industry recognised training.

4.9 Adult Gaming Centres

Adult gaming centres are a category of premises introduced by the Act that are most closely related to adult only amusement arcades seen in many town and city centres. Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.

Durham County Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

Durham County Council 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. Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the Council may consider licence conditions to address such issues.

4.10 Licensed Family Entertainment Centres (FECs)

Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located.

Durham County Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

Where category C or above machines are available in premises to which children are admitted then the Council will 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. For this purpose a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least 1 meter high
-) only adults are admitted to the area where the machines (category C) are located
-) access to the area where the machines are located is supervised at all times
-) the area where the machines are located is arranged so that it can be observed by staff; and

-) at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

-) appropriate measures and training for staff as regards suspected truant children on the premises
-) measures and training covering how staff would deal with unsupervised very young children being on the premises
-) measures and training covering how staff would deal with children causing perceived problems on or around the premises
-) the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Durham Constabulary and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

The Council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

Durham County Council may consider measures to meet the licensing objectives such as:

-) CCTV
-) Supervision of entrances / machine areas
-) Physical separation of areas
-) Location of entry Notices / signage Specific opening hours Self-exclusion schemes

-) Provision of information leaflets / helpline numbers for organisations such as GamCare.
-) Measures / training for staff on how to deal with suspected truant school children on the premises

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

4.11 Casinos

The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

Durham County Council 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 we 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 Full Council.

4.12 Bingo premises

There is no official definition for bingo in the Gambling Act 2005 however there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

If children are allowed to enter premises licensed for bingo it is important that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the operator 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. For this purpose a rope,

floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least one meter high

-) only adults are admitted to the area where the machines are located
-) access to the area where the machines are located is supervised at all times
-) the area where the machines are located is arranged so that it can be observed by staff
-) at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
-) children will not be admitted to bingo premises unless accompanied by an adult

Durham County Council notes that the Gambling Commission's Guidance states: Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Durham County Council also notes the Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

4.13 Betting premises

Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at race courses as well as the general betting premises licences that track operators will require.

4.14 Betting machines

The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter

positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

4.15 Fixed Odds Betting Terminals (FOBTs)

The Authority is concerned about the potential effects of excessive use of FOBTs by customers who may be least able to afford to lose cash, coupled with the speed and ease with which they can gamble compared with other forms of gambling. Under this policy the Council encourages operators to report vandalism to FOBTs on their premises so the Council can obtain more information about the level of crime associated with the use of FOBTs within the County.

Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted in section 3.5.

Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

4.16 Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and also general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

All tracks will require a primary ‘general betting premises licence’ that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

Durham County Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission’s Guidance, Durham County Council 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.

Durham County Council 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.

The Council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.

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

4.17 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 - Durham County Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.

Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the Council may consider licence conditions to address such issues. Durham County Council 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

4.18 Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28). 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 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).

Durham County Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

4.19 Travelling Fairs

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the new Act.

Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

Durham County Council is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

The Council is aware that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. Durham County Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

4.20 Provisional Statements

A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).

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; or
-) where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision

When determining a provisional statement application the Council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

4.21 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 whether the

review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

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

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.

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.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt. The licensing authority must carry out the review as soon as possible after the 28-day period for making representations has passed.

The purpose of the review will be to determine whether 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 or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- c. suspend the premises licence for a period not exceeding three months and
- d. revoke the premises licence

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

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 must, as soon as possible, notify its decision to:

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

5.0 Part D Permits, Notices and Lottery Registrations

5.1 Unlicensed Family Entertainment Centre gaming machine permits

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

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. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6).

In accordance with the above provision the Council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

- a. The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- b. The efficiency of such policies and procedures will be considered on their merits, however, they may include:
 -) appropriate measures and training for staff as regards suspected truant children on the premises
 -) measures and training covering how staff would deal with unsupervised very young children being on the premises

-) measures and training covering how staff would deal with children causing perceived problems on or around the premises
-) the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Durham Constabulary and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be vetted through the Disclosure and Barring Service (DBS).

In accordance with published guidance, the Council will only grant an application for a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

The Council will also expect, in accordance with Gambling Commission Guidance, that applicants demonstrate:

-) a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
-) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
-) that staff are trained to have a full understanding of the maximum stakes and prizes

In accordance with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.

