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SCARBOROUGH BOROUGH COUNCIL

Gambling Licensing Policy

2016 to 2019

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January 2010	Licensing Services	0.3	Review due to Small Casino Process
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Gambling Licensing Policy Statement

PART 1

EXECUTIVE SUMMARY OF REVISIONS TO THE GAMBLING LICENSING POLICY – 2015

In accordance with paragraph 349(1) of the Gambling Act 2005, a Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions. This Policy was first adopted by Council on 30 October 2006 effective on 31 January 2007. The Policy must be revised every successive 3 year period. The Council has now reviewed this Policy on three further occasions: 11 May 2009 (effective 15 June 2009), on 4 January 2010 (effective from 8 February 2010) and finally on 5 November 2012 (effective 14 December 2012).

The main proposed changes to this Policy are listed below. It should however be noted that as there have been a number of changes to this revised Gambling Policy the paragraph numbering of this new draft Policy has changed:

1. Previous executive summary revised.
2. The following amendments have been made to the draft Policy:

Old para	Description of Change	New Para
1.1	Minor amendment to wording.	1.1
1.6	Wording amended in-line with revised guidance and removal of the final paragraph which suggests that the operators will have to comply with compulsory codes of practice as it is considered unnecessary to state this.	1.6
1.9	This paragraph has been re-worded for clarity and old para 1.31 removed.	1.9
1.10	Inclusion that this is the fourth revision of this Policy.	1.10
1.12	This paragraph has been moved to General Principles as it is more relevant as 1.27 – it has been amended to remove the fact that the Licensing Authority will consult with responsible authorities on all applications as this is not always the case.	1.27
1.13	The protocols of the Human Rights Act 1998 have been identified for clarification.	1.12
1.14	Paragraph simplified and clarified.	1.16
1.15	'Will' has been substituted with 'may'.	1.14
1.16	Small Society Lotteries included within this paragraph.	1.15
1.17	'Meeting regularly with the Commission's Inspectors' has been removed and replaced with " <i>sharing information and intelligence</i> ".	1.16
1.18	Removed and replaced with a new 1.18 which better reflects the Guidance.	1.17
1.19	Paragraph referring to Glossary removed as considered not necessary. Glossary is still in back.	None
1.21	Information on when annual fees is payable has been removed as this is set out in s184(1)(b) of the Gambling Act.	1.19
1.22	Minor amendment to paragraph.	1.20
1.23	This paragraph is amended for simplification only.	1.21
1.26	This paragraph is amended for clarification and ease of understanding.	1.24
1.29	Additional factor included stating the Licensing Authority will consider carefully an application where a premise is located to a Centre for	1.28

	those with gambling problems.	
1.29.5	'Known crime' changed to "areas of high criminal activity for clarification purposes.	1.28.6
1.30	Paragraph tidied up and sentence removed stating that the Licensing Authority will not base any decision on a dislike of gambling or that it considers gambling undesirable.	1.29
1.31	Removed and incorporated within 1.9 above.	None
1.32	Paragraph clarified with new the Guidance stating that if an applicant can demonstrate how they will promote the licensing objectives, then the Licensing Authority shall take this into account when determining applications.	1.30
1.34	Clarified definition of disorder in-line with the Licensing Objectives.	1.34
1.35	Clarified that it is the Gambling Commission who determine the suitability of licensed operators.	1.35
1.36	Wording amended in-line with new guidance.	1.36
1.38	Paragraph amended for clarification and simplification.	1.36
1.39	Last sentence removed stating that machines, equipment and software should meet the required standards set by the Gambling Commission as this is already a requirement and not within the remit of the Licensing Authority.	1.37
1.41	ATM's removed and replaced with cash machines for simplification.	1.39
1.42	Slightly amended to replace "mental impairment" with "mental health issues" and to include a further definition namely a person who has "learning disabilities", also to change the words "substance misuse" to "substance abuse" as this covers a multitude of abuses.	1.40
1.43	Last sentence removed which states where relevant, applicants will be required to comply with the Gambling Commission's Code of Practice as it is already a legal requirement.	1.41
1.44	Paragraph amended to reflect Guidance relating to preventing children from having accidental access to premises or participating in gambling to which they are prohibited.	1.42
1.46	The last sentence regarding consideration of entrances and exits is duplicated in policy and therefore removed.	1.44
1.47	Sentence regarding adult gaming area not being visible from the street changed to merge with new paragraph 1.42 (old paragraph 1.44).	1.45
1.49	Amended to reflect revision of Policy.	1.47
1.50	Wording slightly amended to clarify that a policy must be published at least 4 weeks (not a month) before it takes effect.	1.48
1.51-1.53	This section has been reworded to more accurately reflect the revised Guidance and current practice.	1.49-1.52
1.54	Removal of duplicate wording regarding representations.	1.54
1.67	Removal of wording which states 'would require to be satisfied that the relevant business is likely to be affected and'	1.67
1.74	Slight re-wording, no material changes.	1.74
1.75	Amended to confirm that representations may not be made on moral grounds. Also removed the wording 'and must only be based on the licensing objectives of the Gambling Act'.	1.75
1.76	Paragraph amended to comply with s6.50 of the Guidance stating that any objections should be based on the licensing objectives of the Gambling Act.	1.75
1.78	Included wording acknowledging premises are already subject to mandatory and default conditions.	1.78
1.81	Additional words at end of paragraph to state "or such replacement body" if it is not the SIA.	1.82
2.11	Sentence has been included to state that the Licensing Authority will	2.11

	carefully consider applications for Bingo licences within arcades or other venues frequented by families and children.	
2.15	Sentence added to take into account segregation of Category C machines to prevent access to children.	2.15
2.23	Paragraph recommends consulting (not seeking advice) not only with the Gambling Commission but also with the Licensing Authority.	2.23
2.35	Paragraph reworded to be consistent with paragraph 2.15 above.	2.35
2.44	Last sentence amended for accuracy, now refers to building not premises.	2.44
2.56.1	Requiring a 1:100 scaled plan does not meet the EU Services Directive/Provision of Regulations and as such additional wording has been included to require a clear and legible plan.	2.56.1
-	New paragraph inserted after old para 2.59 to state that a permit holder may request to vary the plan of the premises held by the Licensing Authority but that any variation must be first be approved in writing.	2.60
2.62	Paragraph amended to require the applicant to notify the Licensing Authority <u>in writing</u> .	2.63
2.63	This paragraph now includes the fact that it is important for applicants to attend a Sub-Committee hearing in order for it to be assured of the location of those gaming machines and that they are located in accordance with the mandatory conditions. Experience has proved that applicants have not attended these hearings and thus their applications have not been rejected.	2.64
2.68.1	Requiring a 1:100 scaled plan does not meet the EU Services Directive/Provision of Regulations and as such additional wording has been included to require a clear and legible plan.	2.69.1
-	New paragraph inserted after old para 2.73 to state that a permit holder may request to vary the plan of the premises held by the Licensing Authority but that any variation must first be approved in writing.	2.75
3.1	This paragraph has been amended to clarify that Small Society Lotteries which are Exempt lotteries still require to be registered and authorised with the Licensing Authority.	3.1
-	New paragraph inserted after old 6.3 to encourage applicants and objectors to attend the Sub-committee hearings to allow the Sub-Committee to ask any relevant questions pertinent to the application	6.4
6.6	Appeals paragraph amended to clarify the fact that a fee will be payable to the court. Postage rules have been removed in light of deemed service rules and in any event it is considered not relevant for this Policy.	6.7
App B & C	Consultees' list updated	-
Gloss	Glossary is updated by: <ul style="list-style-type: none"> • Addition of definition of ATM and Exempt Gaming • Removal of Gaming machine Categories, stakes and prizes as these regularly change. • General revision to ensure definitions up to date 	-
LCCP	Due to the late revision of the Gambling Commission's Licence Conditions and Codes of Practice following a fundamental review of the social responsibility provisions contained with the Codes, the Policy has been amended substantially below. It must be noted that at the time of drafting this policy the Gambling Commission's Guidance to Licensing Authorities is at its consultation stage.	A) – L)

Amendments to the social responsibility provisions in the Gambling Commission's revised Licence Conditions and Codes of Practice (LCCP)

- A) Following the Gambling Commission's consultation on a range of social responsibility measures in order to review better ways of preventing and reducing gambling-related harm and increasing player protection measures, the Gambling Commission have amended and revised their LCCP. These amendments significantly strengthen the LCCP and clarify the leading role that operators themselves must take. The LCCP is not a static document and will be updated over time to reflect best practice and emerging research; therefore Operators are expected to be fully conversant with the LCCP and any future revisions.
- B) The underlying principle of the 2015 social responsibility review and the LCCP changes is that responsibility for delivering the licensing objectives now rests with gambling operators. The Licensing Authority expects the industry to demonstrate continued progress in embedding the licensing objectives.
- C) As a result of the 2015 changes to the LCCP, a fundamental review of the Guidance to Licensing Authorities has been necessary which has affected this Gambling Licensing Policy. In light of the revised Guidance not being available at the time of this Council's full consultation on this draft Policy, it has been necessary to include additional measures for operators in order for a full and proper consultation to take place.

Local Risk Assessments

- D) Whilst the Licensing Authority does not seek to repeat the LCCP, it will need to be satisfied on a number of issues. From 6 April 2016 it will be a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.
- E) The Licensing Authority will expect the local risk assessment to consider, for example:
- whether the premise is in an area of deprivation;
 - whether the premise is in an area subject to high levels of crime and/or disorder;
 - whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
 - the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
 - how vulnerable persons as defined within this Policy are protected.
- F) In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this Policy and in particular paragraph 1.28 of this Policy.
- G) Other matters that the risk assessment may include are, for example:
- Staff training, including refresher training, e.g. such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.;
 - Details of self-exclusion schemes, where applicable;
 - Where installed, details of CCTV coverage and how the system will be monitored;
 - Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved;

- The number of staff employed at the premises at any one time taking into account the seasonal trade in the Borough;
 - Where only one staff member is employed in the case of smaller premises, what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason;
 - Provision of signage and documents relating to games rules, gambling care providers;
 - What mix of gambling is provided;
 - Consideration of primary gambling activity and location of gaming machines;
 - Consideration given to Scarborough, Whitby and Filey are all seaside tourist towns likely to present additional risks to children and vulnerable persons in terms of access and supervision in certain premises, e.g. seafront arcades and gambling premises located in the Borough's holiday parks.
- H) Operators are expected to share their risk assessments with the Licensing Authority when applying for a new Premises Licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary.
- I) The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.
- J) However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.
- K) In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. By adopting the Local Area Profile it is likely to assist operators in identifying specific local risks within the Borough.
- L) The creation of this Profile, however, is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations that have the expertise and knowledge of the impact gambling has in the local area. Where evidence is submitted to the Licensing Authority which identifies the areas of concern it is intended to produce a Local Area Profile separate to this Policy.

