

# North Somerset Council

## Report to the Licensing Committee

**Date of meeting: 14<sup>th</sup> March 2022**

**Subject of report: end of year report for the administration and enforcement of all licensing regimes**

**Town or parish: all areas**

**Officer/member presenting: Director of Public Health**

**Key decision: no**

## Recommendations

Members of the Committee are invited to note some of the outcomes and challenges to the administration of Licensing regimes undertaken by the North Somerset Council Licensing Team in this financial year, and to note the changes to the draft revisions of the statutory policies following public consultation. The Committee members are also asked to recommend the revised policies for adoption by Full Council at their meeting in April 2022.

### 1. Summary of report

This report provides a summary of some of the main activities carried out by the Licensing Team so far within the financial year 2021/2022 and also highlights the continued pressures and difficulties experienced as a result of the Coronavirus pandemic.

### 2. Policy

2.1 Statutory and Local policies have been agreed by the Council as follows:

- Licensing Act 2003 –statement of Licensing Policy (2015-2020 - extended)
- Sex Establishment Policy
- Taxi & Private Hire Licensing Policy (2019-2023)
- Gambling Act 2005 – statement of principles (2019-2021)
- Street Café Policy (2020-2024)
- Street Trading Policy (2020-2024)
- Film Classification Policy (2020)

These policies direct the Licensing Authority in the discharge of its responsibilities under the legislation it administers and enforces.

### 2.2 Licensing Act 2003

The current Statement of Licensing Policy (Licensing Act 2003) was due for review last year, with Home Office guidance permitting a delay in starting the formal consultation in light of the resource pressures caused by the pandemic.

The draft Policy was released for public consultation following the last Licensing Committee meeting and a total of 3 responses were received, all stating they felt the revised policy was fit for purpose and making no further comment or suggestion.

A final draft copy of the Licensing Act 2003 policy (2022-2025) is attached at **Appendix 1** and confirmation is sought from the Committee that the revised policy as recommended for adoption by Full Council.

## 2.4 Taxi & Private Hire

With the end of restrictions and the gradual return to business as usual, the team have started to receive a steady flow of enquiries and applications for new drivers. Operators are reporting a steady return to work of our existing drivers and this should serve to ease the difficulties and delays experienced by passengers in booking taxis through the pandemic restrictions.

With the next review due in 2023 and an increasing awareness of the need to address the climatic impact of vehicles, their emissions and fuel consumption, focus will be given to mitigating these effects, whilst progressing toward a more sustainable and greener criteria for licensing. A move to a more environmentally friendly method of physical taxi plate production and disposal will also see the team reduce their carbon footprint.

## 2.5 Gambling Act 2005

Following the last Committee meeting, the draft Statement of Principles was released for public consultation and a total of 4 responses were received.

Three of the responses stated they felt the revised statement was fit for purpose and made no other comments.

A more detailed response was received from Merkur Ltd, a national Operator of gambling premises. A table showing their comments and the Licensing Authority responses is shown below:

Section commented on	Comments	Response
<b>3.3</b> Provisional statements	Submission of either provisional statement or full application should be after discussion with applicant.	Wording altered to reflect appropriate application route will be by discussion.
<b>4.5.8</b> Significant changes at Operator premises	Comment that to ask for updated risk assessment every time there is a local event is onerous.	Statement indicates local events should be generically taken into account in risk assessing. No change to wording.
<b>4.8</b> Door Supervisors	Suggests that use of SIA doorstaff will be mandated and should be on case-by-case basis.	Wording altered to indicate licence holders should <i>consider</i> using door staff and conditions <i>may</i> be added if appropriate.

<p><b>4.9</b> Material variations to premises</p>	<p>Non-structural changes to layout may not require full variation under the Act. Draft suggests this is the case.</p>	<p>Wording revised to indicate the Authority <i>may</i> require a full variation for any permanent changes including booths or privacy screening.</p>
<p><b>4.12.10</b> ULFEC permits</p>	<p>Safeguarding policy should only extend to matters of gambling harm not wider social responsibility.</p>	<p>Comments noted, no changes made.</p>
<p><b>4.18</b> General - gaming machines</p>	<p>Plans are not required to detail booths or privacy screens so need not consult with Authority.</p>	<p>Addressed under wording of 4.9.</p>
<p><b>7.9</b> Protection of children from harm</p>	<p>Safeguarding policy should only extend to matters of gambling harm and underage gambling not wider social responsibility.</p>	<p>The Authority considers safeguarding to be everyone's responsibility and feels that operators should play a part in being able to identify those at risk. Having a policy to identify both children and vulnerable adults and having the awareness of how to report concerns does not constitute a condition of the licence but seeks to encourage operators to have a responsible approach to all safeguarding matters.</p> <p>No changes made.</p>
<p>Appendix F – CSE &amp; trafficking</p>	<p>Comment that these topics have no relevance to the licensing objectives and need not be included in this statement of principles.</p>	<p>As a large seaside resort with many arcade and gaming activities the issue of exploitation of both adult and vulnerable adults is a concern. The Authority seeks to encourage awareness in as many settings as possible to help reduce the levels of exploitation in addition to the social responsibility of preventing gambling harms.</p> <p>Appendix F retained.</p>

A final draft copy of the revised Statement of Principles ( 2022 – 2025) is attached at **Appendix 2**. Confirmation of the changes made are sought from the Committee and agreement that the final draft is recommended for adoption by Full Council.

### **3. Details – a service summary**

3.1 With the easing of restrictions and the reduction in reactive work associated with the Coronavirus pandemic, the Licensing Team are starting to settle back to a more business as usual approach and are looking forward to some more proactive work with licensees to continue to support them through the recovery phase.

3.2 Licensing Officers have resumed reactive premises visits, often with fantastic levels of support from Police Licensing and Neighbourhood team colleagues

Officers have identified a number of licences suspended through either non-payment or simply the closure of the premise and are working with premises to get licences reinstated, overdue fees collected and the administrative tasks associated with licence changes completed.

3.3 Since the easing of restrictions, the night time economy venues have noted a rise in general disorder, drunkenness and the presence of drugs. It must be noted that venues are reacting positively and trying to find ways of controlling this and reducing incidents. Use of knife wands, drugs searches and robust ejection or banning of those causing trouble are all methods being employed.

The MAVIS bus is now being deployed every weekend to counter the increased number of medical issues being noted and there is a piece of work currently under way to set up a volunteer scheme to provide outreach for those needing direction to the bus and as a welcome presence in addition to medical staff and assistance in signposting and general support to vulnerable persons.

It is also pleasing to report that Apple taxis are now supporting the night time economy actions by providing a dedicated vehicle to sit with MAVIS every weekend. Having the ability to safely get vulnerable people home, transporting those in need of assistance back to the bus and taking medical staff quickly to a situation is proving invaluable. The costs and resource savings to the South West Ambulance Trust of having minor hospital cases transported without a call on their service is significant and this sponsorship from Apple taxis is greatly appreciated.

3.4 Through the periods of restriction there was a marked decrease in the number of licensed taxi drivers applying and working. There is now a steady increase in licence holders returning to work and a marked increase in the number of enquiries and applications from prospective drivers.

3.5 The appointment of a taxi compliance officer continues to benefit the team. This is enabling us to identify less compliant licence holders and to send a strong message to vehicle owners that we intend to improve standards further.

Joint exercises continue with Road traffic Police, other Local authority licensing teams and agencies such as DVSA and the Environment Agency. These allow for strong working partnerships and for the pooling of expert resource.

#### **4. Consultation**

There have been two public consultation exercises since the last meeting. Both the revised Statement of Licensing Policy and Gambling – Statement of Principles have been subject to public consultation, the results of which are detailed earlier in this report.

#### **5. Financial implications**

- 5.1 The Authority continues to use suspension powers for non-payment of fees. Recovery of outstanding fees is vital to ensuring maximum cost recovery for the provision of the Licensing service.

However, in the current climate, many businesses are acknowledged to be experiencing financial difficulties and arrangements are being made where possible to permit extensions to fee dates and the introduction of payment instalment plans. This has again been welcomed by licence holders but has added a significant level of administration for officers.

#### **5.2 Costs**

Costs for the administration of licensing regimes, monitoring of compliance of permissions and the policies that accompany them are off-set against the fees charged to applicants. The cost associated with delivering each licence regime is regularly reviewed to ensure full cost recovery and correct construction of levied fees.

It should be noted that there will be a financial risk to the Authority in this and the next financial year due to the additional costs incurred through the period of the pandemic, and possible under-recovery of fees.

Temporary legislation issued through the pandemic relating to pavement cafes has been extended by a further year with a view to more permanent changes in due course. The capping of fees nationally will impact on the level of fee income obtained and there is a risk to the Authority of under recovery of costs in this area.

#### **5.3 Funding**

The team continues to review the costs of each licensing regime to ensure the appropriate fees are levied to maximise cost recovery for the Local Authority.

A full review of the fee structures is proposed in the new financial year to protect cost recovery for the Council and to ensure applicants are fairly charged.

#### **6. Legal powers and implications**

- 6.1 The Licensing Authority recognises that its licensing function is only one means of securing the delivery of the service. The Licensing Authority will therefore continue to work in partnership with other stakeholders, such as the Police, Crime & Disorder Partnerships and the Driver and Vehicle Standards Agency (DVSA) towards the promotion of any licensing objectives.

- 6.2 In undertaking its licensing function, the Licensing Authority has regard to various primary legislation and statutory guidance issued alongside.

6.3 The Licensing Authority also has regard to any other relevant legislation, strategies, policies and guidance in its decision-making. COVID-19 regulations continue to be repealed and the Licensing Team, together with other regulatory services continue to keep these under review.

## **7. Climate change and environmental implications**

There are no climate change or environmental implications identified within this report.

However, there is also a strong commitment to addressing climate emergency and changes to admissible vehicle type, fuel and age will form part of future policy reviews. There is an aspiration to move to lower emission vehicles and to encourage electric vehicles where possible. It is hoped that grant funding and incentivisation can be sought to assist with this initiative.

## **8. Risk management**

Regularly reviewing licensing policies and practices reduces the risk to the Authority.

Using a risk-rated approach to both proactive and reactive enforcement allows the team to focus resources in problem areas, promoting public safety.