Note: applicants only need to address the "Statement of Principles" when making the initial application and not on renewal.

5.2 (Alcohol) Licensed premises gaming machine permits - Gaming machine permits in premises licensed for the sale of alcohol

a. Automatic entitlement: two gaming machines - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The

premises merely need to notify the licensing authority and pay the prescribed fee. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

b. Permit: three or more gaming machines - If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

Durham County Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which may satisfy the Council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence. Any such application would need to be dealt with under the relevant provisions of the Act.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission.

5.3 Prize gaming permits

A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises. Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

Durham County Council has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

-) that they understand the limits to stakes and prizes that are set out in Regulations;
-) that the gaming offered is within the law
-) Clear policies that outline the steps to be taken to protect children from harm

The Council will expect, as per the Gambling Commission Guidance that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible and that the gaming offered is within the law.

The Council will also expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

-) appropriate measures and training for staff as regards suspected truant children on the premises
-) measures and training covering how staff would deal with unsupervised very young children being on the premises
-) measures and training covering how staff would deal with children causing perceived problems on or around the premises
-) the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of Durham Constabulary and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

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

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

In line with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in

the “Statement of Principles” have been addressed through the application. Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

5.4 Club gaming and club machines permits

Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance i.e. poker, bingo etc. A ‘club machine permit’ will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a ‘club machine permit’ only.

Members Clubs and Miner’s welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

To qualify for these special club permits a members club must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of the Royal British Legion and clubs with political affiliations.

The club must be conducted ‘wholly or mainly’ for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:

-) the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
-) notices and signage
-) the provision of information leaflets / helpline numbers for organisations such as GamCare

Before granting the permit the Council will need to satisfy itself that the premises meets the requirements of a members’ club and that the majority of members are over 18.

The Commission Guidance also notes 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 Commission or the police

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance to Licensing Authorities states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5.5 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. They allow the use of premises on not more than 21 days in any 12 month period for gambling. Premises that might be

suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments

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. A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. .

There are a number of statutory limits regarding Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

The Council considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", the Council will look at, amongst other things, the ownership/occupation and control of the premises.

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

5.6 Occasional Use Notices (Tracks)

There is a special provision in the Act which 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. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the Council by the person responsible for the administration of the events on a track or by an occupier of the track.

Durham County Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Durham County Council will though consider the definition of a 'track' and whether the

applicant is permitted to avail him/herself of the notice. Durham County Council will also ensure that no more than eight occasional use notices are issued in one calendar year in respect of any venue.

5.7 Small society lottery registrations

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in Leeds and want to run such lottery.

A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

To be 'non-commercial' a society must be established and conducted:

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

The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the Council.

Durham County Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

-) submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
-) submission of incomplete or incorrect returns
-) breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if

no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

-) by or on behalf of, a charity or for charitable purposes
-) to enable participation in, or support of, sporting, athletic or cultural activities

Charities and community groups should contact Durham County Council on 03000 265107 to seek further advice.

The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

6.0 Part E Enforcement

6.1 Enforcement principles

The administration and regulation of permits, small society lotteries and temporary permissions for gambling are the responsibility of licensing authorities. The Council will take into account the following factors when determining which agency will take the lead on enforcement are:

-) the nature of the breach;
-) the seriousness of the breach;
-) the frequency of the breach; and
-) the enforcement action that is available

Generally the Council will take the lead in enforcing premises licence conditions, dealing with breaches of premises licence conditions, and investigating and prosecuting less serious or significant incidents of illegal gambling. The Commission meanwhile will lead on enforcement activity connected to operating and personal licences, and on the investigation and prosecution of illegal gambling of multi-authority, regional or national importance.

Where non-gambling offences are also involved a multi-agency approach may be appropriate, and the Council, the police and Commission shall use local consultation arrangements to agree priorities and who should lead on which issues.

Regulatory action would include informal or formal warnings and licence reviews, issue of simple cautions (warnings) or the prosecution of an offence under the Act. The main objective of the compliance process will be to ensure compliance with the three licensing objectives, including in particular compliance with the general licensing conditions (including mandatory and default conditions), specific licence conditions and any applicable codes of practice. Enforcement can be defined as the criminal or regulatory investigation process and any consequent laying of criminal charges or imposition of a regulatory sanction.