1. INTRODUCTION

Geographical Area covered by the Policy

- 1.1.** The Council's Statement of Licensing Policy for premises licensed for gambling sets out the issues which the Licensing Authority will take into consideration when carrying out its functions throughout the Borough of Scarborough and specifically defined in the geographical area set out in Appendix A.
- 1.2.** The Borough of Scarborough is located on the east coast of North Yorkshire. Scarborough, Whitby and Filey are the principle towns in the Borough. The environment of the area provides the basis for a successful tourist economy. Scarborough Borough covers an area of 81,654 hectares and has a population of 106,243 with 60% of residents living in the three major urban areas of Scarborough, Whitby and Filey. More than 50% of the North York Moors National Park lies within

the Borough, this equates to 51,840 hectares. The Borough contains over 1,600 listed buildings and includes 24 designated conservation areas covering 572 hectares.

Licensing Policy

- 1.3.** The Licensing Authority recognises the potential impact of gambling on the community within the Borough. In adopting this Policy, the Licensing Authority will seek to address the needs of residents to ensure a safe and healthy environment in which to live and work, together with safe and well-run entertainment premises that will benefit the local economy.
- 1.4.** The Gambling Act 2005 seeks to strengthen consumer protection and modernise the old gambling legislation. The Licensing Authority has prepared the Gambling Licensing Policy with this in mind.
- 1.5.** In exercising the Licensing Authority's functions under the Act the Licensing Authority shall aim to permit the use of premises for gambling on condition that the premises operates:
 - 1.5.1.** In accordance with any relevant Code of Practice issued by the Gambling Commission
 - 1.5.2.** In accordance with any relevant guidance issued by the Gambling Commission
 - 1.5.3.** Reasonably consistently with the Licensing Objectives; and
 - 1.5.4.** In accordance with the Council's Statement of Licensing Policy.
- 1.6.** In exercising its discretion under the Gambling Act 2005, the Licensing Authority must have regard to the Gambling Commission's Guidance and Codes of Practice and the Licensing Authority's own Licensing Policy Statement. As the Guidance issued by the Gambling Commission cannot anticipate every set of circumstances that may arise and, the Licensing Authority may, after considering the guidance, depart from it where there are strong reasons to do so. Where there is reference in this Policy to BACTA's voluntary codes, the Licensing Authority recognises that these are BACTA's current codes on social responsibility for the gaming machines sector and merely recommends adoption of these voluntary codes.
- 1.7.** In exercising its functions under the Gambling Act 2005, the Licensing Authority must have regard to the Licensing Objectives as set out in Section 1 of the Act. These are:
 - 1.7.1.** To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - 1.7.2.** To ensure that gambling is conducted in a fair and open way; and
 - 1.7.3.** To protect children and other vulnerable persons from being harmed or exploited by gambling.
- 1.8.** In drafting this Policy, the Licensing Authority has sought to achieve a consistent standard of regulation to minimise the impact of regulation on businesses. In preparing this Policy and its revision, the Licensing Authority has consulted with the statutory consultees as defined in Section 349 of the Gambling Act 2005 and across a widespread cross section of the community. A comprehensive list of consultees is attached at Appendices B and C to this Policy.
- 1.9.** Due consideration has been given to all responses in the production of the final Policy and the Licensing Authority has had due regard to the Guidance and given

appropriate weight to the views of all those consulted. In determining the weight given to particular representations the Licensing Authority has taken into account the following factors:

- who is making the representations (what is their expertise/interest);
 - the relevance to the Licensing Objectives;
 - how many others expressed the same or similar views; and
 - how far those representations relate to matters that the Licensing Authority should include in this Policy.
- 1.10.** This first Policy was approved and adopted at the full Council meeting on 30 October 2006 and was advertised and published in accordance with Regulations. Copies were placed in the Borough's public libraries and in the Council's office at the Town Hall. The second revised Policy was approved by Council on 11 May 2009. The third revised Policy was approved by Council on 4 January 2010 with the fourth revision being approved on 5 November 2012.
- 1.11.** This Policy has been prepared with the view that no statement will override the right of any person to make an application under this Act and will not undermine the right of any person to make representations on an application or to seek a review of that Licence.
- 1.12.** In considering applications and in making any decisions, the Licensing Authority will take into account the Human Rights Act 1998, in particular:
- Article 1, Protocol 1 – peaceful enjoyment of possessions.
 - Article 6 - right to a fair hearing.
 - Article 8 – respect for private and family life
 - Article 10 – right to freedom of expression.
- 1.13.** The Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators. However, the Licensing Authority will require that prior to submission of a Premises Licence application (except in the case of tracks); the appropriate Operator's Licence is obtained or has been applied for.
- 1.14.** The Policy will remain in force until the next successive 3 year period and may be subject to periodic reviews and further consultation. Following consultation, any revisions or amendments to the Policy will be appropriately published in accordance with the regulations.
- 1.15.** When drawing up the Policy, the Licensing Authority has considered the wide range of premises that will be licensed, including casinos, tracks, amusement arcades, bingo halls, betting offices, members' clubs and alcohol-licensed premises.
- 1.16.** The Licensing Authority recognises the need to work closely with the Gambling Commission in exchanging information as and when required.
- 1.17.** The Licensing Authority shall always seek to regulate gambling in the public interest.

Declaration

- 1.18.** In producing the final Licensing Policy, the Licensing Authority declares that it has had due regard to the three Licensing Objectives of the Gambling Act 2005, Guidance issued by the Gambling Commission and to any relevant formal responses from those consulted on the draft Gambling Licensing Policy.

Fees

- 1.19.** Premises Licence fees are set within the prescribed maximum levels in accordance with The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 and will be limited to cost recovery. Fees for Permits and other services are set by the Secretary of State.
- 1.20.** Information regarding the fees to be charged will be made available to the public via the Council's website or in writing upon request.
- 1.21.** In accordance with Paragraph 193 of the Gambling Act 2005, where an operator fails to pay the annual fees, the Licensing Authority will revoke the Premises Licence. With regard to Permits, the same principles will apply and the Licensing Authority will exercise its powers under Schedule 13 paragraph 17 of the Gambling Act and cancel the Permit. Each case will however be treated on its own merit and consideration may be given to mitigating circumstances.
- 1.22.** Where a payment of the application fee is not honoured by the applicant's bank, the Licensing Authority will regard the application as not properly made and where activity which requires a licence is undertaken, for the purposes of enforcement action, the operator will be treated as managing premises without a Premises Licence or Permit.
- 1.23.** All non-payment of annual licence and permit fees will be reported to the Gambling Commission who may wish to check their own records on the applicant accordingly.

General Principles

- 1.24.** The Licensing Authority recognises that the responsibility for an individual's gambling is his or her own. The responsibility to exercise a duty of care is that of the Site Operator, however, the Licensing Authority encourages applicants for Adult Gaming and Family Entertainment Centres to consider adopting BACTA's voluntary Code of Social Responsibility and Good Practice and where gaming machines are concerned, applicants are encouraged to adopt the Code of Practice. These codes can be obtained at www.bacta.org.uk.
- 1.25.** Where there are age restrictions on entry to certain premises, the Licensing Authority encourages applicants to consider and adopt BACTA's and GamCare's joint training initiative on a Site Age-of-Entry Control Policy.
- 1.26.** The Licensing Authority recognises that many people are able to enjoy and control their gambling, however, where there are those who are unable to control gambling, the Licensing Authority recommends that applicants consider adopting BACTA's and GamCare's Site Self-Exclusion Policy for those particular clients to request their exclusion for a fixed period.
- 1.27.** The Licensing Authority when considering applications for premises licences will not take into account whether or not there is an unfulfilled demand for gambling facilities within the Borough of Scarborough. Every application to the Licensing Authority will be considered on its own merits and will be treated fairly and objectively in accordance with the three Licensing Objectives.
- 1.28.** When determining the location of proposed gambling facilities, the Licensing Authority will consider the proximity of premises to:
 - 1.28.1.** Local schools
 - 1.28.2.** Centres for those with gambling problems
 - 1.28.3.** Centres for, or used by, vulnerable and young persons

- 1.28.4. Residential areas where there is a high concentration of children and young people or where high levels of deprivation exist
- 1.28.5. Places of worship, particularly where Sunday Schools are in operation
- 1.28.6. Areas of known high criminal activity.

- 1.29. The Licensing Authority will not consider moral representations to gambling as these do not relate to the three Licensing Objectives and are not a valid reason for rejection. Where the Licensing Authority does reject an application for a Premises Licence, it will rely on reasons that demonstrate that the Licensing Objectives are not being met.
- 1.30. In all cases, however, the Licensing Authority will determine each application on its own merit and consider the type of gambling proposed. If an applicant can demonstrate how they will promote the licensing objectives, then the Licensing Authority shall take this into account when determining such applications.
- 1.31. The Licensing Authority will have regard to the Gambling Commission's Guidance to Local Authorities and the Council's Gambling Licensing Policy when considering applications where access to the licensed premises is through other licensed or unlicensed gambling premises.