Ensuring MoU agreements are in place with external partner agencies also help to strengthen roles and responsibilities surrounding Licensing work.

Being able to promote COVID-safe working practices provides an opportunity to increase public confidence and also serves to mitigate some of the Public Health risks associated with the spread of Coronavirus.

## **9. Equality implications**

There are no equality issues identified as part of this report.

## **10. Corporate implications**

No corporate implications noted as part of this report.

## **11. Options**

Members are asked to :

- 1) Note the updates regarding the Licensing Service and policy updates,
- 2) Agree any amendments to the draft Licensing Act 2003 Policy (2021-2025) and recommend for adoption by Full Council.
- 3) Agree any amendments to the draft Gambling Act 2005 Statement of Principles ( 2022-2024) and recommend for adoption by Full Council.

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<b>Appendices</b>	
<b>Appendix 1</b>	Draft Licensing Act 2003 Policy (2022 – 2025)
<b>Appendix 2</b>	Draft Gambling Act 2005 Statement of Principles (2022 – 2024)



# **Licensing Act 2003**

# **Statement of Licensing Policy**

**2021-2025**



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# **1. Statement of licensing policy**

## **1.1 North Somerset District**

North Somerset Council (the Council) is a Unitary Authority in Somerset covering approximately 145 square miles (38,955 hectares) with a population of 213,000.

There are approximately 90,000 households and 7,000 active business enterprises within the district. The Council area is a mixed urban and rural district with a dispersed population. The main urban areas are Weston-super-Mare, Clevedon, Nailsea and Portishead. The remainder of the area is a mixture of villages and farmland. The estimated population of Weston-super-Mare is 90,000, Clevedon 22,000, Nailsea 18,000 and Portishead 25,000. The area is not densely populated although there are concentrations of housing in the above towns.

The area adjoins the conurbation of Bristol and includes a major dock at Portbury, an International Airport at Lulsgate and the seaside resorts of Weston-super-Mare and Clevedon. The area has good transportation links that include the M5 motorway and main line railway routes and stations.

Tourism historically has been a significant economic sector in the local economy, most notably Weston-super-Mare which grew from a small village to a large resort town. Though tourism declined in the mid to late-20th century, in common with most British coastal resorts, this sector of the economy has stabilised and substantial regeneration is now taking place in Weston-super-Mare.

A wide range of licensed premises exist in North Somerset and they play a significant role in the community and local economy. As at the 1 July 2021 the Authority licence 816 Premises Licences, 78 Club Premises Certificates and 3109 Personal Licences.

A map of the North Somerset District is shown at **Appendix A**.

## **1.2 Introduction**

North Somerset Council is the Licensing Authority for the North Somerset administrative area under the Licensing Act 2003 (the Act). This means the Licensing Authority is responsible for granting premises licences, club premises certificates, personal licences and acknowledging temporary event notices in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment.

The Authority aims to facilitate the development of a healthy and diverse economy, offering a wide choice of activities and establishments that allow people to enjoy themselves and to feel safe, whilst improving the quality of life of residents and making the area attractive to visitors.

It is recognised that the Coronavirus pandemic has had a significant detrimental impact on all areas of the hospitality trade and it is hoped that during the recovery phase, well managed and compliant premises will help restore confidence and there will be a return to greater use of facilities in the daytime, evening and night time economy throughout the district by all ages, all income groups, and all social groups.

### **1.3 Glossary of terms**

The terminology used in this document is set out in **Appendix B**.

### **1.4 Licensing objectives**

The Act requires that the Licensing Authority carries out its various licensing functions with a view to promoting the following four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

These objectives are of equal importance and are the only matters that can be taken into account in determining an application under the Licensing Act 2003.

### **1.5 Types of licence**

This document sets out the policies that the Licensing Authority will apply when making decisions upon:

- Premises Licences
- Club Certificates
- Personal Licences
- Temporary Event Notices.

### **1.6 Licensable activities**

This policy relates to all licensing activities identified as falling within the provisions of the Act, which are set out in **Appendix B**.

### **1.7 Fundamental Principles**

1.7.1 The Licensing Authority will take this licensing policy into account if its discretion is engaged i.e., at a hearing following representations from either a responsible authority or other person.

1.7.2 Application of this policy will be based on:

- each case being considered on its own merits and nothing in this policy shall undermine this principle,
- persons having the right under the Licensing Act 2003 to apply for a variety of permissions and to have such applications considered on their own merits,
- where they are permitted to do so under the Act any person shall have the right to make representations on any application or seek a review of a licence or certificate and nothing in this policy shall undermine that.

1.7.3 Licensing is about regulating licensable activities on licensed premises, at qualifying clubs and at temporary events within the terms of the Licensing Act 2003.

- 1.7.4 In the absence of any relevant representations in respect of an application, the Authority is obliged to issue the licence or certificate on the terms sought and any mandatory conditions prescribed in the Act.
- 1.7.5 Where appropriate, conditions may be attached to licences and certificates. In order to avoid duplication with other statutory regimes the Licensing Authority shall not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions shall generally be considered unnecessary if they are already adequately covered by other legislation. In particular it is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators.
- 1.7.6 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of antisocial behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy. The Licensing Authority recognises there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises.
- 1.7.7 Objectors need to relate their objections to one or more of the licensing objectives, as detailed at 1.4, before the Licensing Authority will be able to consider them.
- 1.7.8 The Licensing Authority itself is included within the list of Responsible Authorities, enabling it to make representations; when supported by evidence, in respect of new and variation applications, and to call for the review of an existing licence. The Licensing Authority will not seek to act on behalf of those who are capable of making representations for themselves or calling for a review in their own right. Therefore, inferences should not be drawn on such occasion when the Licensing Authority remains silent in respect of new, variation or review applications.
- 1.7.9 In cases where a licensing authority is also acting as responsible authority in relation to the same process, there will be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) will be a different individual to the officer who is acting for the responsible authority.
- 1.7.10 The officer acting for responsible authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority. Discussion will not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case will remain professional and consistent with communication with other responsible authorities. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer).

## 1.8 Consultees

This Statement of Licensing Policy has been subject to consultation with:

- Avon and Somerset Constabulary,
- Avon Fire and Rescue Service,
- Director of Public Health,
- Persons holding premises licences,
- Persons holding club premises certificates,
- Persons holding personal licences,
- Representatives of businesses and residents of the area.

The consultation process took place between December 2021 and February 2022. All comments received were given due consideration prior to the final determination of this policy.

## 1.9 Policy review

This policy will be reviewed by the Licensing Authority at least every five years as required by the Act. If an issue arises that requires a change to this policy, an interim review will be carried out, and the policy will be amended as required.

# 2. Legislation, policies, and strategies

## 2.1 Legislation

2.1.1 In undertaking its licensing function under the Act, this Licensing Authority is also bound by other legislation, including:

- Section 17 of the Crime and Disorder Act 1988;
- Human Rights Act 1998.
- The Anti-Social Behaviour Act 2003
- Violent Crime Reduction Act 2006
- The Health Act 2006 (Smoke Free Regulations)
- The Clean Neighbourhoods and Environment Act
- Policing and Crime Act 2009
- Equality Act 2010
- The Police Reform and Social Responsibility Act 2011
- The Live Music Act 2012

2.1.2 The Human Rights Act 1998 makes it unlawful for a licensing authority to act in a way that is incompatible with a convention right. The authority will have regard to the Human Rights Act when undertaking licensing functions, particularly the following relevant provisions:

**Article 6** – everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law

**Article 8** – everyone has the right to respect for his home and private and family life

**Article 1** of the first protocol – every person is entitled to the peaceful enjoyment of his or her possessions.

- 2.1.3 The licensing authority has a duty to consider the prevention of crime and disorder under Section 17 of the Crime and Disorder Act 1998 and is committed to working closely with the Avon and Somerset Constabulary, other agencies, residents and businesses to achieve this.

It will also have regard to other relevant legislation and legislative changes when exercising its function and will revise this policy accordingly.

## **2.2 Relationship with planning policies**

- 2.2.1 The “need” for commercial premises relate to the commercial demand for such premises and is not a matter for the Licensing Authority discharging its functions. “Need” is a matter for the Planning Committee and for the market.
- 2.2.2 The Licensing Authority recognises that licensing applications should not be a re-run of the planning application process and there shall be a clear separation of the planning and licensing regimes to avoid duplication of process and requirements made of an applicant and to comply with statute. It should be noted, however, that there is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission.
- 2.2.3 The issue of a premises licence is a separate and distinct process to the granting of planning permission. The Licensing Authority will consider applications for licences before planning permission is obtained although planning and building control permissions will have to be sought and approved before any development takes place.
- 2.2.4 The Licensing Authority will, where appropriate, provide reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

## **2.3 Integrating strategies**

Where possible, the Licensing Authority will aim to integrate any national and local policies and strategies as it is recognised that these encourage vibrant, diverse, and sustainable communities.

By consulting widely prior to this policy statement being published the Licensing Authority has endeavoured to secure proper integration with local policies and strategies as follows:

### **2.3.1 Alcohol Harm Reduction**

The Licensing Authority recognises that excessive alcohol consumption leads to poor health which, in turn places burdens on local health services. Regard will be given to the North Somerset People and Communities Strategy, health & wellbeing Strategy, the Avon & Somerset Police crime plan, and other initiatives which support the aims of reducing alcohol harm and ensuring safer communities.

Encouragement and support will also be offered for participation in any national initiatives such as any Local Alcohol Action Area projects, Best Bar None and Licensing SAVI schemes and any local or voluntary initiatives which premises may adopt to help reduce irresponsible drinking such as the removal of cheap, super-strength Ciders and Lagers or low priced alcohol which may lead to rapid or excessive consumption.

### **2.3.2 Crime Prevention**

Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.

Support and encouragement will be offered for Pubwatch groups and Radio links where such schemes exist.

### **2.3.3 Cultural Strategies**

Regard will be given to the North Somerset Sustainable Community strategy, Place-making strategies and other local initiatives that look to support and encourage diverse cultural activities.

In its role of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage live music, dance and theatre for the wider cultural benefit of the community. The Licensing Authority will monitor the impact of licensing on regulated entertainment and ensure that only appropriate, proportionate and reasonable licensing conditions are imposed on licences granted.