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Authority will have regard to the Statutory Regulators Code which came into force in April 2014. We support the principle of better regulation to promote efficient, proportionate and effective approaches to enforcement and inspection that improve regulatory outcomes without imposing unnecessary burdens on business.

The Council will work closely with the responsible authorities in accordance with any locally established joint enforcement protocols and we will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

Durham County Council's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

-) **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
-) **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
-) **Consistent:** rules and standards must be joined up and implemented fairly;
-) **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
-) **Targeted:** regulation should be focused on the problem, and minimise side effects.

Durham County Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

Durham County Council has adopted and implemented a risk-based inspection programme, in line with government recommendations around better regulation and the principles of the Hampton Review based on:

-) The licensing objectives.
-) Relevant codes of practice.
-) Guidance issued by the Gambling Commission, in particular at Part 36.
-) The principles set out in this statement of licensing policy.

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, Durham County Council will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for Durham County Council in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of

gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

The Council also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

This Authority acknowledges the Primary Authority Scheme. This scheme allows businesses to be involved in their own regulation. It enables them to form a statutory partnership with one local authority, which then provides robust and reliable advice for other local regulators to take into account when carrying out inspections or addressing noncompliance. Where there is a Primary Authority scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking enforcement action. At the time of the publication of this statement there are no Gambling Act 2005 Primary Authority arrangements in place in County Durham. Further information on the scheme and an up to date list of arrangements can be accessed at: <https://primaryauthorityregister.info/par/index.php/home>

The Council's enforcement/compliance protocols and any written agreements currently in operation are available upon request.

6.2 Reviews

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:

-) Add, remove or amend a licence condition imposed by the licensing authority;
-) Exclude a default condition imposed by the Secretary of State (eg opening hours) or remove or amend such an exclusion;
-) Suspend the premises licence for a period not exceeding three months; and
-) Revoke the premises licence.

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

- a. in accordance with any relevant code of practice issued by the Gambling Commission;
- b. in accordance with any relevant guidance issued by the Gambling Commission;
- c. reasonably consistent with the licensing objectives; and
- d. in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

The licensing authority will carry out the review as soon as possible after the 28 day period for making representations has passed.

In addition the Council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Once the review has been completed, the licensing authority will, as soon as possible, notify its decision to:

- a. The licence holder
- b. The applicant for review (if not the Licensing Authority)
- c. The Gambling Commission
- d. Any person who made representations
- e. The Chief Officer of police
- f. Her Majesty's Revenue and Customs

6.3 Appeals

Where an applicant, licence holder or person who has made a representation is aggrieved by a decision of the Licensing Authority, there is a right of appeal. In certain circumstances there is also a right for the Gambling Commission to appeal against decisions of the Licensing Authority. The appeal must be lodged with the Magistrates' Court within 21 days from the date on which the aggrieved person was notified of the Authority's decision. The appeal must be lodged in the Magistrates' Court where the premises are situated.

Generally a decision will not have effect until the time for bringing an appeal has passed, or if an appeal is brought, until it is determined or abandoned. However the Licensing Authority can decide that its decision should have effect immediately, and this will be considered on each occasion having due regard to the individual circumstances and in particular any immediate risk to public safety.

6.4 Complaints about premises and licensable gambling activities

The Licensing Authority will investigate complaints about licensed premises and activities taking place at unlicensed premises. Where appropriate, complainants will in the first instance be encouraged to raise the complaint directly with the licensee or business concerned. In the case of a valid complaint, the Licensing Authority will initially endeavour to seek resolution through informal means.