Licensing Objectives

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

- 1.32. It is the responsibility of the Gambling Commission when issuing Operating Licences to ensure the operator is a suitable applicant. If, however, during the course of considering a Premises Licence application or at any other time, the Licensing Authority receives such information that causes it to question the suitability of the applicant, those concerns will be brought to the immediate attention of the Gambling Commission.
- 1.33. The Licensing Authority will consider the location of premises, particularly if such a premises is in an area where there was known to be organised crime. Where this is the case, the Licensing Authority in these circumstances would consider what controls, if any, would be appropriate to prevent such premises becoming a source of crime. In certain circumstances, the Licensing Authority may consider appropriate conditions to be attached to the Licence, such as Door Supervisors, CCTV, etc.
- 1.34. The Licensing Authority recognises that disorder may occur on premises and therefore expects an applicant to demonstrate an understanding of possible crime and disorder and to take such controls as are necessary to prevent such disorder. Examples may include thought given to the way that gambling is conducted on the premises, company policy on prevention of crime and disorder and the siting of large pay out machines.
- 1.35. Where there is evidence of disorder, the Licensing Authority will forward any concerns regarding an Operator to the Gambling Commission. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.
- 1.36. The Licensing Authority may seek legal advice when determining what action to take in circumstances in which disorder may be a factor. It is appreciated that disorder is intended to mean activity that is more serious and disruptive than mere nuisance and consideration may be given as to whether police assistance was required and how

threatening the behaviour was. However, in determining this issue the Licensing Authority will consider each circumstance individually.

Ensuring Gambling is conducted in a fair and open way

- 1.37. All gambling should be fair in the way it is played with transparent rules such that players know what to expect. Examples may include easily understandable information being made available on the rules and probability of winning/losing, ensuring the rules are fair and that advertising is not misleading. Further recommendations would be to ensure that the results of competitions/events are made public.
- 1.38. Generally, it is for the Gambling Commission to ensure this Licensing Objective is complied with, however, with regard to race tracks; the role of the Licensing Authority is more significant. The Licensing Authority, in certain circumstances, may seek to impose conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority may wish to know the nature of the venue, have sight of a plan of the track which would include access to the place where gambling is to take place, where the operators will conduct on course betting and whether or not there are any off course betting operators.

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

- 1.39. As children and young persons are prohibited from the majority of gambling premises they must be prevented from entering adult only gaming environments. This Licensing Objective intends to prevent children and young persons from taking part in, or being in close proximity to, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at children or advertised in such a way that makes them attractive to children. The Licensing Authority will therefore consider whether or not specific measures are needed to protect children at particular premises. Such measures may include staff training, company policies for protecting children and vulnerable persons, careful consideration of the siting of cash machines, additional requirements to provide supervision at entrances, steps taken to segregate gambling from non-gambling areas frequented by children and the supervision of gaming machines in non adult gambling specific premises in order to prevent children or vulnerable young persons from being harmed or exploited by gambling. These measures will be particularly relevant on mixed use premises and on tracks where children have freedom of movement in betting areas on race days. Other such measures may include appropriate signage, location of machines and numbers of staff on duty.
- 1.40. As regards 'vulnerable persons', it is noted that the Gambling Commission has not defined a 'vulnerable person' but states that it will assume that this group will include people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health issues, learning disability or substance abuse. Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling and each application will be treated on its own merit.
- 1.41. With this Licensing Objective in mind, the Licensing Authority will take particular care when considering applications for more than one licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping malls.

- 1.42. The Licensing Authority recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, physically separating Family Entertainment Centres and Adult Gaming Centres, and supervision of entrances. In addition, 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.
- 1.43. The Licensing Authority will pay particular attention to applications where access to the licensed premises is through another premises and will consider whether or not children can gain access; the compatibility of the two establishments and its ability to comply with requirements of the Gambling Act. The Licensing Authority will also consider whether the co-location of the licensed premises with other facilities will create an arrangement that is likely to be prohibited under the Act. In any event, the Licensing Authority expects access to all adult areas in licensed premises shall be monitored in accordance with any mandatory conditions and Gambling Commission Codes of Practice.
- 1.44. The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings with careful consideration if they seek to develop multi purpose developments and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling.
- 1.45. The Licensing Authority expects that all staff be suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines. Staff are expected to be vigilant to ensure compliance with the law.
- 1.46. The Licensing Authority recommends applicants consider the adoption of BACTA's voluntary Code of Social Responsibility and Good Practice for Adult Gaming Centres and Family Entertainment Centres.

Licensing Policy Publication and Review

- 1.47. The revised Licensing Policy will have effect from its approval by Council following formal consultation. Any revisions to the Policy shall have immediate effect upon adoption by Council. In any event, this Licensing Policy must again be reviewed prior to 31 January 2019.
- 1.48. The Gambling Licensing Policy or revision will be published at least four weeks before it takes effect. Where a Statement is revised, it will only be the revision that is published and consulted upon. Any revisions will be published and advertised in the same way as a new Statement of Policy and in accordance with Regulations.

Information Exchange

- 1.49. The Licensing Authority will work closely with the Gambling Commission, North Yorkshire Police and with Responsible Authorities where there is a need to exchange information on specific premises. For example, where the Commission makes observations and representations on the suitability of the applicant for a premises licence or any other aspect of the application, the Commission and Licensing Authority shall discuss matters relating to that application and the appropriate action to take.

- 1.50. Furthermore, the Licensing Authority shall continue to submit annual returns to the Commission as they are an important source of information that can assist both in improving their work as risk based regulators. Both parties will work together to ensure that the returns process is managed effectively and the Licensing Authority shall ensure that the information on the returns is accurate. It is noted however that the Commission will minimise the burden imposed on the Licensing Authority by keeping its data requests to an absolute minimum.
- 1.51. The principle that this Licensing Authority will apply when exchanging information will be to act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 1.52. Where relevant, information will be protected and the confidentiality of those making representations will be maintained. Information will be shared between the Responsible Authorities and Gambling Commission.

Register

- 1.53. The Licensing Authority will maintain a Licensing Register of all Premises Licences and Permits issued and this will be available on the Council's website at www.scarborough.gov.uk. A hard copy will be available at the Council's offices between 09:00 and 17:00. The Licensing Authority may charge a reasonable fee for providing copies of such information.

Planning Permission/Building Regulation Approval

- 1.54. The existence of a planning permission or building regulation approval for a premises or activity associated with gambling shall not be taken into account by the Licensing Authority in determining a Premises Licence application. Similarly, the existence of a gambling licence shall not prejudice the consideration of any planning or building regulation application related to a gambling activity or premises.

Responsible Authorities

- 1.55. The Licensing Authority will notify all Responsible Authorities of applications and these bodies will be entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, Premises Licences.
- 1.56. The Responsible Authorities are as listed in the Glossary. However, with regard to the Responsible Authority in relation to vulnerable adults, the Licensing Authority recognises the Secretary of State shall specify a particular body as being the Responsible Authority.
- 1.57. The contact details of all Responsible Authorities under the Gambling Act 2005 are available via the Council's web-site at www.scarborough.gov.uk or by contacting the licensing team via telephone on 01723 232323 or via e-mail at licensing.services@scarborough.gov.uk.

Body representing Children from Harm

- 1.58. The Licensing Authority has designated in writing the body it considers competent to advise the Licensing Authority on the protection of children from harm. This body currently is:

Director of Children and Young People's Service
North Yorkshire County Council
Room 122 County Hall
Racecourse Lane
Northallerton
DL7 8AE

- 1.59.** The reasons the Licensing Authority has chosen the above as a responsible authority competent to advise it on the protection of children from harm are:
- 1.59.1.** That this body is answerable to democratically elected persons and is not answerable to a particular vested interest group.
 - 1.59.2.** That this body is responsible for the area covered by the Licensing Authority and this Policy;
 - 1.59.3.** That this body is experienced in dealing with the protection of children.

Interested Parties

- 1.60.** Interested parties can make representations about licence applications, or apply for a review of an existing licence. For the purposes of the Gambling Act 2005, interested parties will include persons who:
- 1.60.1.** Live sufficiently close to premises to be likely to be affected by the authorised activities;
 - 1.60.2.** Have business interests that might be affected by the authorised activities; or
 - 1.60.3.** Represent persons in either of the above two groups.

Principles of deciding on Interested Parties

- 1.61.** The Licensing Authority is required by regulations to state the principles that it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. With regard to specific premises, the Licensing Authority will consider whether a person is an interested party on a case-by-case basis, judging each on its own merit. The Authority will not apply a rigid rule to its decision-making.
- 1.62.** Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish/town 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 authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons confirming their wish to be represented will be sufficient.
- 1.63.** The principles the Licensing Authority will apply when deciding whether or not a person is an interested party are:
- 1.63.1.** The size of the premises where larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities;
 - 1.63.2.** The nature of the activities being conducted on the premises.

Persons living sufficiently close to the premises

- 1.64. The Licensing Authority will take into account the following factors when interpreting 'sufficiently close':
- Size of the premises
 - Nature of the premises
 - Distance of the premises from the location of the person making the representation
 - Potential impact of the premises, i.e. number of customers, routes likely to be taken by those visiting the establishment; and
 - Circumstances of the complainant, i.e. interests of the complainant that may be relevant to the distance from the premises.
- 1.65. The Licensing Authority recognises 'sufficiently close to be likely to be affected' could have a different meaning for, for instance, a private resident, a residential school for children with behavioural or other problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its own merit.

Persons with business interests that could be affected

- 1.66. The Licensing Authority will firstly determine whether or not a person is an interested party and secondly whether or not their representation is relevant. Representations by such persons that do not relate to the Licensing Objectives but focus on demand and competition will not be considered as relevant.
- 1.67. The Licensing Authority shall not take into account representations put forward by a rival operator, anywhere in the country, simply because they are in competition within the same gambling sector. The following factors will therefore be relevant:
- 1.67.1. Size of the premises.
 - 1.67.2. The 'catchment' area of the premises (i.e. how far people travel to visit).
 - 1.67.3. Whether the person making the representation has business interests in that catchment area that might be affected.
 - 1.67.4. Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation.
- 1.68. The Licensing Authority will decide upon representations from those persons with business interests on an individual basis.