### **2.3.4 Transport**

Liaison shall be maintained with the Police and the Council in relation to the development of policies for the swift and safe dispersal of people from built up areas. Regard will be taken of transportation arrangements as set out in the Joint Local Transport Plan 4 Statement.

### **2.3.5 Tourism and Employment**

The Licensing Committee will, where appropriate, receive reports on:

- The local tourist economy
- The local employment situation

### **2.3.6 Equality**

The Licensing Authority recognises that the Equality Act 2010, places a legal obligation on public authorities to have due regard to the desirability of reducing socio-economic inequalities and the need to eliminate unlawful discrimination with a view to promoting equality of opportunity and good relations between persons of different groups.

The Licensing Authority therefore will have due regard to this responsibility when imposing conditions on licences to ensure that they could not directly or indirectly discriminate.

### **2.3.7 Street Trading**

The Council has adopted a scheme for the regulation of street trading. Businesses operating on a Consent or Licensed Street and selling hot food or refreshments between 11.00 pm and 5.00 am will be required to obtain a premises licence under the Licensing Act 2003 in addition to a street trading consent granted by the Council. The Licensing Authority has licensed public spaces under the Licensing Act 2003 and details can be found on the Council's

website at [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk) by using the [licensed premises search facility](#)

### **3. Decision making**

#### **3.1 Procedural Matters**

- 3.1.1 The Licensing Committee shall consist of not less than 10 and no more than 15 councillors. The Licensing Authority in the interests of speed, efficiency and cost effectiveness has agreed the scheme of delegated decision making as shown at **Appendix C**
- 3.1.2 A licensing sub-committee of three councillors shall sit to hear applications where representations have been received from interested parties and responsible authorities. Ward councillors shall not sit on a sub-committee involving an application within their ward.
- 3.1.3 The chairman of the licensing committee shall normally be elected at the annual meeting of the authority. The chairman of a licensing sub-committee shall be elected on each occasion by the councillors sitting on the sub-committee.
- 3.1.4 Where a councillor who is a member of a licensing committee or a licensing sub-committee is making or has made representations on behalf of or as an interested party, in the interests of good governance they shall disqualify themselves from any involvement in the decision-making process affecting the licence in question.
- 3.1.5 Where a councillor who is a member of a licensing committee or a licensing sub-committee has had a direct or indirect involvement in the affairs of an application before them, in the interests of good governance they shall disqualify themselves from being a member of a Committee in a decision-making capacity. The member may though speak at a licence hearing in the capacity of an Interested Person.
- 3.1.6 Every determination of a licensing decision by the licensing committee or a licensing sub-committee shall be accompanied by clear, cogent reasons for the decision. Reasons will be given at the hearing and will be confirmed in writing within five working days of the date of the decision. A summary of the decision shall be posted on the council's website as soon as possible after the decision has been confirmed in writing.

#### **3.2 Licence Reviews**

- 3.2.1 The Licensing Authority acknowledges the importance of working in partnership to achieve the promotion of licensing objectives. Wherever possible responsible authorities will aim to give licensees early warning of any concerns identified at a premise prior to making an application to review a licence or certificate.
- 3.2.2 Local residents, businesses and district councillors have the power to apply for a licence to be called in for review if the premises are causing problems and failing in terms of the licensing objectives. Responsible Authorities such as the Police, Environmental Health or Trading Standards can also call licences in for review. A review can be requested at any time; however, the government guidance recommends that a reasonable period elapses between an earlier review or



grant of a licence. A review will though be undertaken after notification from the Magistrates' Court of a Closure Order coming into force for a licensed premise.

3.2.3 The Licensing Authority itself can also initiate the review process applying for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons.

3.2.4 However, it is not expected that Licensing Authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for Licensing Authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority.

For example, the Police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the Local Authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

3.2.5 Where the relevant licensing authority does act as a responsible authority it will ensure a clear distinction between those administering the process and those applying to ensure a fair determination of its' outcome at a hearing.

3.2.6 A review application needs to be in writing on the statutory form. There will need to be clear and factual evidence to support the application and this should show that incidents are not isolated and that there is a direct link with the premises. Grounds for review must also be based on one or more of the licensing objectives as detailed below. The grounds given are not exhaustive and are intended to illustrate the areas that are likely to form the basis of a review of a licence or certificate.

3.2.7 A review of the licence in connection with crime and disorder may be sought where:

- A serious crime has occurred at, or can be linked to a particular premise
- There are a series of crimes that can be linked to a particular premise
- There have been prosecutions or penalty notices served for underage sales
- There have been incidents which raise concerns that the premises are not being properly managed
- There have been breaches of the terms or conditions of the licence
- There have been repeated complaints from the public, including anti-social behaviour.

3.2.8 In cases when the crime prevention objective is being undermined the revocation of the licence, even in the first instance, will be seriously considered.

3.2.9 A review of the licence in connection with public safety may be sought where:

- Where it is considered that the management had failed to maintain the appropriate level of fire safety provision
- Failure to comply with a fire related enforcement notice
- Following the outcome of any investigation and inspection of a fire occurring within a premise
- Serious or regular contraventions of health and safety legislation
- Failure to comply with a condition of a licence
- Prosecution for failure to comply with health and safety legislation

3.2.10 A review of the licence in connection with public nuisance may be sought where:

- Complaints have been received that have been substantiated by investigating officers
- Breaches of licence conditions in respect of public nuisance have been identified
- Action is being considered under Environmental Protection, Noise or Anti Social Behaviour Legislation.

3.2.11 A review of the licence in connection with protection of children from harm may be sought where:

- There have been underage sales or underage drinking taking place
- Breaches of licence conditions in respect of protection of children have taken place
- Complaints that have been received which can be substantiated.

## **4. Operational Matters**

### **4.1 Applications**

4.1.1 Applications must include all the relevant documentation, fee and plans as set out in the Licensing Act 2003 and accompanying regulations. Plans submitted with applications need to comply with the relevant legislation as regards content and scale.

4.1.2 Incomplete applications will not be accepted and will be returned to the applicant.

4.1.3 The level of detail to be provided in the operating schedule shall be proportional to the scale and nature of the application being made. The Council however expects all applicants to demonstrate in the operating schedule how they will comply with the four licensing objectives in relation to the application that is being made.

4.1.4 The applicant may ask the Licensing Authority for advice on the scope of the information to be provided. Details of the Responsible Authorities for the purposes of the Licensing Act 2003 where specific information may be obtained are shown at **Appendix D**.

## **4.2 Licensing hours**

- 4.2.1 Longer licensing hours can help to avoid the concentration of customers leaving premises at the same time, leading to friction at late night food outlets, taxi ranks and other sources of transport. It is also recognised that licensing hours should not restrict the development of safe evening and night-time entertainments that are important for investment and employment locally. However, providing consumers with greater choice and flexibility must always be balanced carefully against the licensing objectives and the rights of residents to peace and quiet.
- 4.2.2 There shall be no general presumption in favour of lengthening licensing hours; the overriding principle will be the promotion of the four licensing objectives.
- 4.2.3 Stricter measures for controlling noise are likely to be sought for late licences, particularly in residential areas or where there has been a history of noise complaints.
- 4.2.4 When the Licensing Authority's discretion is engaged, consideration will be given to the individual merits of an application, but the presumption will be to grant the hours requested unless there are objections to those hours raised by responsible authorities or interested parties on the basis of the licensing objectives.
- 4.2.5 Applicants should state in their operating schedule the time they require the premises to remain open to members of the public after the termination of licensable activities. In normal circumstances, this will not exceed 30 minutes from the last sale of alcohol. Where an applicant can show that an extended period would assist in the promotion of the licensing objectives, the licensing authority will consider permitting longer than 30 minutes, where it is entitled to do so.
- 4.2.6 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance then, subject to representations from the police, a limitation on licensing hours may be appropriate.
- 4.2.7 Applications for premises offering late night take away food and drink will be considered on their individual merits. However, such premises can be the focus of disorder with large numbers of people gathering there after other licensed premises have closed. The closing times of other licensed premises in the vicinity will therefore be taken into consideration.
- 4.2.8 It is recognised that businesses may wish to apply for non-standard hours for Bank Holidays, Christmas Eve, Saints or other event days. However, any additional days should be clearly identified in their licence operating schedules with dates and times so that proper consideration can be made of their impact on the licensing objectives and so that the licence is clear and unambiguous in this respect.
- 4.2.9 In relation to last entry or re-entry times for licensed premises the Authority will consider each case on its merits. As a general guideline a last entry or re-entry to licensed premises for customers shall be two hours prior to close of premises which are open to members of the public after 2.00 am.

4.2.10 It is not the Licensing Authority's overall approach to include any "zoning" of closure hours as experience in other areas shows that this can lead to the significant movement of people in search of premises opening later. However, if presented with evidence of serious alcohol related crime, disorder or anti-social behaviour within a specific area that cannot be attributed to one specific premise, the Licensing Authority may consider making an Early Morning Restriction Order (EMRO) to further the licensing objectives.

### **4.3 Representations**

Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule or another person makes relevant representations to the licensing authority, the licensing authority's discretion will be engaged. Relevant representations will be accepted in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Representations will only be accepted where they relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

### **4.4 Cumulative impact**

4.2.1 Cumulative impact assessments were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. The amendments require the Licensing Authority to review any Cumulative Impact Assessment (CIA) within three years of its publication. From 2021 the Licensing Authority's Statement of Licensing Policy will include a summary of any CIA in force. Full details of any CIA will then be included in this Policy document.

4.4.2 Cumulative Impact refers to the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

4.4.3 The Council recognises that the cumulative effect of a proliferation of late-night entertainment premises (including night cafes) may result in an increase in numbers of people either walking through or congregating in streets during the night and this in turn may have a number of undesirable consequences which undermine the licensing objectives.

These may include: -

- An increase in crime against both property and persons.
- An increase in noise causing disturbance to residents.
- Littering and fouling.

This may result in the amenity of residents being placed under severe pressure, as it will not always be possible to attribute a particular problem to customers of particular premises.

This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.

4.4.4 Where there is evidence that a particular area of the district is already suffering adverse effects arising from the concentration of late-night premises, or that

residential areas are under stress, this will be taken into account in determining any further applications for premises within the area identified.