All complaints should in the first instance be addressed to:

Durham County Council
Regeneration and Local Services
Environment, Health and Consumer Protection
Licensing Services
Annand House
John Street North
Meadowfield
Durham

Telephone: 03000 260000

Email: licensingenforcement@durham.gov.uk

The Licensing Authority will only investigate complaints under this Statement of Licensing Principles where they relate to one or more of the licensing objectives. Where appropriate, the Licensing Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

Appendix 1 - Delegation of Functions

The Licensing Authority will delegate its functions under the Gambling Act 2005 as follows:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authority	Where no representations received from the Commission or responsible authority
Application for a provisional statement		Where representation have been received and not withdrawn	Where no representations received / have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / have been withdrawn
Cancellation of club gaming/club machine permits		X (if requested by the holder)	X (if no request received)
Applications for other permits			X
Cancellation of licensed premises gaming machine permits		X (if requested by the holder)	X (if no request received)
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X (where representations have been received and not withdrawn)	X (where time limits have been exceeded)

Note: The Licensing Committee can consider any application; it is not precluded from doing so by reason that the relevant column above is devoid of an entry. **X** Indicates the lowest level to which decisions can be delegated.

Appendix 2 Glossary

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed Odds Betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds Betting Terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs.

	They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> • 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.
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The Council will have no discretion to alter or remove these conditions.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.

<p>Non-money prize machine</p>	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
<p>Odds</p>	<p>The ratio to which a bet will be paid if the bet wins, e.g. 4-1 means for every £1 bet, a person would receive £4 of winnings.</p>
<p>Off-course betting operator</p>	<p>Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.</p>
<p>On-course betting operator</p>	<p>The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).</p>
<p>Pool Betting</p>	<p>For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.</p>
<p>Regulations or Statutory instruments</p>	<p>Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.</p>
<p>Representations</p>	<p>In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a</p>

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

Appendix 3 Responsible Authorities

Responsible Authority	Name	Contact Details
Gambling Commission		Victoria Square House Victoria Square Birmingham B2 4BP Telephone: 0121 2306666 e-mail: info@gamblingcommission.gov.uk
Licensing Authority		Durham County Council EHCP (Licensing) PO Box 617 Durham DH1 9HZ Telephone: 03000 261016 e-mail: licensing@durham.gov.uk
Durham Constabulary		Durham Constabulary (AHRU) Annand House John Street North Meadowfield County Durham DH7 8RS Telephone: (0191) 3752308 e-mail: ahru@durham.pnn.police.uk
County Durham and Darlington Fire and Rescue Service		Fire and Rescue Service Headquarters Belmont Business Park Durham DH1 1TW Telephone: 0845 305 8383 e-mail: firesafety@ddfir.gov.uk
Durham County Council - Local Safeguarding Children's Board		Durham LSCB County Hall Durham DH1 5UJ Telephone: 03000 267979
Durham County Council- Planning		Durham County Council County Hall Durham DH1 5UQ Telephone: 03000 261397
Durham County Council - Environmental Health		Environment, Health & Consumer Protection Annand House John Street North Meadowfield Durham. DH7 8RS Telephone: 03000 260995 e-mail: ehcp@durham.gov.uk

Useful contacts:

Useful Contacts	Name	Contact Details
Licensing policy	DCC Licensing Services	Durham County Council Regeneration and Local Services Licensing Services Annand House John Street North Meadowfield Durham DH7 8RS Telephone 03000 261016 Email: licensing@durham.gov.uk
Durham County Council Building		Durham County Council Telephone: 0300 026 0000
Durham County Council CCTV		Durham County Council Telephone: 0300 026 0000
Door Supervisors	Security Industry Authority	Security Industry Authority PO Box 1293 Liverpool L69 1AX Telephone: 0844 892 1025 e-mail: info@the-sia.org.uk

Appendix 4 – Summary of Gaming Machine Categories and Entitlements

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

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

Note: The Stakes are subject to change. For an please check the Gambling Commission Website for current and up-to-date information on stakes and prizes at <http://www.gamblingcommission.gov.uk/home.aspx>

Please ask us if you would like this document summarised in another language or format.

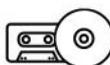
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Adult and Health Services

Environment Health and Consumer Protection

**Durham County
Council
Gambling Act 2005
Statement of
Principles
2016 to 2019**

Altogether better



Version Date	Version ref	Revision History	Reviser	Approved by	Review Date
2009	V1	Final version	Joanne Waller	County Council	2013
2013	V2	Final version	Joanne Waller	County Council	2016
2016	V3	Reviewed and revised	Joanne Waller	County Council	2019

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Part A

1. Introduction

Durham County Council is situated in the County of Durham, the heart of the North East of England.