Persons representing persons living sufficiently close and/or having business interests that may be affected

- 1.69. With regard to persons representing persons living sufficiently close and persons having business interests that may be affected, the Licensing Authority will take into account trade associations, trade unions, residents and tenants' associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless the organisation can demonstrate that they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 1.70. Where individuals wish to approach councillors to represent their views, then care will be taken that the councillors are not part of the Licensing Committee dealing with the licence application. Where a councillor represents an interested party, in order to

avoid conflict of interests, that councillor shall not be part of the Licensing Committee dealing with the licence application. If there are any doubts, councillors will be asked to contact the Council's Legal & Support Services to gain further advice.

- 1.71. The Licensing Authority has acknowledged and agreed the bodies representing residents and these are listed in Appendix C. This list, however, is not exhaustive and each case will be decided upon on an individual basis by the Licensing Authority.

Representations

- 1.72. Only Responsible Authorities and Interested Parties may make representations. Advice on how to make a representation is available on the Council's website. Where there are representations, the Licensing Authority will encourage negotiation between the objector and the applicant as to the possible use of conditions on the licence.
- 1.73. Where there are representations the Licensing Authority will determine whether or not they will be admissible and will consider carefully whether the representations are relevant. Relevant representations must be relevant to the three Licensing Objectives, raise issues under the Licensing Policy, raise issues under the Gambling Commission Guidance or raise issues under the Gambling Commission's Codes of Practice.
- 1.74. Representations are not relevant where they can be addressed by other legislation, such as matters relating to planning or noise (these are examples and the list is not exhaustive). Each case will be decided upon the facts.
- 1.75. Representations will not be considered as relevant where they relate to demand, competition or where they are based on moral grounds.
- 1.76. Representations are not relevant where they are vexatious or frivolous and before a decision is made as to whether it is relevant or not, the Licensing Authority will consider:
- 1.76.1. Who is making the representation and whether there is a history of making representations that are not relevant
 - 1.76.2. Whether or not it raises a relevant issue, or
 - 1.76.3. Whether it raises issues specifically to do with premises that are the subject of the application
- 1.77. The Licensing Authority strongly recommends that representations are submitted at the earliest opportunity prior to the end of the prescribed consultation period to allow the maximum time to negotiate an appropriate solution.

Conditions

- 1.78. The Licensing Authority acknowledges that certain categories of premises are already subject to Mandatory and Default conditions. Any additional conditions attached to a Premises Licence will be proportionate and will be:
- 1.78.1. Relevant to the need to make the proposed building suitable as a gambling facility
 - 1.78.2. Directly related to the premises and the type of licence applied for
 - 1.78.3. Fairly and reasonably related to the scale and type of premises; and
 - 1.78.4. Reasonable in all other respects.
- 1.79. Decisions upon individual conditions will be made on a case-by-case basis. The Licensing Authority will expect the applicant to offer his/her own suggestions as to

the way in which the Licensing Objectives can be achieved. The Licensing Authority may, however, exclude a condition and substitute it with one that is either more or less restrictive. In this instance the Licensing Authority will give clear and regulatory reasons for so doing.

- 1.80.** Where an operator breaches the licence conditions, initially a warning will be given to correct the breaches. If following such warning or warnings, a breach or breaches occur the Licensing Authority will seek to review the Premises Licence.

Door Supervisors

- 1.81.** If there are concerns that premises are likely to attract disorder or be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.
- 1.82.** Where door supervisors are imposed as a condition on a Premises Licence (except casino or bingo premises), Section 178 of the 2005 Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority or replacement body.

PART 2

2. Premises Licences

General

- 2.1.** Premises Licences authorise the provision of gambling facilities on the following:
- Casino Premises
 - Bingo Premises
 - Betting Premises, including race tracks used by betting intermediaries
 - Adult Gaming Centres (AGCs)
 - Family Entertainment Centres (Licensed FECs)
- 2.2.** Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be granted to those issued with an Operating Licence issued by the Gambling Commission.
- 2.3.** Other forms of authorisations are as follows:
- Unlicensed Family Entertainment Centres (UFEC) Permits
 - Prize Gaming Permits
 - Licensed Premises Gaming Machine Permits
 - Club Gaming Permits
 - Club Gaming Machine Permits
- 2.4.** For the purposes of this Act, premises are defined as including 'any place'. Section 152 prevents more than one premises licence applying to any place but there is no reason in principle why a single building could not 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 is taken to allow large multiple unit premises such as pleasure parks, tracks or shopping malls to obtain discreet premises licences where appropriate

safeguards are in place. The Licensing Authority will pay particular attention to issues about sub-division of a single plot and will ensure that the mandatory conditions relating to access are observed.

Casinos

General Principles

- 2.5.** The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must:
- (a) hold or have applied for an Operating Licence; or
 - (b) have the right to occupy.
- 2.6.** In making any decision in respect of an application, the Licensing Authority shall not take into account whether or not an applicant has planning permission or building regulation approval and any decision shall not constrain any later decision by the Authority under the law relating to planning or building. The Licensing Authority does, however, strongly recommend that planning permission is sought prior to submitting an application in order to avoid disappointment.
- 2.7.** The Licensing Authority will not consider unmet demand when considering applications for casino premises licences and each application will be taken on its own merit.
- 2.8.** In determining the principles the Licensing Authority intends to apply in making any determination for a Casino Premises Licence the Licensing Authority has paid specific regard to:
- 2.8.1.** Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community. The Licensing Authority does however recognise that persons who gamble beyond their means do not necessarily emanate from Casinos and could come from other gambling premises and therefore this matter is not entirely the responsibility of Casinos.
 - 2.8.2.** Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - 2.8.3.** Any provision that is made for ensuring that gambling is conducted in a fair and open way.
 - 2.8.4.** Likely effects of an application on employment and regeneration;
 - 2.8.5.** Design and location of the proposed development;
 - 2.8.6.** Range and nature of non gambling facilities to be offered as part of the proposed development; and
 - 2.8.7.** Any financial and other contributions
- and these considerations shall be taken into account in evaluating competing applications
- 2.9.** The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any such contract, arrangement or other relationship.
- 2.10.** The Licensing Authority's decision will not be prejudged and where advice is sought this will be impartial advice.

Bingo Premises

- 2.11.** In accordance with section 18.6 of the Gambling Commission's Guidance, the Licensing Authority recognises that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling other than on Category D machines. The Licensing Authority shall carefully consider applications for Bingo licences within arcades or other venues frequented by families and children.
- 2.12.** The Gambling Commission has issued Codes of Practice relating to Bingo premises and the Licensing Authority expects all applicants to comply with these codes. The Licensing Authority shall determine Bingo Premises Licence applications in accordance with the Guidance issued by the Gambling Commission concerning primary activity.
- 2.13.** Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice and advice issued by the Gambling Commission. High turnover bingo will require a Bingo Operating Licence. Definitions of low and high turnover bingo are stated in the Glossary at the back of this Policy.
- 2.14.** With regard to turnover, where the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will inform the Gambling Commission accordingly.
- 2.15.** The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises, including segregation of Category C machines to prevent access to children.

Betting Premises

- 2.16.** The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises and children will not be permitted entry to a premise with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. In addition, the Licensing Authority recommends that an applicant for gaming machines in such premises considers carefully the location of betting machines to ensure that they are not in sight of the entrance to the premises.
- 2.17.** While the Licensing Authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. The Licensing Authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the Licensing Objectives. Where there is such evidence, the Licensing Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter. When considering whether or not to impose such a condition the Licensing Authority will take into account the following:
- 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 or vulnerable persons.
- 2.18.** The Licensing Authority shall determine Betting Premises Licence applications in accordance with the Guidance issued by the Gambling Commission concerning primary activity.

Tracks

2.19. The Licensing Authority is aware that the Gambling Commission may provide further specific guidance as regards tracks and recognise that tracks are different from other premises in that there may be more than one Premises Licence in effect and that the track operator may not be required to hold an Operators Licence as there may be several premises licence holders at the track who will need to hold their own operator licences. As children and young persons will be permitted to enter track areas where facilities for betting are provided e.g. dog racing and/or horse racing, the Licensing Authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. The Licensing Authority will expect applicants to offer their own measures to meet the Licensing Objectives, however, appropriate measures may cover issues such as:

- Proof of Age schemes
- CCTV
- Door supervisors
- Supervision of entrances/exits/machine areas
- Physical separation of areas
- Notices / signage
- Specific Opening Hours
- Location of entry and gaming machines

This list is neither mandatory, nor exhaustive and is merely indicative of example measures.

2.20. The Licensing Authority will consider on its own merit applications for venues such as athletics tracks or sports stadium for track betting licences to cover the whole track.

2.21. Where appropriate, in order for the Licensing Authority to gain a proper understanding of what it is being asked to licence, applicants will be required to:

- Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the race track;
- In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facilities;
- Evidence measures taken to ensure the third Licensing Objective will be complied with;
- Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for, that purpose.
- Define the areas of the track that will be used by on course operators visiting the track on race days.
- Define any temporary structures erected on the track for providing facilities for betting.
- Define the location of any gaming machines (if any).

2.22. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

2.23. The Licensing Authority recommends an applicant consults with the Gambling Commission and the Licensing Authority prior to submission of their application.

Betting and Gaming Machines on Tracks

- 2.24.** With regard to gaming machines on tracks, the Licensing Authority will consider carefully the location of any adult gaming machines at tracks to ensure that these machines are in areas which children are excluded, though it is recognised that children and young persons are not prohibited from playing Category D machines on a track.
- 2.25.** The Licensing Authority recognises the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines. It is the responsibility of the track operator to ensure compliance with the law in preventing children from using these machines. It is for this reason the Licensing Authority may consider restricting the number and location of machines, however, each application will be considered on its own merit.