- 4.4.5 The effect of adopting a CIA of this kind is to create a rebuttable presumption if relevant representations to that effect are received, that applications for new premises authorisations or club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will be unlikely to add to the cumulative impact already being experienced
- 4.4.6 North Somerset Council previously introduced a CIA, in Weston-super-Mare town centre, which this policy review seeks to remove. It is felt that the physical capacity for new premises to be added is minimal. The authority is looking to support businesses through the difficult recovery phase post-Coronavirus pandemic and will look to encourage new Operators into existing premises and achieve compliance through well-conditioned operating schedules.
- 4.4.7 The aim is to provide a safe, vibrant and diverse night-time economy and it is not felt that the continued inclusion of a CIA is appropriate at this time
- 4.4.8 This will be kept under review and the Licensing Authority recognises that the Act now provides a mechanism for consideration should the need arise in the future.

## **4.5 Conditions**

- 4.5.1 This policy does not provide for any 'standard conditions' to be imposed so as to avoid the imposition of disproportionate and burdensome requirements. Conditions (other than the statutory mandatory conditions) attached to licences, if required in particular circumstances, shall be tailored to reflect the individual style and characteristics of the premises and activities concerned. Only those conditions necessary to meet the licensing objectives will be imposed.
- 4.5.2 Additional conditions will only be attached to a licence or club premises certificate if relevant representations are received or from the applicant's operating schedule since these are voluntary propositions.
- 4.5.3 Conditions shall be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Licensing Authority and applicants may draw upon any model pool of conditions available and attach conditions relative to the given circumstances of each individual case.
- 4.5.4 Measures offered by applicants in their operating schedule will normally become licence conditions. The proposed measures must be clear and unambiguous. The authority may therefore alter the wording of a proposed measure to achieve clarity. The context or meaning of the proposed measure will not be changed when attaching conditions to licences.
- 4.5.5 In relation to community premises it is possible to apply for the removal of the mandatory condition relating to the requirement for a Designated Premises Supervisor (DPS) and the requirement for this person to have a personal licence. Further information can be obtained from the licensing authority on how to apply make an application for the removal of the DPS from a licence.

## **4.6 Temporary Event Notices**

- 4.6.1 Temporary Event Notices (TENs) can be given for small-scale licensable events. TENs may cover a wide range of activities such as permitting the sale of alcohol from a beer tent at a school fete or for a school play, to a pub who wants to extend their permitted licensing hours and/or want to have a live music event not permitted by their premises licence.
- 4.6.2 TENs do not involve the Licensing Authority in giving permission for the event to take place, it is a notification procedure in which only the Police and Environmental Protection may intervene to prevent or modify the arrangements for such an event. The Licensing Authority will only intervene if the limit on the number of notices is exceeded.
- 4.6.3 A “standard” TEN requires the organiser of such an event to give the Licensing Authority a minimum of 10 working days’ notice.
- 4.6.4 A “late” TEN is one which is received by the Licensing Authority 5-9 clear working days prior to the day of the event.
- 4.6.5 The contact details of the Police and Environmental Protection Authority on which a TEN must be served are given at **Appendix D**.

## **4.7 Personal Licences**

The Licensing Authority places particular emphasis on the role of premises supervisors and Personal Licence holders at a licensed premise.

Where the Police object, on the grounds of prevention of crime and disorder, there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

## **4.8 Outdoor Events**

Outdoor events either temporary or more permanent in nature will generally require detailed planning and more consultation with Responsible Authorities and representatives of other organisation concerned with safety. For such events all organisers, particularly for large scale events, should seek guidance from the Council’s Safety Advisory Group prior to any applications being made.

The Authority expects applicants of large scale temporary events to submit their applications at least 3-6 months before the proposed event takes place. Organisers planning to entertain 500-3000 persons should give a minimum notice period of 3 months and events over 3000 a minimum notice period of 6 months.

## **4.9 Fees**

The Licensing Authority will ensure that fees which are set locally will be based entirely on cost recovery and will be included within the Council published fees and charges. Invoices for annual fees will be sent in advance and subject to the normal Council payment terms. Licensing holders not paying the correct annual fee within the timescale will have their premises licence suspended until such

time as arrears are cleared.

## **4.10 Enforcement**

- 4.10.1 Enforcement will be in accordance with the Community and Consumer Services Enforcement Procedure, which is based around the principles of proportionality and risk-based enforcement, targeting high risk premises which require greater attention, while applying a lighter touch approach in respect of low-risk premises.
- 4.10.2 A copy of the Enforcement Protocol is available on the Council's website at [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk), or from the Licensing Team (see Appendix D for details).
- 4.10.3 The Licensing Authority will seek to work in partnership with the Responsible Authorities and the North Somerset Community Safety Partnership in enforcing licensing legislation.
- 4.10.4 The Licensing Authority shall use a risk assessment scheme for determining the frequency of visits to licensed premises in order to ensure that resources are targeted to high-risk premises while providing a lighter touch for low risk premises which are well run.
- 4.10.5 The Licensing Authority will look to share information relating to incidents of crime, nuisance, public safety or other related issues including the general management of premises, with partner agencies and may use this as part of any risk assessment scheme used.
- 4.10.6 Unannounced joint visits will be undertaken with partners such as the Police, Environmental Health, Fire Service and Trading Standards Officers. These include visits outside normal office hours. Pre-arranged inspections will normally take place to premises that have been the subject of complaints, or where there has been a requested variation of the Designated Premises Supervisor or the terms of the licence or certificate issued by the Licensing Authority.
- 4.10.7 It is expected that, in general, action will be taken against poorly managed or controlled premises through a stepped approach which may include verbal/written warnings, formal action plans, the review process, and prosecution. Where prosecution is necessary, the key principles of consistency, transparency and proportionality will be maintained.

## **5. The Licensing Objectives**

### **5.1 Operating Schedules**

Applicants should complete risk assessments, which can then be used to form the basis of the operating schedule. Measures that are outlined in operating schedules become licence conditions. Failure to comply with licence conditions can lead to formal enforcement action or an application for a review of the licence.

Guidance is offered below as to possible control measures that may assist applicants in completing operating schedules. These measures are not exhaustive and may relate to more than one licensing objective. Any measures proposed by the applicant should be both realistic and within the control of the applicant/management of the premises.

Applicants are also advised to seek advice from the relevant agencies before submitting their applications.

## **5.2 Prevention of crime and disorder objective**

- 5.2.1 When addressing crime and disorder the applicant should initially identify any issues, having regard to their particular type of premises and/or activities, which are likely to affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.
- 5.2.2 The Licensing Authority shall consider whether the grant of an application will result in an increase in crime and disorder.
- 5.2.3 Applicants are encouraged to consider the following matters in their operating schedules:
- Disorder on the premises
  - Drunkenness
  - Underage sales of alcohol
  - Customers entering and leaving in an orderly manner
  - Use and sale of illegal drugs or contraband
  - Offensive weapons
- 5.2.4 The Licensing Authority recognises that crime and disorder can occur, particularly outside licensed premises; however well the premises run may be.
- 5.2.5 The operating schedule may include the following measures:
- Active membership of Pubwatch schemes
  - Use of licensed door supervisors
  - Physical security features e.g. use of plastic or shatterproof drinking glasses
  - Music wind down policy
  - Training given to staff in crime prevention measures
  - Use of town centre radios (Weston-super-Mare) to enable licensed premises to communicate to each other and police
  - Search procedures
  - Measures to prevent the use or supply of illegal drugs or contraband
  - Details of CCTV video cameras and the retention policy for CCTV footage
  - Following the trade association codes of practice on irresponsible drinks promotions.

The above list is not exhaustive and will not suit all applications so applicants should seek advice from Avon and Somerset Constabulary before preparing their operating schedule.

- 5.2.6 Shops and off licences applying to sell alcohol will need to address the risks to crime and disorder with measures in their operating schedules. Examples include:-



- regular staff training in relation to sale of alcohol to underage people and that training record shall be kept.
- Proof of age schemes
- All refusals to be recorded on a refused sale register sheet or a refusals book.
- Use of Electronic Point of Sale (EPOS) system to remind staff via a suitable visual prompt or audible warning. Alternatively, stickers can be used over certain products to remind cashiers to check the customer's age.
- Posters showing age limits should be displayed along with a statement regarding the refusal of such sales.
- That a personal licence holder will be on duty at high-risk times such as outside school hours and during the evenings

This list is not exhaustive and applicants should seek advice from North Somerset Trading Standards or Avon and Somerset Constabulary before preparing their operating schedules.

### **5.3 Public safety objective**

5.3.1 The public safety objective is about ensuring the physical safety both of performers and people attending licensed premises. The risk to public safety will vary according to the type of premises and the activities that take place there. Most risks will be adequately covered by other legislation such as Health and Safety at Work requirements or fire safety legislation and will normally be identified through a risk assessment process.

5.3.2 Other public safety legislation may not cover risks that are associated with types of activities or entertainment and will therefore need to be addressed in preparing licence applications. The following are matters that may need consideration:

- The provision of a suitable Residual Current Device (RCD) protection of electricity supplies to entertainers' equipment, including microphones, when regulated entertainment is organised on site
- Setting maximum numbers of people allowed (and use of clickers or counting machines to ensure capacity limits are not exceeded)
- Steps to ensure that electrical and gas installations are in good order and maintained by suitably qualified people on a regular basis
- The use of special effects such as lasers, pyrotechnics, foam and smoke
- Suitable access and egress arrangements for people with disabilities

5.3.3 Applicants are advised to seek advice from the Council's Health and Safety Section and/or the Avon Fire and Rescue Service before preparing their operating schedules for the public safety objective.

### **5.4 The prevention of public nuisance objective**

5.4.1 Operating schedules must contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem to people living nearby.

5.4.2 Applicants need to provide details of proposed noise control measures, particularly if premises are in residential areas where regulated entertainment is being applied for late at night, or where there is a history of noise complaints.

The licensing authority will normally apply stricter conditions in these circumstances where relevant representations have been received.

5.4.3 Whilst each application will be considered on its individual merits it should be noted that restricting the hours of regulated entertainment may be necessary to prevent public nuisance.