The area features a rich diversity in lifestyle and culture including a historic city with a World Heritage Site, Beamish and Bowes Museums, Durham, Lumley and Lambton Castles, designated Areas of Outstanding Natural Beauty, and historic villages and market towns.

County Durham has a resident population of 513,200. The ethnic minority population of the area accounts for 1.4% of the total population (2011 census). Durham University has 16,355 students and the area attracts over 4 million visitors per year.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re- consulted upon. The statement must be then re-published.

Durham County Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

The Gambling Act requires that the following parties are consulted by licensing authorities:

- I. The Chief Officer of Police
- II. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in County Durham
- III. 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:
 - All residents and businesses within the County Durham area, and all Councillors, Parish Councils, MPs and MEPs,
 - Association of British Bookmakers,
 - The Bingo Association,
 - British Amusement Catering Trade Association,
 - British Beer and Pub Association,

- Gamblers Anonymous, GamCare, The Gordon House Association
- Responsibility in Gambling Trust.

Our consultation took place between 4th July and 26th September 2016 and we followed the HM Government Code of Practice on Consultation (Published July 2008), which is available at: www.bis.gov.uk/files/file47158.pdf

The full list of comments made and the consideration by the Council of those comments is available by request to: Licensing Services, PO Box 617, Durham DH1 9HZ.

The policy was approved at a meeting of the Full Council on 7th December 2016 and was published via our website. Copies were placed in the public libraries of the area as well as being available in the Town Hall.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Licensing Manager
EHCP (Licensing)
PO Box 617
Durham DH1 9HZ
Email licensing@durham.gov.uk
Telephone 03000 261016

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

2. Licensing Objectives

The Gambling Act came into force in 2007 and put in place a comprehensive and cohesive regulatory regime based on three fundamental objectives.

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime - The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the commission’s guidance, codes of practice and this policy statement.

The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.

Ensuring that gambling is conducted in a fair and open way - The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.

The council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission’s Licence Conditions and Code of Practice.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – (Protection of children) - Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

Section 45 of The Act provides the following definition for child and young person:

Meaning of “child” and “young person”

- (i) In this Act “child” means an individual who is less than 16 years old.
- (ii) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18

- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18
- family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18
- clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines
- all tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines

The council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.

The council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

(Protection of vulnerable people) - It is difficult to define the term “vulnerable person”. The Gambling Commission, in its guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:

‘Who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.’

The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- combating problem gambling
- access to gambling by children and young persons
- information on how to gamble responsibly and help for problem gamblers
- customer interaction

- self-exclusion
- employment of children and young persons

The council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
- training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
- self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters and leaflets with GamCare Helpline and website displayed in prominent locations
- external advertising to be positioned or designed not to entice passers-by

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

Since 2007 there have been significant changes in how gambling is carried on both nationally and within the County. Gambling has for many years formed an important and significant part of the entertainment culture. It is however important that we understand the harm that can be caused by irresponsible and problem gambling.

Increasingly there is awareness and concern about the availability of some gambling activities that enable people to bet large amounts of money very quickly; and that doing so can lead to financial and other problems if it gets out of hand.

It is important also that we recognise that the vast majority of licensees operating in the County do so responsibly and with appropriate sensitivity to the needs of the communities in which they operate.

It is incumbent on all those involved in the gambling industry to be mindful of the needs of the most vulnerable members of our society, and Durham County Council has an important role to play through the licensing regime in helping to safeguard them.

In accordance with section 153 of the Act Durham County Council is aware that in making decisions about premises licences and temporary use notices, it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Gambling Commission,
- reasonably consistent with the licensing objectives and,
- in accordance with the authority's statement of licensing policy.

3. Declaration

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

4. Responsible Authorities

Durham County Council 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
- answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, Durham County Council designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Annex 1.

5. Interested Parties

The specific detail of the policy and any instructions/rules should be described. Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

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

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities or
- c) represents persons who satisfy paragraph (a) or (b)”

Durham County Council 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:

- Each case will be decided upon its merits. Durham County Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities at 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as Councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- Interested parties referred to under S.158 of the Act in the opinion of the licensing authority also includes those individuals and organisations concerned with or involved with social welfare, addiction, poverty, public

health, poverty and protection of the vulnerable which individuals and organisations. They will be deemed to represent those who live sufficiently close to the premises to be likely to be affected by the authorised activities.