Self-contained betting offices on Tracks

- 2.26.** In general, the rules that apply to betting premises away from tracks will apply to self contained betting premises on tracks and the Licensing Authority will consider future guidance from the Gambling Commission about how such premises should be delineated, both to make it clear to the public that they are entering a 'betting office' and to prevent the entry of children and young persons. Applicants are recommended to consider the Gambling Commission's view that it would be preferable for all self-contained premises operated by off course betting operators on track to be the subjects of separate premises licences. This would thus ensure that there was clarity between the respective responsibilities of the track operator and the off course-betting operator running a self-contained unit on the premises.
- 2.27.** On advice from the Gambling Commission, the Licensing Authority may attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office. The Licensing Authority would welcome other suitable methods.

Adult Gaming Centres

- 2.28.** As no one under the age of 18 is permitted to enter an Adult Gaming Centre, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to offer their own measures to meet the Licensing Objectives and comply with all mandatory conditions and Gambling Commission Codes of Practice. However, appropriate measures may cover issues such as:
- Proof of Age schemes
 - Appropriately managed CCTV
 - Door Supervisors
 - Supervision of entrances/machine areas
 - Statutory requirement to display Gambling Helpline stickers
 - Physical separation of areas
 - Location of entrances
 - Notices/Signage
- 2.29.** The list, however, is not mandatory, nor is it exhaustive and applicants are recommended to consider this Licensing Objective very carefully when applying for an Adult Gaming Centre Premises Licence.

- 2.30. Where the Adult Gaming Centre is situated in a complex such as an airport, shopping area or motorway services station, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access.

Criteria with regard to access to and separation between Adult Gaming Centres and Licensed Family Entertainment Centres/Unlicensed Family Entertainment Centres

- 2.31. Following a consultation meeting with AGC operators in February 2012 and the Licensing Committee meeting on 19 March 2012 the Licensing Committee determined to include in this Policy the current Scarborough Borough Council criteria which sets out the principles with regard to access to and separation between AGCs and LFECs/UFECs, as follows:

1. To ensure that advice given to applicants regarding the division between AGCs and LFECs or UFECs in amusement arcades is consistent, the following standard shall be adopted:
 - (a) All partitions shall be permanently fixed;
 - (b) Partitions shall be opaque;
 - (c) No part of any partition shall be formed from any part of an AWP or gaming machine or any other type of machine;
 - (d) Partitions shall be a minimum height of 1.75 metres (5 foot 9 inches);
 - (e) Partitions shall be a maximum height of 0.15 metres (6 inches) from the floor;
 - (f) Access for customers between licensed areas can be by way of an artificially formed unlicensed area, e.g. a lobby.
2. 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.**
3. In determining each application regard will be given to this Licensing Policy and in particular the Licensing Objective: Protection of children and vulnerable persons from being harmed or exploited by gambling.

Family Entertainment Centres (FECs)

- 2.32. There are two classes of Family Entertainment Centres. Licensed FECs provide Category C and D machines and require a Premises Licence. Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits.

Licensed Family Entertainment Centres

- 2.33. Children and young persons may enter Licensed FECs but are not permitted to play Category C machines. The Licensing Authority will expect the applicant to ensure that there will be sufficient measures to prevent under 18 year olds having access to the adult only gaming machine areas. The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. However, appropriate measures may cover issues such as:

- Proof of Age schemes

- CCTV, specifically sited where the adult machines are likely to be situated
- Door supervisors
- Controlled supervision of entrances and machines
- Statutory requirement to display Gambling Helpline stickers
- Physical segregation of machines and areas
- Appropriate Notices and signage

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

- 2.34.** With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare as appropriate measures.
- 2.35.** With regard to segregation of Category C machines in licensed FECs, the Licensing Authority shall take the same approach with Bingo premises in that it will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of the premises, including segregation of Category C machines to prevent access to children.
- 2.36.** Applicants are recommended to visit the Gambling Commission’s website at www.gamblingcommission.gov.uk in order to familiarise themselves with the conditions applicable to these premises.
- 2.37.** With regard to direct access between premises the Licensing Authority expects applicants to comply with the Guidance issued by the Gambling Commission and relevant legislation. However, applicants are recommended to discuss their proposals with the Licensing Authority and each case will be treated on its own merit.

Vessels and Vehicles

- 2.38.** Licences may be granted for passenger vessels. However, not all forms of permits are available to vessels. The Licensing Authority will in particular consider the promotion of the Licensing Objectives on board a vessel. Vehicles may not be the subject of a Premises Licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle.
- 2.39.** The Licensing Authority will have jurisdiction over gambling conducted on vessels on all inland waterways, at permanent moorings and on all aircraft on the ground or in domestic air space.

Travelling Fairs

- 2.40.** Travelling fairs do not require any permit to provide gaming machines and may provide an unlimited number of Category D gaming machines. However the Licensing authority will carefully consider whether an operator falls within the statutory definition of travelling fair (provided by section 286 of the Act).and be “wholly or principally” providing amusement and that the facilities for gambling amount to no more than ancillary amusement at the fair. .
- 2.41.** The 27-day statutory maximum for the land being used as a fair is per calendar year, and that this applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land that crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

Gaming Machines

- 2.42. Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 2.43. Where the Licensing Authority has concerns about the manufacture, supply or repair of a gaming machine it will bring this to the attention of the Gambling Commission.
- 2.44. The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the location of, and access to, such machines by children and young persons and their separation from Category C and B machines where those are also located in the same building.
- 2.45. The Licensing Authority supports the Gambling Commission's view that an operator should provide the primary activity specifically authorised by its Premises Licence in order to limit the number of gaming machines available for use on the premises. As such, the Licensing Authority shall expect applicants to comply with the Gambling Commission's Guidance on primary activity.

Permits

- 2.46. The Act introduces a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
- 2.47. The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications.
- 2.48. Where a Permit is granted, the Licensing Authority will issue the Permit as soon as is reasonably practicable.

Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

- 2.49. 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.

Statement of Principles for Unlicensed Family Entertainment Centres

- 2.50. The Licensing Authority must be satisfied that the premises will be used as an Unlicensed Family Entertainment Centre and the Chief Officer of Police, North Yorkshire Police must be consulted on all applications.
- 2.51. When determining a permit, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and although not required to, will have regard to the three Licensing Objectives.
- 2.52. As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues and the Licensing Authority will expect applicants to demonstrate:
 - 2.52.1. A full understanding of the maximum stakes and prizes of the gambling, which is permissible in unlicensed FECs.

- 2.52.2. That staff are trained to have a full understanding of the maximum stakes and prizes.
 - 2.52.3. Applicant's previous history and experience of running similar premises
 - 2.52.4. A criminal record disclosure check from a recognised body dated within one calendar month of the date of the application being submitted to the Licensing Authority.
- 2.53. Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a criminal record disclosure check will not be required.
- 2.54. Where an applicant is a company or organisation and does not hold an Operating Licence, then the proposed Manager responsible for the day to day running of the premises of the premises will be required to produce a criminal record disclosure check dated within one calendar month of the date of the application being submitted to the Licensing Authority.
- 2.55. When a permit holder appoints a new manager responsible for the day to day running of the premises, that person will be required to produce a criminal record disclosure check dated within one calendar month of the appointment date.
- 2.56. As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this permit as follows:
- 2.56.1. A 1:100 scaled plan of the premises (or if not 1:100 the plan must be clear and legible in all material respects) showing the boundary of the permitted area;
 - 2.56.2. Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
 - 2.56.3. Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
 - 2.56.4. Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
 - 2.56.5. Policies and procedures in place to protect children from harm. Harm in this case 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 such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises or suspected truant school children on the premises.
 - 2.56.6. The amount of space around gaming machines to prevent jostling of players or intimidation;
 - 2.56.7. Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
 - 2.56.8. Numbers of staff employed;
 - 2.56.9. Current Public Liability Insurance documents and any other such information the Licensing Authority will from time to time require.
- 2.57. These Statement of Principles apply to initial applications only and not to renewals. With regard to renewals, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.
- 2.58. Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the

refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.

- 2.59. Where the Permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed.
- 2.60. A permit holder may request to vary the plan of the premise held by the Licensing Authority; however, any variation must be first approved in writing.
- 2.61. Applications for unlicensed FEC permits will be available on the Council's website or by contacting Licensing Services.
- 2.62. The Licensing Authority encourages applicants for unlicensed FEC Permits to consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

Alcohol-Licensed Premises Gaming Machine Permits

- 2.63. With regard to gaming machines on premises that sell alcohol, the applicant is entitled to up to 2 gaming machines of Category C or D machines, subject to the applicant notifying the Licensing Authority in writing and paying the prescribed fee.
- 2.64. Where an applicant wishes to operate more than 2 gaming machines, they must submit a licensed premises Gaming Machine Permit application. Where an applicant seeks more than 2 gaming machines, the Licensing Authority will determine the amount in each case after a Licensing Sub-Committee hearing and once a decision has been reached, such number will be specified on the gaming machine permit. It is important for applicants requiring more than 2 alcohol-licensed Gaming Machine Permits to attend a Sub-Committee hearing in order for the Sub-committee to be assured that the location of the gaming machines in the alcohol-licensed premises are located in accordance with the mandatory conditions. The location of all machines shall comply with the Gambling Commission's Code of Practice on location and operation of such machines and it is recommended that the applicant provides a plan of the proposed location of these machines to assist the Licensing Sub-Committee in its determination.
- 2.65. The Licensing Authority may remove the automatic authorisation if:
 - Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives and is not compliant with the mandatory conditions relating to location and operation of machines
 - 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);
 - An offence under the Gambling Act has been committed on the premises; or
 - The premises are mainly used for gaming.
- 2.66. The applicant must comply with any Code of Practice issued by the Gambling Commission and consider such measures to ensure that under 18s do not have

access to the adult only gaming machines. The Licensing Authority recommends considering such measures as:

- The adult machines being sited close to the bar;
- The adult machines being sited where staff can monitor them;
- Appropriate notices and signage;
- Provision of information leaflets/help line numbers for organisations such as GamCare.

Gaming in alcohol-licensed premises

- 2.67.** The Licensing Authority recognises that low level gaming may take place in alcohol-licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. Gaming in alcohol-licensed premises should therefore be supervised by a nominated gaming supervisor, i.e. the Designated Premises Supervisor and all gaming should comply with the Codes of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the applicant must be aware of and adopt these Codes of Practice and any subsequent guidance issued by the Gambling Commission and to ensure that all gaming in such premises is suitably managed.