5.4.4 The measures that can be included within the operating schedule may include:

- Keeping doors and windows at the premises closed
- Limiting amplified music to a particular area of the building
- Moving location and direction of speakers away from external walls or walls that abut private premises
- Installation of acoustic curtains, seals to doorways, rubber speaker mounts
- Monitoring by the licensee to ensure that music is not audible above background levels at the nearest noise sensitive location (i.e. private or commercial premises)
- Noise limiters on amplification equipment (if proportionate to the nature of premises and the type of entertainment being provided)
- Prominent clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The placing of bottles and cans into bins outside the premises to take place at times that will minimise disturbance to nearby premises

5.4.5 Since 1 July 2007 it has been illegal to smoke in enclosed public buildings and workplaces in England. Customers who want to smoke will therefore have to do so outside licensed premises. Applicants will need to address the potential for public nuisance from this activity.

Conditions may be necessary to ensure that licensed premises are properly ventilated to prevent odours causing a nuisance to people who live or work nearby.

5.4.6 Late night takeaways are encouraged to include in their operating schedules measures to ensure that the area around the premises will be kept clear of litter.

## **5.5 Protection of children from harm objective**

5.5.1 The Licensing Authority has decided that the “Responsible Authority” in relation to the protection of children from harm will be the North Somerset Children’s Safeguarding Partnership whose contact details are shown at Appendix D.

5.5.2 The authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee.

- 5.5.3 When addressing protection of children, the applicant should initially identify any particular issues, having regard to their particular type of premises and/or activities, which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicants operating schedule.
- 5.5.4 Where alcohol is to be sold, applicants must include details of the measures they propose to prevent the supply of alcohol to children. It is expected that:-
- In addition to requiring passports or photo driving licences, a proof of age scheme will be in operation.
  - Staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers, checking identification), such training to be properly documented and records made available for inspection.
  - Registers of refused sales will be maintained and made available for inspection
  - Applicants may indicate whether they are signatories to the Portman Group Code of Practice.
- 5.5.5 Applicants needing advice on how to avoid age-restricted sales should contact the North Somerset Trading Standards Service (contact details are shown at **Appendix D**) before preparing their operating schedules.
- 5.5.6 Where relevant representations have been made in relation to an application, the licensing sub-committee will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that may raise concern:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
  - with a known association with drug taking or dealing
  - where there is a strong element of gambling on the premises
  - where entertainment of an adult or sexual nature is provided
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 5.5.7 The Licensing Authority may consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- limitations on the hours when children may be present;
  - limitations excluding the presence of children under certain ages when particular specified activities are taking place;
  - limitations on the parts of premises to which children might be given access.
  - age limitations (below 18);
  - requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
  - full exclusion of those people under 18 from the premises when any licensable activities are taking place.

5.5.8 The Act details several offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police and Trading Standards to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

## **5.6 Access to cinemas and theatres**

5.6.1 The Licensing Authority expects that where premises are used for film exhibitions applicants for premises licences or club certificates shall include within the operating schedule arrangements for restricting children from viewing age restricted films.

5.6.2 In relation to the exhibition of film, a mandatory condition will apply, requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or, in specific cases, by the Licensing Authority.

5.6.3 Certification by the Licensing Authority will be in accordance with the North Somerset Council Film Classification Policy.

5.6.4 This policy acknowledges the Secretary of State's Guidance which states that it may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions.

## **5.7 Children and public entertainment**

Where a large number of children are expected to attend regulated entertainment (e.g., theatre production or film shows), the Licensing Authority expects the applicant to demonstrate, in their operating schedules, the arrangements they intend to put into place in order to ensure their safety, examples could include:

- That children performing at premises such as theatres or concert halls are kept under adult supervision at all times, including transfer from stage to dressing room.
- That children can be accounted for at all times, in case of evacuation or emergency.
- That an adult member of staff be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- If necessary, no standing to be permitted in any part of the auditorium during the performance
- That all staff employed to supervise children should be subject to an enhanced Disclosure Barring Service (DBS) check. Where relevant unspent convictions are found the licensee should not employ such a person.

## **5.8 Health Bodies Acting as Responsible Authorities**

The Licensing Authority recognise that the local authority's Director of Public Health (DPH) may exercise their function as a responsible authority and that such representations may potentially cover any of the four licensing objectives.

Representations should be evidenced based and, as recognised in the Secretary

of State's section 182 Guidance, the DPH may hold information that other responsible authorities do not which will assist the licensing authority in exercising its functions.

The harms to health from alcohol are widely documented including the part it can play in fueling aggression, violence, or assault. The Licensing Authority will consider the links between the availability of alcohol and alcohol-related harm when considering a licence application (for example take into account the number of alcohol outlets in a given area and times when it is on sale and the potential links to local crime and disorder and alcohol related illnesses and deaths).

However, the Licensing Authority recognises that the Licensing Act does not, as it stands, cover public health considerations.

## **6. Complaints against licensed premises**

The Licensing Authority will investigate complaints against licensed premises relating to the four licensing objectives mentioned above. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.

Complaints must relate to one or more of the licensing objectives and will be disregarded if frivolous or vexatious.

Nothing in this Policy shall restrict the right of a Responsible authority or Other person to call for a review of a licence or make relevant representations in accordance with the Act.

## **7. Further information**

Further information about the Act and this Statement of Licensing Policy can be obtained from:

The Licensing Team  
North Somerset Council  
Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1UJ

Tel: 01934 426 800 Fax: 01934 426 230

Email: [licensing@n-somerset.gov.uk](mailto:licensing@n-somerset.gov.uk) [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk)

Information is also available from the Home Office website:

[www.gov.uk/alcohol-licensing](http://www.gov.uk/alcohol-licensing)

Further details about the licensing and application processes, including application forms, fees and details regarding each type of application, can be obtained from the Licensing Team as detailed above.

Electronic applications will be accepted where available.

***Large print copies, audio copies and translation into another language of this policy can be arranged on request from the Licensing Team***

# APPENDIX A – MAP OF NORTH SOMERSET



## APPENDIX B – GLOSSARY OF TERMINOLOGY

<p><b>Club Premises Certificate</b></p>	<p>A certificate granted to a qualifying club under the Act in respect of premises occupied, and habitually used for the purposes of a club.</p> <p>Alcohol must not be supplied other than to members by or on behalf of the club.</p>
<p><b>Entertainment facilities</b></p>	<p>Defined as facilities for enabling persons to take part in entertainment for the purpose of being entertained.</p> <p>The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above.</p>
<p><b>Hot food or hot drink</b></p>	<p>Food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:</p> <ul style="list-style-type: none"> <li>• before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.</li> </ul>
<p><b>Interested Party</b></p>	<p>Defined as:</p> <p>any individual, body or business entitled to make representations in relation to defined applications made to the Licensing Authority.</p>
<p><b>Licensable activities and qualifying club activities</b></p>	<p>Defined in the Licensing Act as:</p> <ul style="list-style-type: none"> <li>• the sale by retail of alcohol</li> <li>• the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club</li> <li>• the provision of regulated entertainment</li> <li>• the provision of late-night refreshment - for those purposes the following licensable activities are also qualifying club activities: <ul style="list-style-type: none"> <li>• the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place</li> <li>• the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place</li> </ul> </li> <li>• the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.</li> </ul>

<b>Operating Schedule</b>	<p>A document that must be prepared by or on behalf of an applicant for a premises licence or club premises certificate containing a statement including the following matters:</p> <ul style="list-style-type: none"> <li>• the relevant licensable activities</li> <li>• the times at which licensable activities are to take place and any other times the premises are to be open to the public</li> <li>• information about the Designated Premises Supervisor</li> <li>• whether any alcohol sales are on and/or off sales</li> <li>• the steps being taken to promote the licensing objectives.</li> </ul>
<b>Personal Licence</b>	<p>Authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.</p>
<b>Premises Licence</b>	<p>Authorises the premises to be used for one (or more) licensable activity.</p>
<b>Provision of late night refreshment</b>	<p>Defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11 pm and 5 am</p>
<b>Regulated Entertainment</b>	<p>Defined as:</p> <ul style="list-style-type: none"> <li>• a performance of a play</li> <li>• an exhibition of film</li> <li>• an indoor sporting event</li> <li>• a boxing or wrestling entertainment</li> <li>• a performance of live music</li> <li>• any playing of recorded music</li> <li>• a performance of dance</li> <li>• entertainment of a similar description to that falling within paragraph (e)</li> </ul>
<b>Responsible Authority</b>	<p>Defined as:</p> <ul style="list-style-type: none"> <li>• Chief Officer of Police for any Police area in which the premises are situated</li> <li>• Fire Authority for any area in which the premises are situated</li> <li>• Enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated</li> <li>• the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated</li> <li>• the local authority by which statutory functions are exercisable in any area in which the premises are situated</li> </ul>



	<p>in relation to minimising or preventing the risk of pollution of the environment or of harm to human health</p> <ul style="list-style-type: none"> <li>• a body which represents those who, in relation to any such area, are responsible for, or interested in matters relating to the protection of children from harm, and</li> </ul> <p>is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters</p> <ul style="list-style-type: none"> <li>• any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated</li> <li>• in relation to a vessel - a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable activities</li> <li>• Director of Public Health</li> <li>• The Home Office – alcohol licensing team</li> <li>• The Licensing Authority for the area in which the premises is situated.</li> </ul>
<p><b>Temporary Event</b></p>	<p>Defined as the use of premises for one or more of the licensable activities during a period not exceeding 168 hours (seven days) usually where a premises licence covering the licensable activity is not in place.</p> <p>The following limitations also apply to where the temporary event notice procedure is used:</p> <ul style="list-style-type: none"> <li>• The number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people).</li> <li>• The number of times a person (the “premises user”) may give a late temporary event notice (5 times per year for a personal licence holder and 2 times per year for other people).</li> <li>• The number of times a temporary event notice may be given for any particular premises (15 times in a calendar year).</li> <li>• The maximum total duration of the periods covered by temporary event notices at any individual premises (21 days).</li> <li>• The scale of the event in terms of the maximum number of people attending at any one time (less than 500).</li> <li>• There must a minimum of a 24 hour break between events subject to the temporary event notice procedure.</li> </ul>
<p><b>Temporary Event Notice</b></p>	<p>A document giving notice to the Licensing Authority of intention to hold a temporary event.</p>