- If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department:

Licensing Manager
EHCP (Licensing)
PO Box 617
Durham DH1 9HZ
Email licensing@durham.gov.uk
Telephone 03000 261016

6. 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 the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that Durham County Council 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.

Durham County Council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of those persons making representations in relation to applications will ordinarily be made available to applicants to allow mediation to take place if appropriate, and in the event of a hearing, will form part of a public document. Anyone making representations or applying for a review of a premises licence will be informed that their details will be disclosed.

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

Please contact the licensing department for further information on our protocols

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

Durham County Council's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised,
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny,
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly and,
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities, Durham County Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

Durham County Council has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, Durham County Council will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their

overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for Durham County Council in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

The council also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Where there is a Primary Authority scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking enforcement action. At the time of the publication of this statement there are no Gambling Act 2005 Primary Authority arrangements in place in County Durham.

The council's enforcement/compliance protocols and any written agreements currently in operation are available upon request.

8. Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines

- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding detail of licences issued (see section above on 'exchange of information')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

The provisions of the Gambling Act delegates all decisions relating to Premises Licences, Temporary Use Notices, Occasional Use Notices and the issuing of permits for gaming machines and prize gaming to the Licensing and General Registration Committee of the Council.

In order to provide a speedy, efficient and cost effective service and in accordance with the Act, the Licensing Committee will delegate decisions and functions and will establish a number of sub-committees to deal with them as detailed in this Statement. Three members will sit on these sub-committees.

Further, with any of the decisions and functions being administrative in nature, the grant of non-contentious applications, including those where no representations have been made, are delegated to officers.

Part B

Premises Licences: Consideration of Applications

1. General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate

The council will issue premises licences to allow those premises to be used for certain types of gambling. These are:

- (a) casino premises,
- (b) bingo premises"
- (c) betting premises including tracks and premises used by betting intermediaries,
- (d) adult gaming centre premises, or
- (e) family entertainment centre premises.

Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

2. Location

The council is aware that the issue demand for gambling activities cannot be considered with regard to the location of premises but that considerations in connection with the licensing objectives are relevant to its decision-making. In accordance with the Gambling Commission's Guidance to Licensing Authorities, Durham County Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. In deciding whether a licence for particular premises should be granted, each case will be decided on its merits.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. Any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

3. Local Risk Assessment

Licence holders must assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. Operators will be expected to have policies, procedures and control measures in place to mitigate those risks.

The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. With regards to these licensing objectives it is the council's policy, upon receipt of any relevant representation to look at specific location issues which include:

- the possible impact that a gambling premises may have on any sensitive premises that provide services to children or young people or vulnerable people; eg a school, vulnerable adult centre;
- the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;
- the nature and size of the gambling activities taking place;
- any levels of crime in the area.

Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event, in this case the risk of the impact on the licensing objectives.

The local risk assessment process is not the same as other forms of risk assessments undertaken by gambling operators, such as Health and Safety at Work, Fire Safety etc. The local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the area and the local community.

Licence holders are required to undertake a local risk assessment when applying for a new premises licence.

The Licensing Authority will expect the local risk assessment to consider as a minimum:

- The location of educational establishments attended by persons under 18 years of age

- The location of services for children such as playgrounds, leisure centres and other areas where children will gather
- The location of any establishment frequented by vulnerable adults for the purpose of treatment and/or support
- The location of any establishment frequented by persons addicted to gambling for the purpose of treatment and/or support
- The layout of the local area and physical environment in which the premises are situated including any crime and disorder hotspots

The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected by the licensee or applicant.

Licence holders must review (and update as necessary) their local risk assessments to take account of significant changes in local circumstances. A significant change may include (but is not limited to):

- the development of an educational establishment for persons under 18 years of age
- the development of an establishment at which vulnerable adults and/or persons addicted to gambling may attend for the purpose of treatment and/or support
- the licensee becoming aware of a particular risk to premises offering gambling facilities in the location of the premises
- the Licensing Authority, having received information and having consulted with the licensee upon the significance of that information, determines that this amounts to a change in local circumstances
- When there are significant changes at a licence holders premises that may affect their mitigation of local risks
- When applying for a variation of a premises licence.