Prize Gaming Permits

- 2.68.** Prize Gaming Permits must be obtained when there is no premises licence in place to permit prize gaming. Where a premises licence is in force, e.g. a casino, bingo hall, AGC, FEC a prize gaming permit cannot be obtained in addition. By virtue of the casino premises licence, casinos are able to offer prize gaming and betting. Large casinos, as determined by the Government are able to offer bingo in addition. As children and young persons may participate in equal chance prize gaming, and given that certain premises will particularly appeal to children and young persons, the Licensing Authority has prepared a Statement of Principles that it proposes to apply in exercising its functions which specifies matters that the Licensing Authority propose to consider in determining the suitability of an applicant for a Prize Gaming Permit.

Statement of Principles for Prize Gaming Permits

- 2.69.** The Licensing Authority will wish to see additional information when an applicant applies for this Permit, as follows:
- 2.69.1.** A 1:100 scaled plan of the premises (or if not 1:100 the plan must be clear and legible in all material respects) showing the boundary of the permitted area.
- 2.69.2.** A criminal record disclosure check from a recognised body dated within one calendar month of the date of the application being submitted to the Licensing Authority.
- 2.69.3.** Evidence of staff training by way of a Premises Log Book, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises or suspected truant school children on the premises.. The Log Book should be signed and dated by staff to prove that training has been undertaken and understood;

- 2.69.4. Evidence that staff are aware of the limits to stakes and prizes as set out in the Regulations and that the gaming is offered within the law;
 - 2.69.5. Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
 - 2.69.6. Numbers of staff employed;
 - 2.69.7. Current Public Liability insurance documents and any other such information the Licensing Authority will from time to time require;
 - 2.69.8. Any other policies or procedures in place to protect children from harm.
- 2.70. Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a criminal record disclosure check will not be required.
- 2.71. Where an applicant is a company or organisation and does not hold an Operating Licence, then the proposed Manager responsible for the day to day running of the premises of the premises will be required to produce a criminal record disclosure check dated within one calendar month of the date of the application being submitted to the Licensing Authority.
- 2.72. When a permit holder appoints a new manager responsible for the day to day running of the premises, that person will be required to produce a criminal record disclosure check dated within one calendar month of the appointment date.
- 2.73. In making its decision on an application for this permit, the Licensing Authority does not need to have regard to the Licensing Objectives and will take into account, after consultation, any objections that the Police may wish to make whether relevant to the Licensing Objectives. The grounds for decision making as regards renewals are the same as for initial applications.
- 2.74. Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and offering the applicant an opportunity to make representations orally or in writing or both.
- 2.75. A permit holder may request to vary the plan of the premise held by the Licensing Authority; however any variation must first be approved in writing.
- 2.76. Where an application is granted the Licensing Authority will issue it as soon as is reasonably practicable.

Club Gaming and Club Machine Permits

- 2.77. Members Clubs and Miners' Welfare Institutes (not Commercial Clubs) may apply for a Club Gaming Permit. If a Members' Club does not wish to provide gaming they may then apply for a Club Machine Permit. Before granting a Permit, the Licensing Authority must be satisfied that the premises meets the requirements of a members' club and may grant the permit provided the majority of members are over 18. It is recognised that there may be further guidance on this matter and as such may require a minor policy change with no requirement for consultation.
- 2.78. The Licensing Authority recognises that there is a 'fast track' procedure for premises holding a Club Premises Certificate under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which the Licensing Authority can refuse a permit are reduced. The

Licensing Authority has the power to keep such Permits under review in particular where the bona fide use of the premises as a club is called into question.

Gaming in Commercial Clubs

- 2.79.** A commercial club is a club that is established as a commercial enterprise and differs from a members' club that is conducted for the benefit of its members. Commercial Clubs may only apply for Club Machine Permits, not Club Gaming Permits. The Licensing Authority expects Commercial Club licence holders to comply with the Gambling Commission's Codes of Practice and the Secretary of State's statutory stakes and prizes limits.

Temporary Use Notices (TUN)

- 2.80.** A Temporary Use Notice may only be granted to a person or company holding a relevant Operating Licence and there are a number of statutory limits as regards TUNs. Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' prevents one large premise from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. The Licensing Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site.
- 2.81.** In considering whether a place falls within the definition of a 'set of premises' the Licensing Authority will look at the ownership/occupation and control of the premises and the Licensing Authority will consider whether different units are in fact different 'sets of premises'. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as one premise and would not be granted a temporary use notice for each of its exhibition halls.
- 2.82.** On receipt of a TUN the Licensing Authority will send a written acknowledgement as soon as is reasonably practicable and this may be by way of e-mail.
- 2.83.** The Licensing Authority may 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. The Licensing Authority and other bodies to which the notice is copied may give notice of objection but they must have regard to the Licensing Objectives and where there are such objections, they must give a notice of objection to the person who gave the TUN, such notice will be copied to the Licensing Authority.

Occasional Use Notices (OUN)

- 2.84.** An Occasional Use Notice may be used where there is betting on a track on 8 days or less in a calendar year. The OUN dispenses with the need for a Betting Premises Licence for a track and the Licensing Authority will maintain a register of all applications.
- 2.85.** Tracks are normally thought of as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify. The Licensing Authority will, however, consider what constitutes a 'track' on a case-by-case basis and will ensure that the statutory limit of 8 days in a calendar year is not exceeded.

PART 3

3. SMALL SOCIETY LOTTERIES

- 3.1.** The Gambling Act repeals the Lotteries and Amusements Act 1976. The Licensing Authority will register and administer smaller non-commercial lotteries. Promoting or facilitating a lottery will fall within 2 categories:
- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission); and
 - Exempt Lotteries (Small Society Lotteries to be registered and authorised by the Licensing Authority)
- 3.2.** Exempt Lotteries are lotteries permitted to be conducted without a licence from the Gambling Commission and these are:
- Small Society Lotteries;
 - Incidental Non-Commercial Lotteries;
 - Private Lotteries:
 - Private Society Lottery
 - Work Lottery
 - Residents' Lottery
 - Customer Lotteries
- 3.3.** Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category, and therefore registered by the Licensing Authority, because their proceeds are below specified levels. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits will be made available on the Council's website or by contacting the Licensing Authority.
- 3.4.** Applicants for lottery registrations must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 3.5.** Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's Guidance.
- 3.6.** The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration. In addition, the Licensing Authority will make available for inspection by the public; the financial statements/returns submitted by Societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not exceeded. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably electronically by e-mailing: licensing.services@scarborough.gov.uk.

- 3.7.** The Licensing Authority will refuse applications for registration if in the previous five years, either an Operating Licence held by the applicant for registration has been revoked, or an application for an Operating Licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 3.8.** The Licensing Authority may refuse an application for registration if in their opinion:
- The applicant is not a non-commercial society;
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
 - Information provided in or with the application for registration is false or misleading.
- 3.9.** The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society.
- 3.10.** Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available on its website its procedures on how it handles representations.
- 3.11.** The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 3.12.** Where a Society employs an external lottery manager, it will need to satisfy themselves that they hold an Operator's Licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.

PART 4

4. Delegated Powers

- 4.1.** Decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at Appendix D. This is aimed at underlining the principles of timely, efficient and effective decision-making.

PART 5

5. Inspection and Enforcement

- 5.1.** In respect of compliance the Licensing Authority will take the lead in ensuring compliance with the licence conditions and any relevant Codes of Practice. The Gambling Commission will be the enforcement body for the Operator and Personal Licences and illegal gambling. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but information will be passed on to the Gambling Commission where such concerns are found.

- 5.2. In order to ensure compliance with the law, the Licensing Authority has prepared a risk based Inspection Programme and will carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories High, Medium and Low and will also carry out 'non routine' evening programmed inspections. Where a one off event takes place under a Temporary Use Notice or Occasional Use Notice, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.
- 5.3. High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.
- 5.4. In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:
- 5.4.1. Article 1, Protocol 1 – peaceful enjoyment of possessions.
 - 5.4.2. Article 6 – right to a fair hearing
 - 5.4.3. Article 8 – respect for private and family life
 - 5.4.4. Article 10 – right to freedom of expression
- 5.5. Any decision to instigate legal proceedings will take into account the Environmental Service's Enforcement Policy, which incorporates the Department for Business Enterprise and Regulatory Reform Regulators Compliance Code. In addition, the Licensing Authority shall adopt a positive and proactive approach towards ensuring compliance by:
- Helping and encouraging licence/permit holders understand and meet their regulatory requirements more easily; and
 - Responding proportionately to regulatory breaches.

Statement of Principles – Inspection and Enforcement

- 5.6. The Licensing Authority shall aim to protect and enhance the safety of people who live in, work in, or visit the Borough of Scarborough through the application and enforcement of licensing legislation and the promotion of the Licensing Objectives.
- 5.7. The Licensing Authority sets out below the principles to be applied in exercising its functions with regard to inspection of premises and enforcement. The Licensing Authority in carrying out its regulation functions will follow the Statutory Code of Practice for Regulators.
- 5.7.1. Proportionate: regulators only intervening when necessary.
 - 5.7.2. Accountable: regulators to justify its decisions
 - 5.7.3. Consistent: standards and rules to be joined up and implemented fairly
 - 5.7.4. Transparent: regulations to be simple and user friendly
 - 5.7.5. Targeted: focused on the problem
- 5.8. The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible and will keep itself informed of developments as regards the work of the statutory Code of Practice for Regulators.

Enforcement in relation to Bookmakers

- 5.9. The Licensing Authority recognises that certain bookmakers have a number of premises within the area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single named point of contact, who should be a senior

individual, and whom the Licensing Authority will contact first should any compliance queries or issues arise.

- 5.10. The Licensing Authority's Enforcement Policy is available on the Council's website at www.scarborough.gov.uk and from the Council's offices.