## **APPENDIX C - TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>Matter to be dealt with</b>	<b>Full committee</b>	<b>Sub committee</b>	<b>Officers</b>
Application for personal licence		If a representation is made	If no representation is made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation is made	If no representation is made
Application for provisional statement		If a representation is made	If no representation is made
Application to vary premises licence/club registration certificate		If a representation is made	If no representation is made
Application to vary designated premises supervisor		If a police representation is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police representation is made	All other cases
Application for Interim Authorities		If a police representation is made	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notices		All cases	
Consideration of a request from the Police for a summary or expedited review of a premises licence or club premises certificate		All cases	

## APPENDIX D – RESPONSIBLE AUTHORITIES CONTACT DETAILS

Service	Postal Address	E-Mail Address	Telephone Number
<b>Avon and Somerset Police</b>	Liquor Licensing WsM Police Station Filers Way Weston-super-Mare BS24 7JP	<a href="mailto:northsomersetpoliceliquorlicensingteam@avonandsomerset.police.uk">northsomersetpoliceliquorlicensingteam@avonandsomerset.police.uk</a>	01934 638211
<b>Avon Fire and Rescue Service</b>	Avon Fire & Rescue Police & Fire Headquarters PO Box 37, Valley Road Portishead Bristol BS20 8JJ	<a href="mailto:Licensing@avonfire.gov.uk">Licensing@avonfire.gov.uk</a>	01179 262 061 Ext 560
<b>Home Office</b>	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY	<a href="mailto:Alcohol@homeoffice.gsi.gov.uk">Alcohol@homeoffice.gsi.gov.uk</a>	
North Somerset Council			
<b>Licensing Team (Licensing Authority)</b>	Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ	<a href="mailto:licensing@n-somerset.gov.uk">licensing@n-somerset.gov.uk</a>	01934 426800
<b>Environmental Protection Team</b>	Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ	<a href="mailto:epenquiries@n-somerset.gov.uk">epenquiries@n-somerset.gov.uk</a>	01275 888802
<b>Health and Safety Team</b>	Castlewood Tickenham Road Clevedon BS21 9AX	<a href="mailto:foodandsafety@n-somerset.gov.uk">foodandsafety@n-somerset.gov.uk</a>	01934 634633
<b>Trading Standards Team</b>	Castlewood Tickenham Road Clevedon BS21 9AX	<a href="mailto:trading_standards@n-somerset.gov.uk">trading_standards@n-somerset.gov.uk</a>	01275 888634
<b>Planning</b>	RoxanneSmith / Lynette Champion Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ	<a href="mailto:Planning.support@n-somerset.gov.uk">Planning.support@n-somerset.gov.uk</a>	01275 888811
<b>North Somerset Safeguarding Children Partnership</b>	Julie Bishop Town Hall Weston Super Mare BS23 1UJ	<a href="mailto:julie.bishop@n-somerset.gov.uk">julie.bishop@n-somerset.gov.uk</a>	01275 888211
<b>Maritime and Coast Guard Agency</b>	Plymouth Marine Office Western Region New Fish Market Fish Quay Plymouth, PL4 0HL	<a href="mailto:Plymouthmo@mcga.gov.uk">Plymouthmo@mcga.gov.uk</a>	01752 266211
<b>Public Health</b>	Fiona Dixon Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ	<a href="mailto:Fiona.dixon@n-somerset.gov.uk">Fiona.dixon@n-somerset.gov.uk</a>	01934 426293



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**North Somerset Council**

**Gambling Act 2005**

**Statement of Principles**

**2022-2024**

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## 1. Statement of Licensing Policy

### 1.1 Licensing Objectives

Section 153 of the [Gambling Act 2005 \(the Act\)](#) requires that the Council carry out its various licensing functions having regard to the following three licensing objectives:

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

In discharging its responsibilities under the Act and in making decisions in relation to premises licences and temporary use notices (S.153), the Council will aim to permit the use of premises for gambling in so far as it thinks that its use will be:

- In accordance with any relevant code of practice issued by the Gambling Commission,
- In accordance with this Licensing Authority's Statement of Licensing Policy

The Council particularly notes the Gambling Commission's latest [Guidance to Local Authorities](#) (from now on referred to as the Gambling Commission's Guidance).

### 1.2 Introduction

1.2.1 The Act also provides scope for the Gambling Commission (the Commission) to set an overall direction at national level, while leaving licensing authorities in the lead locally, with appropriate support from the Commission. The guidance to which licensing authorities must have regard, is an important part of those arrangements.

The Commission works in partnership with licensing authorities to regulate gambling. In doing so, the Commission will tend to focus on operators and issues of national or regional significance, and licensing authorities will take the lead on regulating gambling locally.

The Commission has issued guidance in accordance with Section 25 of the 2005 Act about the way licensing authorities exercise their licensing functions under the Act and the principles to be applied.

The Commission will also issue Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:  
Gambling Commission,  
Victoria Square House,  
Victoria Square,  
BIRMINGHAM,  
B2 4BP

[Gambling Commission website - Gambling Commission](#)

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

1.2.2 North Somerset Council is the Licensing Authority in accordance with the Gambling Act 2005 and is responsible for granting premises licences in the North Somerset administrative area in respect of:

- Casino premises
- Bingo premises
- Betting premises, including tracks
- Adult Gaming Centres and
- Family Entertainment Centres (and permits to unlicensed Family Entertainment Centres)

North Somerset is a unitary council in the West of England, bounded by the River Avon in the north, and the Mendip Hills to the south. It covers an area of approximately 145 square miles and has a population of around 214,000 people.

The area is classified as 'urban with significant rural' with almost 40% of residents living in rural communities or 'rural hub towns.' The largest settlement is Weston-Super-Mare, which with a population of over 80,000 is already the third largest settlement in the West of England. There are three other towns: Portishead, Clevedon and Nailsea and many villages of varied size and character.

North Somerset is strategically placed, close to the major cities of Bristol and Cardiff and with excellent transport links, including Bristol Airport, the M5 motorway, five railway stations on the main line to the South West and the Royal Portbury Dock, which has the largest entrance lock of any UK port.

A map of North Somerset is shown at **Appendix A**.

1.2.3 The Council's approach is to work with and support local businesses whilst balancing risks and concerns in relation to the potential risks to the licensing objectives.

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

This 'Statement of Gambling Policy' has, therefore, been prepared having regard to the provisions of the [Gambling Act 2005 \(the Act\)](#), [Guidance to Local Authorities](#) issued by the Gambling Commission and responses received in response to the consultation process. It is intended to be a discussion document leading to the adoption by North Somerset Council of a formal Statement of Licensing Policy after giving due regard to any responses from those consulted on the draft policy statement. The policy will come into effect on the date of adoption by the Council and will be reviewed as necessary and at least every three years from the date of adoption.

This policy may be subject to further review changes as a result of the forthcoming Gambling Review.

Should you have comments regarding this Statement of Policy please email the Licensing Service Manager – [Licensing@n-somerset.gov.uk](mailto:Licensing@n-somerset.gov.uk)



### 1.3 Glossary of Terms

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

<b>Licensing Objectives:</b>	As defined in section 1.1 above.
<b>Council:</b>	Means North Somerset Council
<b>Authority:</b>	Means the Licensing Authority
<b>District:</b>	Means the area of Somerset administered by North Somerset Council – see map in Appendix A
<b>Licences:</b>	As defined in section 1.4 below.
<b>Applications:</b>	Means applications for Licences or Permits defined in section 1.4 below.
<b>Notifications:</b>	Means notifications of Temporary Use Notices (TUN) and Occasional Use Notices (OUN).
<b>Act:</b>	Means the <a href="#">Gambling Act 2005</a>
<b>Regulations:</b>	Means Regulations made under the <a href="#">Gambling Act 2005</a>
<b>Premises:</b>	Means any place and includes a vehicle, vessel, or moveable structure
<b>Code of Practice:</b>	Means any relevant code of practice under section 24 of the <a href="#">Gambling Act 2005</a>
<b>Mandatory Condition:</b>	Means any specified condition provided by regulations to be attached to a licence
<b>Responsible Authority:</b>	For the purposes of the <a href="#">Gambling Act 2005</a> , the following are responsible authorities in relation to premises: <ul style="list-style-type: none"><li>• The Licensing Authority (North Somerset Council)</li><li>• The Gambling Commission</li><li>• Avon &amp; Somerset Constabulary</li><li>• Avon Fire &amp; Rescue Service</li><li>• Development Management, North Somerset Council</li><li>• Environmental Protection, North Somerset Council</li><li>• North Somerset Safeguarding Children Partnership</li><li>• HM Revenue and Customs</li></ul>
<b>Interested Party:</b>	<p>For the purposes of the <a href="#">Gambling Act 2005</a>, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person see <b>Appendix E</b> for further details.</p> <p>When considering whether a person is an interested party, each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the Gambling Commission's <a href="#">Guidance to Local Authorities</a></p>
<b>Operator Licence</b>	is a licence issued to the operator by the Gambling Commission
<b>Personal Licence</b>	is a licence issued to individuals by the Gambling Commission

## 1.4 Types of Licence

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

- Premises Licences
- Temporary Use Notices (TUN)
- Occasional Use Notices (OUN)
- Permits as required under the Act and
- Registrations as required under the Act.

## 1.5 Licensable Premises and Permits

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

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Licensed Family Entertainment Centres
- Unlicensed Family Entertainment Centres
- Club Gaming Permits & Club Machine Permits
- Prize Gaming and Prize Gaming Permits
- Gaming Machine Permits (alcohol licensed premises)
- Occasional Use Notices
- Temporary Use Notices and
- Registrations of small society lotteries.

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

In the North Somerset Council area, the type of gambling premises licences includes:

- Adult Gaming Centres
- Bingo Premises
- Betting Premises
- Licensed Family Entertainment Centres
- Unlicensed Family Entertainment Centres.

## 1.6 General Principles

1.6.1 Nothing in this 'Statement of Policy' will:

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

1.6.2 Licensing Authorities are required to "aim to permit" gambling and therefore, the starting point in determining applications will be to grant the application. In accordance with the Act, premises licenses are subject to [The Gambling Act 2005 \(Mandatory and Default Conditions\) \(England and Wales\) Regulations 2007](#) which are usually sufficient to ensure that operation is reasonably consistent with the licensing objectives.