In preparing a Local Risk Assessment the licence holder may have regard to;

- The crime mapping website: www.police.uk
- Neighbourhood statistics website: www.neighbourhood.statistics.gov.uk
- Information made available by Durham County Council

Where concerns do exist, the council suggests that the licence holder considers consulting the most appropriate Responsible Authority for guidance before

submitting an application for a licence or a variation of a licence, or where it is believed there has been a significant change in local circumstances.

When the officers from the Council undertake an inspection of premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is therefore a requirement that the Local Risk Assessment, or a copy, is kept at the premises at all times.

As a matter of best practice the Council recommends that operators establish a regular review regime. This review programme would ensure that these assessments are considered at regular intervals and updated if necessary.

4. Decision-making

Durham County Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Gambling Commission,
- reasonably consistent with the licensing objectives and,
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral 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 - page 12) and also that unmet demand is not a criterion for a licensing authority.

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

In making this determination, Durham County Council will have regard to the six indicators of betting as a primary gambling activity.

- The offer of established core products (including live event pictures and bet range)
- The provision of information on products and events
- The promotion of gambling opportunities and products

- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- proof of age schemes
- CCTV
- entry controls
- supervision of entrances / machine areas
- signage / notices
- specific opening hours
- physical separation of areas
- location of entry
- requirements that children must be accompanied by an adult
- enhanced disclosure and barring service (DBS) checks of the applicant and/or staff
- self-barring schemes
- provision of information for organisations such as GamCare (leaflets / helpline numbers)
- measures and training for dealing with children on the premises

This list is not mandatory or exhaustive, and is merely indicative of examples of measures which may satisfy the requirements of the council and the responsible authorities to meet the licensing objectives.

It is noted that there are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;

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

5. Definition of “premises”

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building/ plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.

Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

Durham County Council takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence

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

- Does the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

Durham County Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

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

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.24 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing)

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

Tracks - No customer should be able to access the premises directly from:

- a casino
- an adult gaming centre

Bingo Premises - No customer must be able to access the premise directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

Family Entertainment Centre - No customer must be able to access the premises directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

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

6. Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, Durham County

Council will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that Durham County Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance produced by the Gambling Commission.

7. Planning

The Gambling Commission Guidance to Licensing Authorities states:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

Durham County Council will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally 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.

8. Duplication with other regulatory regimes

Durham County Council seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. Durham County Council will not consider whether a licence application is likely to be awarded planning

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

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

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

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

Durham County Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. Durham County Council is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

Durham County Council has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

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

Durham County Council has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are,

particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

Durham County Council is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." Durham County Council will consider this licensing objective on a case by case basis.

Conditions

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

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures Durham County Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. Durham County Council will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

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

Durham County Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; only adults are admitted to the area where these machines are located; access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- These considerations will apply to premises including buildings where multiple premises licences are applicable.

Durham County Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, Durham County Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

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

9. Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young

persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

10. Adult Gaming Centres

Durham County Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

Durham County Council 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

11. (Licensed) Family Entertainment Centres

Durham County Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

Durham County Council may consider measures to meet the licensing objectives such as:

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

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

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

12. Casinos

Durham County Council 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 we 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 Full Council.

13. Bingo premises

Durham County Council notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Durham County Council also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

14. Betting premises

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

Fixed Odds Betting Terminals (FOBTs) - The Authority is concerned about the potential effects of excessive use of FOBTs by customers who may be least able to afford to lose cash, coupled with the speed and ease with which they can gamble compared with other forms of gambling. Under this policy the Council encourages operators to report vandalism to FOBTs on their premises so the council can obtain more information about the level of crime associated with the use of FOBTs within the County.

15. Tracks

Durham County Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, Durham County Council 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.

Durham County Council 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.

Durham County Council 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 - Durham County Council 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 (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

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 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).

Durham County Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

16. Travelling Fairs

Durham County Council is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. Durham County Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

17. 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; or

- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

18. 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 whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

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

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.

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.