PART 6

6. Licensing Committee

- 6.1. The Licensing Committee will consist of a maximum of 15 Members. Licensing Sub-committees consisting of 3 Committee Members will hear any relevant representations from Responsible Authorities and interested parties. Any of these individuals or groups may specifically request a representative to make representations on the applicant's behalf. This could be a legal representative, a friend, an MP or a Ward Councillor. Legal representatives and friends will be expected to provide confirmation from the interested party that they have been instructed to act on their behalf.
- 6.2. The Licensing Committee will not place themselves in situations where their honesty or integrity may be questioned, will make decisions on their merit and will reach their own conclusions on the issues laid before them and will act in accordance with those conclusions taking into account as necessary and proper, the views of others.
- 6.3. The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other legislation. A summary of the decision will be posted on the Council's website as soon as is reasonably possible after the decision has been confirmed. This will form part of the statutory licensing register.
- 6.4. Where a Sub-Committee hearing is convened, the Licensing Authority strongly recommends all applicants and objectors attend the hearing as it will allow the Sub-Committee to ask any relevant questions pertinent to the application.

Reviews

- 6.5. A Premises Licence may be reviewed by the Licensing Authority itself on its own volition. Requests for a review can also be made by Responsible Authorities or Interested Parties; however, it is for the Licensing Authority to decide whether or not the review is to be progressed. This will be on the basis of whether the request for the review is relevant to the following:
- 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 Licensing Policy Statement.
- 6.6. The Licensing Authority will also consider whether the request for review is frivolous, vexatious or repetitious.

Appeals

- 6.7. There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to the Scarborough Magistrates' Court, The Law

Courts, Northway, Scarborough, YO12 7AE. Any application for an appeal should be accompanied by a fee payable to the court.

- 6.8. The Licensing Authority will give clear and comprehensive reasons for any rejection of an application and in accordance with good practice will give reasons in relation to all decisions it reaches. These reasons will address the extent to which the decision has been made with regard to the Licensing Policy and the Gambling Commission's Guidance and the reasons will be submitted to all parties concerned.
- 6.9. Once an appeal decision has been made the Licensing Authority will implement this without delay unless ordered by the Court to suspend such action.

Complaints

- 6.10. All complaints in the first instance should be addressed to the Licensing Manager, Licensing Services, Scarborough Borough Council, Town Hall, Scarborough, YO11 2HG.
- 6.11. The Licensing Authority will investigate all relevant complaints. Complainants will initially be encouraged to raise the complaint directly with the permit/licence holder. Where it is a valid complaint, the Licensing Authority will endeavour to seek a resolution through informal means.

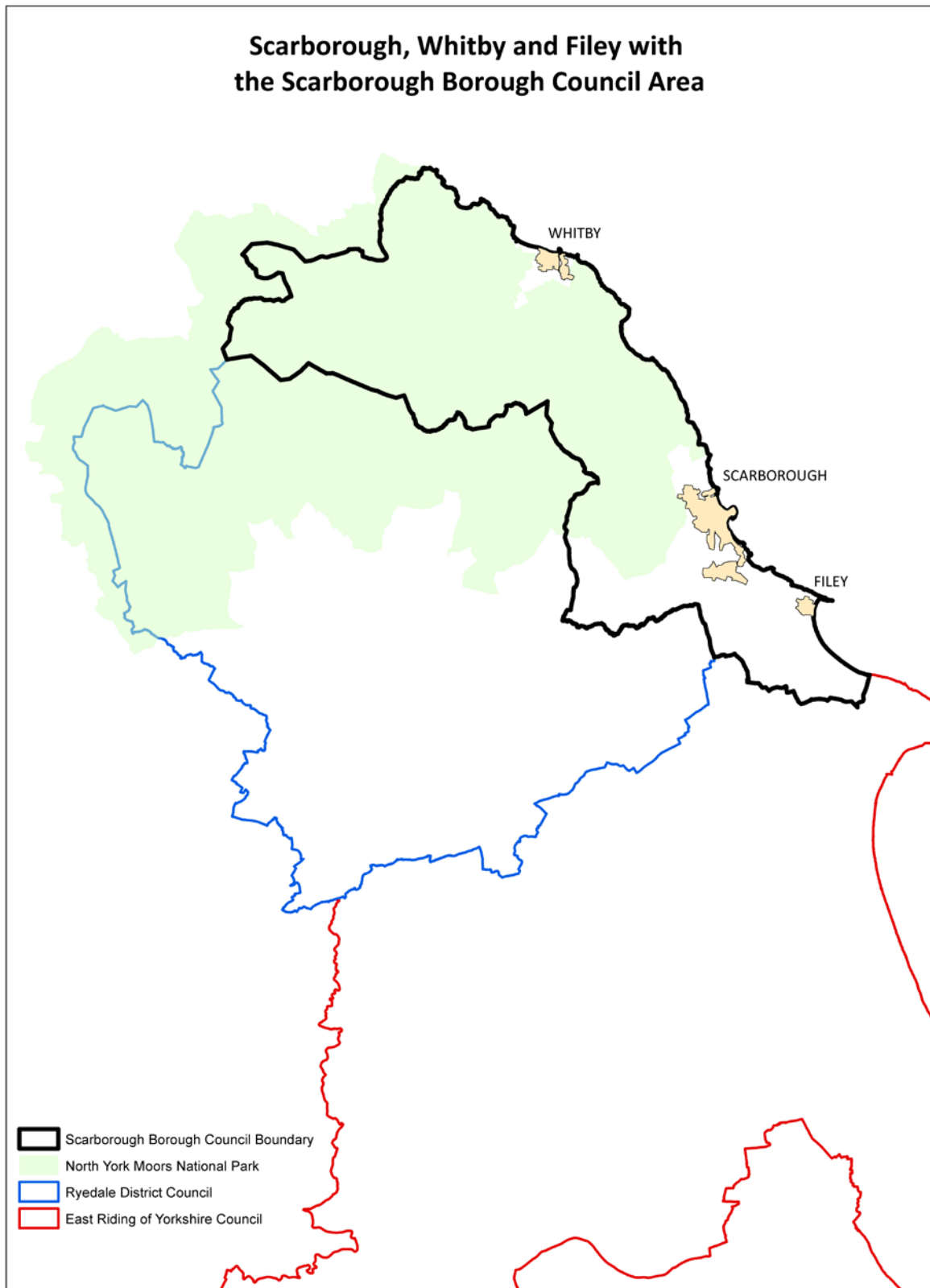
Statements of Principles

- 6.12. Where there are any amendments to Statements of Principles, they will be published on the Council's website. Amendments may be required where the Gambling Commission have offered further advice and guidance.

PART 7

7. APPENDICES

APPENDIX A – GEOGRAPHICAL AREA



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APPENDIX B - CONSULTEES TO GAMBLING LICENSING POLICY

The Gambling Act requires that the following parties be consulted on the Licensing Policy:

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

The list of those consulted is as follows:

Churches Together

Clinical Commissioning Group for Scarborough and Ryedale

Clinical Commissioning Group for Hambleton, Richmondshire and Whitby

Coast and Vale Community Action

Dransfields (suppliers of Gaming and Amusement Machines)

East Riding of Yorkshire Council

Federation of Small Businesses

Gambling Act Premises Licence and Permit Holders

GamCare

Government Organisations:

- Local Government Association Forum

Local Strategic Partnership

Mecca Bingo Club

North East Council on Addictions

North Yorkshire County Council

North Yorkshire Safeguarding Children's Board

Rank Group Plc

Redcar & Cleveland Council

Responsible Authorities i.e.

- The Licensing Authority in whose area the premises is partly or wholly situated
- The Gambling Commission
- The Chief Officer of Police in whose area the premises is partly or wholly situated
- North Yorkshire Fire & Rescue Service
- Planning Authority – Scarborough Borough Council
- Planning Authority – North Yorkshire Moors
- Environmental Health (related to pollution and harm to human health)
- Body competent to advise on protection of children from harm, i.e. Children and Young People's Service
- HM Revenue & Customs
- Vessels only – Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e.
 - Environment Agency
 - British Waterways Board
 - Maritime & Coastguard Agency

Regeneration Services (Town Centre Team)

Responsible Gambling Solutions Ltd

Ryedale District Council

Scarborough Borough Council Employees

South Bay Traders

Voluntary, Vulnerable and Community Groups

Reasons why the above groups were chosen as consultees

The above have been chosen as consultees as they represent the interests of persons carrying on gambling businesses or the interests of persons likely to be affected by gambling businesses in the Scarborough Borough area.

The Licensing Authority has developed its own consultation practices, has undertaken a comprehensive consultation exercise and has used a variety of methods. The consultation on the revision of the Gambling Policy took place in 2009.