1.6.3 Conditions will only be considered where evidence suggests that they are needed to meet the requirements of the licensing objectives and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the

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

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

- 1.6.4 When determining an application to grant a premises licence or whether to review a premises licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned. Each case will, however, be determined on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be considered. Further information regarding the requirement for local risk assessments is provided in section 4.1 below.
- 1.6.5 Licensing is about the control of licensed premises, Temporary Use Notices (TUN) or Occasional Use Notices (OUN) within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.
- 1.6.6 When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in other activity in the area concerned. In determining an application, the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

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

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

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

Where a person, whether directly affected or not by an application or living in the vicinity of a licensable premises under consideration, puts themselves forward as representing the interests of residents in the vicinity, the Licensing Authority will normally ask them to provide evidence that they are acting as representatives of others.

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

## 1.7 Consultees

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

- Businesses, organisations, and persons who hold licences and permits issued by North Somerset Council under the Gambling Act 2005
- Elected Members, North Somerset Council
- North Somerset Town and Parish Councils
- Gambling Commission
- Avon and Somerset Constabulary
- Avon Fire and Rescue Service
- North Somerset Council Environmental Protection Team
- North Somerset Safeguarding Children Partnership
- Development Control Manager, North Somerset Council
- North Somerset Community Safety Partnership

In producing this 'Statement of Policy', The Licensing Authority declares that it has had regard to the Licensing Objectives of the Act, the current version of the [Guidance to Local Authorities](#) issued by the Gambling Commission, any responses received from those who were consulted on the 'Draft Statement of Policy 2022-2025' and any representations submitted by any interested party, person, body, or organisation in response to the publication of the 'Draft Statement of Policy 2022-2025'.

For further information, see **Appendix D**

## 1.8 Information Exchange

The Council is required to include in their Statement of Policy the procedure to be applied in exercising the functions under S.29 and 30 of the Act in respect to the exchange of information with the Gambling Commission. The functions under S.350 of the Act with the respect to the exchange of information with persons and bodies are listed in Schedule 6 to the Act.

The Council will apply the provisions of the [Gambling Act 2005](#) in its exchange of information, which includes the provision that the [General Data Protection Regulations 2018](#) will not be contravened and any Guidance issued by the Gambling Commission or the Secretary of State under the powers provided in the Act.

The Council will work closely with the Gambling Commission, Avon and Somerset Police and with Responsible Authorities where there is a need to exchange information on specific premises. Should any protocols be established in respect to the exchange of information with other bodies then they will be made available.

The privacy of those making representations will be respected, but it may be necessary for the identity of those making representations to be passed on to Responsible Authorities and the Gambling Commission for the purpose of determining licensing applications or in any subsequent appeal that may be made.

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

This Licensing Authority will maintain a Licensing Register of all premises licences and permits issued and this will be available upon request to:

[licensing@n-somerset.gov.uk](mailto:licensing@n-somerset.gov.uk)

## **2. Legislation & Other Policies**

### **2.1 Legislation**

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

- Section 17 of the Crime and Disorder Act 1998.
- Human Rights Act 1998.
- Health and Safety at Work etc. Act 1974.
- Environmental Protection Act 1990.
- The Anti-social Behaviour Act 2003.
- The Anti-social Behaviour, Crime & Policing Act 2014.
- Equality Act 2010
- Children Act 2004
- The Data Protection Act 2018

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

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

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

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

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

A general 'dislike of gambling' is no reason for rejection of a Premises Licence application.

### **2.3 National Strategies**

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

### **2.4 Gambling Prevalence and Social Responsibility**

2.4.1 Gambling related harm is defined as any type of repetitive gambling that disrupts or damages a person, family, or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances and affect a wide range of people, such as families, colleagues and wider local communities (for example where problem gambling is associated with crime or homelessness) and society as a whole (in terms of the costs that may be created by problem gambling).

2.4.2 Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts.

2.4.3 Gambling Operators must comply with the Gambling Commission's [Licence Conditions and Codes of Practice - Gambling Commission](#) (LCCP). The Social Responsibility Code 3 requires gambling operators to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of and seek to identify problem gambling.

2.4.4 The requirements on gambling premises under the social responsibility code are based upon key areas:

- **Provision of information on gambling responsibly** – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.
- **Customer interaction** – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.
- **Layout of the premises** - operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
- **Self-exclusion** – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. In addition to operating their own self-exclusion schemes all licensees must offer the facility for customers to self-exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

2.4.5 Any marketing communications for gambling must be socially responsible, with regard to the need to protect children, young persons, and other vulnerable persons from being harmed or exploited. Licensees are required to comply with the Social Responsibility Code 5 of the Code of Practice.

## 2.5 Local Strategies and Policies

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

- The Council's Corporate Plan
- North Somerset Police and Crime Plan
- North Somerset Regulatory Services Enforcement Protocol
- North Somerset Health & Wellbeing Strategy

## 2.6 Integrating Strategies

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

## 2.7 Relationships with other agencies

The Council is aware of the overlap with planning, building regulations in the granting of a premises licence. In determining applications, the Council will take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e., those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

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

When dealing with a premises licence application for finished buildings, the Licensing Authority should not consider whether those buildings must comply with the necessary planning or building consents. Nor should fire or health and safety risks be considered. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities considering the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Planning controls may restrict the provision of gambling activities. It is relevant to consider the evidence base for this restriction and consider the reasons for the restrictions.

### **3. Decision Making**

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

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

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

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

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

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

3.1.5 Every determination of a licensing decision by the committee or a Licensing sub-committee shall be accompanied with clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.

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

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

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

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

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

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

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

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

### **3.3 Provisional Statements**

The Council will have regard to the Gambling Commission's Guidance that a licence to use premises for gambling should only be issued in relation to premises where the Licensing Authority can be satisfied that the premises are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement will be discussed with the applicant and may be considered appropriate instead.

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

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

The Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence and will have regard to the detailed examples of the circumstances in which such a licence may be granted set out in the Gambling Commission's Guidance.

### **3.4 Licensing Reviews**

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

- Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crimes
- Use of licensed premises for the sale and distribution of illegal firearms
- Use of licensed premises for prostitution or the sale of unlawful pornography



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

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

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

3.4.3 An 'Interested Party' or a 'Responsible Authority' can make an application to the Licensing Authority at any time, requesting that the Licensing Authority review a licence that it has granted; the Licensing Authority may also initiate a review of a licence itself.

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

3.4.4 Should the Council receive an application requesting the review of a licence, the Licensing Authority will decide as to whether or not the review is to be carried out. In making this determination the Licensing Authority will consider whether the request for the review is relevant to the matters listed below: *(this list is indicative and is not exhaustive)*:

- Representations which are inconsistent with Section 153 of the Act.
- Representations that are inconsistent with any guidance or Codes of Practice issued by the Gambling Commission
- Representations which relate to an objection to gambling activity generally for instance, on moral grounds.
- Representations in relation to the demand or unmet demand for Gambling Premises.
- In accordance with North Somerset Council's 'Statement of Principles'.
- Representations in relation to planning matters.
- Public Safety Issues.
- Traffic Congestion issues.

3.4.5 Should the Licensing Authority determine that an application for a licence review, (which has been duly submitted by an 'Interested Party' or a 'Responsible Authority'), is valid or should the Licensing Authority decide to initiate a licence review of its own volition; then that licence review will be undertaken and progressed to conclusion, in

accordance with the requirements of the Act, any guidance or codes of practice issued by the Gambling Commission and this Statement of Policy.

#### **4. Local Standards**

##### **4.1 Applications**

An application for a premises licence can only be made by a person who

- holds an operator's licence granted by the Gambling Commission authorising him/her to carry out the activity specified within the application or
- has made an application for an operator's licence which has yet to be determined.

A premises licence will, therefore, only be granted when evidence is obtained of the granting of an operator's licence.

##### **4.2 Assessment of Need**

The absence of unmet demand is not a criterion for a Licensing Authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its merits without regard to demand.

##### **4.3 Location**

4.3.1 The Council is aware that demand issues cannot be considered with regard to the "location of premises" but that considerations in terms of the licensing objectives are relevant to its decision-making. Particular attention will be given to the protection of children and vulnerable persons from being harmed or exploited by gambling in addition to issues of crime and disorder.

4.3.2 The Council will have regard to any further guidance as regards areas where gambling premises should not be located, although the existence of any policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

4.3.3 In determining whether a premises location is suitable for the grant of a licence regard will be given to the following factors:

- The proximity of the premises to any school, centre or establishment for the education, training, or care of young and/or vulnerable persons
- The proximity of the premises to leisure centres used for sporting and similar activities by young and/or vulnerable persons
- The proximity of the premises to any community, ecclesiastical, welfare, health or similar establishments used specifically, or to a large extent, by young and /or vulnerable persons
- The proximity of any other area or location where young and / or vulnerable persons could congregate
- The proximity of the premises to any youth club or similar establishment

4.3.4 Where gambling premises are located in sensitive areas, e.g., near schools, the Council will consider imposing restrictions on advertising gambling facilities on such premises where it is felt relevant and reasonably consistent with the Licensing Objectives.

## 4.4 Plans

[The Gambling Act 2005 \(Premises Licences and Provisional Statements\) Regulations 2007 \(legislation.gov.uk\)](#) state that a plan to accompany an application for a Premises Licence must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or part of a vessel, the location of any external or internal walls of the building which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads

The Act requires applicants to submit plans of the premises with their application to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The information will also be used to plan future premises inspection activity. **The plan should be scaled (1:100).**

If plans change in any material respect in the opinion of the Council during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under Section 159 or to seek an amendment to the licence under Section 187 of the [Gambling Act 2005](#).

## 4.5 Local Risk Assessments

4.5.1 The current [Licence Conditions and Codes of Practice - Gambling Commission](#) requires (under Social responsibility (SR) code 10), licensed operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures in place to mitigate those risks.

In undertaking their risk assessments, they must consider relevant matters referred to in this policy document.

Operators are, therefore, required to undertake a local risk assessment on application for a new premises licence.