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

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether 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 or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- c) suspend the premises licence for a period not exceeding three months and
- d) revoke the premises licence

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

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 must, as soon as possible, notify its decision to:

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

Part C

Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applications to 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

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

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

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

Durham County Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

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

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

Durham County Council has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

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

- the limits on participation fees, as set out in regulations, must be complied with;

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

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

Durham County Council notes that the Gambling Commission's Guidance states:

25.46 The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.47-25.49 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

The Commission Guidance also notes 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 Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. 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 or 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. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

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

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

6. Occasional Use Notices

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

7. Small Society Lotteries

Durham County Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact Durham County Council on 03000 265107 to seek further advice.

Annexe 1 - Delegation of Functions

The Licensing Authority will delegate its functions under the Gambling Act 2005 as follows:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authority	Where no representations received from the Commission or responsible authority
Application for a provisional statement		Where representation have been received and not withdrawn	Where no representations received / have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / have been withdrawn
Cancellation of club gaming/club machine permits		X (if requested by the holder)	X (if no request received)
Applications for other permits			X
Cancellation of licensed premises gaming machine permits		X (if requested by the holder)	X (if no request received)
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X (where representations have been received and not withdrawn)	X (where time limits have been exceeded)

Note: The Licensing Committee can consider any application; it is not precluded from doing so by reason that the relevant column above is devoid of an entry. **X** Indicates the lowest level to which decisions can be delegated

Annexe 2 - Responsible Authorities

Responsible Authority	Name	Contact Details
Gambling Commission		Victoria Square House Victoria Square Birmingham B2 4BP Telephone: 0121 2306666 e-mail: info@gamblingcommission.gov.uk
Licensing Authority		Durham County Council EHCP (Licensing) PO Box 617 Durham DH1 9HZ Telephone: 03000 261016 e-mail: licensing@durham.gov.uk
Durham Constabulary		Durham Constabulary (AHRU) Annand House John Street North Meadowfield County Durham DH7 8RS Telephone: (0191) 3752308 e-mail: ahru@durham.pnn.police.uk
County Durham and Darlington Fire and Rescue Service		Fire and Rescue Service Headquarters Belmont Business Park Durham DH1 1TW Telephone: 0845 305 8383 e-mail: firesafety@ddfir.gov.uk
Durham County Council - Local Safeguarding Children's Board		Durham LSCB County Hall Durham DH1 5UJ Telephone: 03000 267979
Durham County Council- Planning		Durham County Council County Hall Durham DH1 5UQ Telephone: 03000 261397
Durham County Council - Environmental Health		Environment, Health & Consumer Protection Annand House John Street North Meadowfield Durham. DH7 8RS Telephone: 03000 260995 e-mail: ehcp@durham.gov.uk

OTHER USEFUL CONTACTS

Useful Contacts	Name	Contact Details
Durham County Council Policy issues		Durham County Council Telephone: 0300 026 0000
Durham County Council Building Control		Durham County Council Telephone: 0300 026 0000
Durham County Council CCTV		Durham County Council Telephone: 0300 026 0000
Door Supervisors	Security Industry Authority	Security Industry Authority PO Box 1293 Liverpool L69 1AX Telephone: 0844 892 1025 e-mail: info@the-sia.org.uk

Annexe 3 – Summary of Gaming Machine Categories and Entitlements

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Category of Machine	Maximum Stake	Maximum Prize	Allowed premises
A	Unlimited	Unlimited	Regional casino
B1	£5	£10,000 (with the option of £20,000 linked progressive jackpot on premises basis only)	Large casino, small casino, pre-2005 Act casino and regional casinos
B2	£100 (in multiples of £10)	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, adult gaming centre and all of the above
B3A	£2	£500	Members' club or miners' welfare institute only
B4	£2	£400	Members' club or miners' welfare club, commercial club and all of the above
C	£1	£100	Family entertainment centre (with commission operating licence) qualifying alcohol licensed premises (without additional gaming machine permit) qualifying alcohol licensed premises (with additional LA gaming machine permit) all of the above
D (money prize)	10p	£5	Travelling fairs, unlicensed (permit) family entertainment centre and all of the above
D – non-money prize (other than a crane grab machine)	30p	£8	All of the above
D – non-money prize (crane grab machine)	£1	£50	All of the above

D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)	All of the above
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be money prize)	All of the above

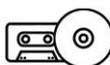
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