The full list of comments made and the consideration by the Council of those comments will be available on the Council's website at www.scarborough.gov.uk or by e-mailing: licensing.services@scarborough.gov.uk

APPENDIX C

Bodies representing interests of persons carrying on gambling businesses

- Association of British Bookmakers
- BACTA
- Bar Entertainment & Dance Association
- British Association of Leisure Parks, Piers & Attractions
- British Beer and Pub Association
- British Casino Association
- British Greyhound Racing Board
- British Holiday & Home Parks Association Ltd
- British Horse Racing Board
- British Institute of Innkeeping
- British Resorts and Destinations Association
- Casino Operators Association
- Federation of Licensed Victuallers
- Remote Gambling Association
- Responsibility in Gambling Trust
- The Bingo Association
- The Football Association
- The Lotteries Council x 2
- The Racecourse Association
- The Working Men's Club & Institute Union

Bodies representing interests of persons likely to be affected by gambling businesses

- Alcoholic Anonymous
- Business Panel
- Churches Together
- Disablement Action Group – Whitby and Scarborough
- Gamblers' Anonymous
- Scarborough Borough Ward Councillors
- Mr Robert Goodwill, MP
- Mr Kevin Hollinrake, MP
- Town and Parish Councils within the Borough

Gambling Act Premises Licence and Permit Holders

- Adult Gaming Centres
- Alcohol-licensed Premises Gaming Machine Permit Holders
- Betting Shops
- Bingo Halls
- Casinos
- Club Gaming and Club Machine Permit Holders
- Licensed Family Entertainment Centres
- Small Society Lotteries registered with the Licensing Authority
- Unlicensed Family Entertainment Centres (permit holders)
- Prize gaming permit holders

APPENDIX D - SCHEME OF DELEGATION

Matter to be dealt with	Full Council	Sub-Committee or Licensing Committee	Officers
3-Year Licensing Policy	✓		
Policy not to permit Casino	✓		
Fee Setting (when appropriate)		Licensing Committee ✓	
Applications for Premises Licences		Where representations have been received and not withdrawn	Where no representations have been received / representations have been withdrawn
Application for a variation to a Licence		Where representations have been received and not withdrawn	Where no representations have been received from the Gambling Commission/ representations have been withdrawn
Application for a transfer to a Licence		Where representations have been received from the Gambling Commission and not withdrawn	Where no representations have been received / representations have been withdrawn
Application for a Provisional Statement		Where representations have been received and not withdrawn	Where no representations have been received / representations have been withdrawn
Review of a Premises Licence		✓	
Application for Club Gaming/Club Machine Permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of Club Gaming/Club Machine Permits		✓	
Applications for other permits			✓
Cancellation of licensed premises Gaming Machine Permits			✓
Consideration of Temporary Use Notice			✓
Decision to give a counter notice to a Temporary Use Notice		✓	
Removal of automatic entitlement of 2 gaming machines in alcohol licensed premises.		✓	
More than two gaming machines in alcohol licensed premises		✓	

GLOSSARY

Admissible Representations	Representations submitted by a Responsible Authority or interested party
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A Licensing Officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:</p> <ul style="list-style-type: none"> • Inspectors appointed under the Fire Precautions Act 1971; • Inspectors appointed under the Health and Safety at Work, etc. Act 1974 • Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995; • A person in a class prescribed in regulations by the Secretary of State.
Automated Roulette Equipment	<p>2 types:</p> <p>a) Linked to a live game of chance, e.g. Roulette</p> <p>b) Plays live automated game, i.e. operates without human intervention</p>
ATM	Automated Teller Machine (cash machine)
Automatic Conditions	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
AWP machines	Amusement with Prizes Machines
BACTA	British Amusement Catering Trade Association
Betting Intermediary	Offers services via remote communication, such as the internet.
Betting Ring	An area that is used for temporary 'on course' betting facilities.
Betting Machines	A machine designed or adapted for use to bet on future real events (not a Gaming Machine).
Bingo High and Low Turnover Bingo	<p>A game of equal chance.</p> <p>Occurs when aggregate stakes or prizes in any 7-day period exceed £2,000. If this occurs then play at that level in the ensuing year would require an Operating Licence. Anything below this level is deemed to be low turnover bingo normally held in pubs, clubs and community centres, etc.</p>
Casino	An arrangement whereby people are given

	an opportunity to participate in one or more casino games.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements
Casino Resolution	Resolution not to issue Casino Premises Licences
Child	Individual who is less than 16 years old
Christmas Day Period	Covers the period of 24 hours from midnight on 24 December.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines
Club Gaming Permit	Permit to enable the premises to provide gaming machines, equal chance gaming and games of chance.
Complex Lottery	An arrangement where: <ul style="list-style-type: none"> • Persons are required to pay to participate in the arrangement; • In the course of the arrangement, one or more prizes are allocated to one or more members of a class; • The prizes are allocated by a series of processes; and • The first of those processes relies wholly on chance.
Conditions	Conditions to be attached to licences by way of: <ul style="list-style-type: none"> • Automatic provision • Regulations provided by Sec. Of State • Conditions provided by Gambling Commission • Conditions provided by Licensing Authority Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.
Customer Lotteries	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may <u>not</u> be conducted on vessels.
Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing

	Committee, Sub-Committee or Licensing Officers.
Disorder	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Domestic Computer	Definition in Regulations. Exempt from a Gaming Machine Permit.
Dual Use Computer	Definition in Regulations. Exempt from a Gaming Machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
EBT	Electronic Bingo Ticket Minder. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.
Enforcement Officers	The Gambling Commission have power to appoint Enforcement Officers.
Exempt Gaming	Equal chance gaming generally permissible in any club or alcohol-licensed premises. Such gaming to be ancillary to the purposes of the premises.
Exempt Lotteries	Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types: <ul style="list-style-type: none"> • Small Society Lottery (required to register with Licensing Authorities. • Incidental Non Commercial Lotteries • Private Lotteries • Customer Lotteries
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
Fixed Odds Betting	General betting on tracks.
Gaming	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 the play commences.
Gaming Machine	As defined by the Gambling Act 2005, a machine that is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes). Stakes and prizes available on Gambling Commission's website.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission. The document that Licensing

	Authorities should refer to when discharging their functions under the Gambling Act 2005.
Human Rights Act 1998 Articles: 1, 6, 8 and 10	Article 1: Protocol 1 – the right to peaceful enjoyment of possessions Article 6: - the right to a fair hearing Article 8: - the right of respect for private and family life Article 10: - the right to freedom of expression
Inadmissible Representation	A representation not made by a Responsible Authority or Interested Party.
Incidental Non Commercial Lottery	A lottery promoted wholly for purposes other than private gain, and which are incidental to non-commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).
Information Exchange	Exchanging of information with other regulatory bodies under the Gambling Act.
Inspector	A constable, enforcement officer or authorised person.
Interested Party	A person who: <ul style="list-style-type: none"> • Lives sufficiently close to the premises to be likely affected by the authorised activities • Has business interests that might be affected by the authorised activities • Represents persons in either of the above groups
Irrelevant Representations	<ul style="list-style-type: none"> • Where other legislation can cover the representation • Demand • Competition • Likelihood of obtaining planning consent
Judicial Review	Legal action in the Administrative Court where a party believes that the decision taken by the Licensing Authority is: <ul style="list-style-type: none"> • Illegal, i.e. beyond the powers available to the Licensing Authority • Procedurally improper or unfair • Irrational
Judicial Review - Orders	<ol style="list-style-type: none"> 1. Mandatory Order – compels the reviewed body to do something 2. Prohibitory Order – compels it to refrain from doing something 3. A ‘declaration’ – sets out the court’s view on the legality of a particular course of action 4. Quashing Order – nullifies a decision and remits it for reconsideration 5. Injunction – similar to Mandatory or Prohibitory Order

Large Lottery	Where the total value of tickets in any <u>one</u> lottery <u>exceeds</u> £20,000 OR tickets in separate lotteries in one calendar year <u>exceeds</u> £250,000. This requires an Operating Licence.
Licensed Lottery	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.
Licensing Objectives (Gambling Act 2005)	<ol style="list-style-type: none"> 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime; 2. Ensuring that gambling is conducted in a fair and open way; and 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Licensing Objectives (Licensing Act 2003)	<ol style="list-style-type: none"> 1. Prevention of Crime and Disorder 2. Public Safety 3. Prevention of Public Nuisance 4. Protection of Children from Harm
Live Gaming	Gambling on a live game as it happens.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
Lottery Tickets	<p>Tickets that must:</p> <ul style="list-style-type: none"> • Identify the promoting society • State the price of the ticket, which must be the same for all tickets • State the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and • State the date of the draw, or enable the date of the draw to be determined.
Mandatory Conditions	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.
Members Club	<p>A club that must</p> <ul style="list-style-type: none"> • have at least 25 members • be established and conducted 'wholly or mainly' for purposes other than gaming • be permanent in nature • not established to make commercial profit • controlled by its members equally.
Non commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
Non Commercial Society	A society established and conducted:

	<ul style="list-style-type: none"> • for charitable purposes • for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or • for any other non-commercial purpose other than that of private gain.
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place
Operating Licences	Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non-remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track
Premises	Defined as including 'any place'. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres
Private Lotteries	<p>3 Types of Private Lotteries:</p> <ul style="list-style-type: none"> • Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society • Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises • Residents' Lotteries – promoted by, and tickets may only be sold to, people who

	live at the same set of premises;
Prize Gaming	Where 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 Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <ul style="list-style-type: none"> • Expects to be constructed • Expects to be altered • Expects to acquire a right to occupy.
Racino	Casino located at a racecourse.
Relevant Representations	Representations that relate to the Licensing Objectives, or that raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows: <ul style="list-style-type: none"> • The Licensing Authority in whose area the premises is partly or wholly situated • The Gambling Commission • The Chief Officer of Police in whose area the premises is partly or wholly situated • North Yorkshire Fire & Rescue Service • Planning Authority – Scarborough Borough Council; or • Planning Authority – North Yorkshire Moors • Environmental Health (related to pollution and harm to human health) • Body competent to advise on protection of children from harm, i.e. Children & Young Peoples' Service • HM Revenue & Customs • Authority in relation to vulnerable adults (yet to be decided by Sec. of State??) • Vessels only – Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. <ul style="list-style-type: none"> ▪ Environment Agency ▪ British Waterways Board ▪ Maritime & Coastguard Agency
SIA	Security Industry Authority
Simple Lottery	An arrangement where: <ul style="list-style-type: none"> • Persons are required to pay to participate

	<p>in the arrangement</p> <ul style="list-style-type: none"> • In the course of the arrangement, 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.
Skills with Prizes	A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance, e.g. trivia game machine, Formula 1 simulators, shooting game. Skills Machines are unregulated.
Small Lottery	Where the total value of tickets in a single lottery is £20,000 <u>or less</u> and the aggregate value of the tickets in a calendar year is £250,000 <u>or less</u> .
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Small Operations	Independent on course betting operators with only one or two employees or a bookmaker running just one shop.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Statement of Principles	Matters taken into account when considering an applicant's suitability for applications for FEC Permits.
Temporary Use Notice	To 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.
Totalisator or Tote	Pool betting on tracks.
Touch Bet Roulette	Where a player gambles on a live game of chance on an electronic terminal.
Track	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, seaplanes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or

	part of any place, situated on or in water.
Vessel and Relevant Licensing Authority	The Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.
Vulnerable Persons	No set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
Young Person	An individual who is not a child but who is less than 18 years old.