4.5.2 Furthermore, all licensed premises-based operators must also have a risk assessment in place. The risk assessments must also be updated:

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

4.5.3 Significant changes in local circumstances

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

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

#### 4.5.4 Significant changes at an operator's premises

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

- Any building work or refurbishment where gambling facilities are relocated within the premises.
- The premises licence has been transferred to a new operator whose policies and procedures differ from those of the previous licence holder.
- The entrance or entrances to the premises are changed. This will include changes in access from one area in a premise to another (e.g., from an Adult Gaming Centre to/ from a Family Entertainment Centre (FEC) and/or unlicensed FEC).
- New gambling facilities are made available on the premises which were not provided previously. For example, handheld gaming devices for customers, Self-Service Betting Terminals, or the provision of a different category of gaming machine.
- The operator makes an application for a licence to undertake activities at that premises in accordance with other legislation. For example, this may include an application for the sale/ supply of alcohol, the provision of regulated entertainment and/or the provision of late-night refreshment ([Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/24))

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

- 4.5.6 In view of the above, the Council requires that both new applicants and existing operators (licensees) develop a good understanding of the area in which they operate or propose to operate. A local risk assessment must include the location of all the following in relation to the site of the premises:
- Schools
  - Colleges
  - Other educational establishments (if applicable)
  - Play areas
  - Youth Centres
  - Leisure Centres
  - Banks
  - Cash Machine/ ATMs
  - Alcohol licensed premises
  - Takeaway/ Fast Food Establishments
  - Other gambling licensed premises
  - Pay day loan/ pawn shops
  - Homeless hostels
  - Rehabilitation Centres
  - Hospital/ Mental Health Services
  - Places of Worship
- 4.5.7 The local risk assessment must show how the operator mitigates the risk of each of the above should one or more be in the vicinity of the premises. For example, the level of staffing required may vary according to the proximity of schools, colleges, alcohol licensed premises and their respective opening hours.
- 4.5.8 It is important that an operator not only identifies the risks within the immediate proximity of the premises but also considers the impact of risks identified for the wider area locally. Similarly, one-off events held on a regular basis within the area will need to be factored into the local risk assessment. We will, therefore, expect risk to be assessed should the premises be affected by a temporary increase in the number of people situated in the immediate area during events such as the Beach Race, Air Festival and Balloon Fiesta.
- 4.5.9 Operators will also be expected to include reference to:
- Local statistics regarding crime and disorder, including anti-social behaviour
  - Whether or not the premises is situated within an area of deprivation.
  - Any nearby residential areas occupied by a high concentration of families with children.
- 4.5.10 The Council requires a copy of the up-to-date local risk assessment to be kept on the premises and available for inspection on request by an Officer of the Licensing Authority. Local risk assessments should be regularly reviewed, at least on an annual basis.
- 4.5.11 Operators must also note that, a local risk assessment will apply to the whole premises/ building if an unlicensed Family Entertainment Centre (subject to a permit) is situated immediately adjacent to an area covered by a premises licence.

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

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

#### **4.6 Cash Machines / ATMs**

The Gambling Act does not prevent the licensee from permitting the installation of cash dispensers on the premises. However, it will be expected that any automated telling machine made available for use on the premises will be in a place that requires any customer wishing to use it to leave any gaming machine or betting machine in order to do so.

#### **4.7 Conditions**

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

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

The Council will not attach conditions to premises licences which:

- Are impossible to comply with as an operating licence condition
- Relate to gaming machine categories, numbers, or method of operation
- Provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- Are in relation to stakes, fees, winning or prizes

#### **4.8 Door Supervisors**

Where premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then licence holders should consider the entrances to the premises being controlled by a suitably qualified and regulated door supervisor (SIA registered) and the Authority may attach such conditions as may be appropriate to the premises licence.

#### **4.9 Material amendments to the premises**

The Authority will have regard to the principles as set out in S153 of the Act in determining variation applications. However, applications will be carefully scrutinised to ensure the Licensing Objectives are not undermined.

Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times and any *typical* gaming machines arrangements will be considered a material change regardless of the category of machine.

The Council may require a full premises licence variation application where premises are intending to use permanent privacy screening and/or boothing to any machines. The Council will expect any application proposing the use of customer privacy screens/booths, to clearly identify how these areas can be adequately supervised

including an updated local risk assessment to evidence that any risks presented have been recognised and mitigated.

The local risk assessment must also be updated to reflect any new risks identified.

#### **4.10 Enforcement**

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

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

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

When determining risk, consideration will be given to:

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

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

The Council will undertake routine inspections using the premises assessment templates available in the [Premises assessments toolkit and Primary Authority agreements - Gambling Commission](#).

4.10.5 During proactive or pre-planned compliance visits the Licensing Enforcement Officers will review documentation including:

- Site Plan to ensure this reflects the actual layout of the premises
- Local area risk assessments
- Training policies and training undertaken by staff
- Records of refusals to serve or admit on age grounds
- The premise's approach to managing self-exclusion, how the premises fulfil the requirement to participate in multi-operator schemes and the numbers of people currently self-excluded
- The involvement or impact of any work in local gambling schemes such as Betwatch
- That appropriate signage and information is in place.

4.10.6 The Council's compliance and enforcement functions will be guided by the Gambling Commission's Guidance, Regulators Compliance Code, Better Regulation principles, Primary Authority partnerships schemes and the Regulatory Service Enforcement Protocol in that the following guiding principles are applied:

- **Proportionality** - regulators should only intervene when necessary: Remedies should be appropriate to the risk posed, and costs identified and minimised
- **Accountability** - regulators must be able to justify decisions, and be subject to public scrutiny
- **Fairness and Consistency** - rules and standards must be joined up and implemented fairly
- **Openness and Transparency** - regulators should be open, and keep regulations simple and user friendly and
- **Targeted Enforcement** - regulation should be focused on the problem and minimise side effects.

4.10.7 In line with the Gambling Commission's Guidance the Council will endeavour to avoid duplication with other regulatory regimes so far as reasonably possible.

#### 4.11 Casinos

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

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

#### 4.12 Unlicensed Family Entertainment Centre gaming machine permits

4.12.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit.

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

4.12.2 uFECs will be most commonly located at seaside resorts, in airports and at motorway style service centres, and will cater for families, including unaccompanied children and young persons.

The marketing of these premises is often targeted towards under 18's and Therefore, may be a child's first experience of gambling. Prizes range from 2 pence to £5 notes or sometimes soft toys and more commonly prize redemption tickets which can be accumulated and exchanged for a higher value prize.

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



4.12.4 Under Section 238 of the Act uFECs are premises which are “wholly or mainly” used for making gaming machines available. In accordance with the Act, we will, therefore, not allow a permit to be granted for an entire shopping centre or leisure centre, for example. We will also expect gaming machines to be situated in clearly defined areas within multi-purpose premises such as, for example, Motorway Service areas. It would not, therefore, be appropriate to site a gaming machine within a row of multi-purpose machines such as vending machines, ATM machines with no clearly defined area of separation.

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

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

4.12.7 The Council will issue permits for uFECs in accordance with the following principles:

- The Licensing Objectives.
- Any relevant regulations or Codes of Practice.
- Any guidance issued by the Gambling Commission.
- The principles set out in this ‘Statement of Policy’.

4.12.8 Applicants will also be required to demonstrate to the Council:

- That the applicant has a full understanding of the maximum stakes and prizes of
- the gambling that is permissible in an unlicensed Family Entertainment Centre
- That staff are suitably trained and have a full understanding of the maximum stakes and prizes permissible in an unlicensed Family Entertainment Centre
- That the applicant has no convictions, which may have been identified as ‘relevant convictions’ for the purposes of the Act.
- That the applicant can show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- Criminal record checks have been completed for all staff.
- Appropriate measures/training for staff as regards suspected truant school children on the premises.
- Appropriate measures/training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on/or around the premises.

4.12.9 Operators must notify the Council of any material changes as soon as practically possible.

4.12.10 The Council will require the following **supporting documents** to be served with all uFEC permit applications:

- Proof of age - a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over).
- Proof that the applicant has the right to occupy the premises - acceptable evidence would be a copy of any lease, a copy of the property’s deeds or a similar document.

- A standard disclosure and barring service check for the relevant person issued within the previous month. This will be used to check that the applicant has no relevant convictions as defined in Schedule 7 of the Act.
- Evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission.
- A suitable and sufficient gambling local risk assessments where the uFEC is located adjacent to an AGC.
- A suitable and sufficient safeguarding policy.

4.12.11 A plan of the premises for which the permit is sought showing the following items:

- The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
- Where any category D gaming machines are positioned and the particular type of machines to be provided (e.g., slot machines, penny-falls, cranes)
- The positioning and types of any other amusement machines on the premises
- The location of any fixed or semi-fixed counters, booths, or offices on the premises whereby staff monitor the customer floor area
- The location of any ATM/cash machines or change machines
- The location of any fixed or temporary structures such as columns or pillars
- The location and height of any stages in the premises; any steps, stairs, elevators, balconies, or lifts in the premises
- The location of any public toilets in the building

4.12.12 The Council encourages applicants for uFEC Permits to consider adopting the British Amusement Catering Trade Association (BACTA) 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.

4.12.13 The Council can grant or refuse an application for an unlicensed Family Entertainment Centre permit. However, it cannot attach conditions to a permit.

#### **4.13 Alcohol Licensed Premises - Gaming Machine Permits**

4.13.1 There is an automatic entitlement to provide a maximum of 2 Category C and/or D gaming machines, on premises that are licensed under the Licensing Act 2003, for the sale and consumption of alcohol on the premises.  
Subject only to the proviso, that the premises licence holder must serve notice of intention upon the Licensing Authority in respect of those machines.

4.13.2 The Licensing Authority can remove the 'Licensing Act 2003 Automatic Entitlement' in respect of any premises if:

- The provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives.
- The licensee has breached the requirements of the Act.
- An offence under the Act has been committed on the premises.
- The premises are mainly used for gaming.

4.13.3 The premises must comply with the Code of Practice for gaming machines in clubs and premises with an alcohol licence issued by the Gambling Commission:

[Pubs and clubs toolkit - Gambling Commission](#)

4.13.4 All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means such as CCTV.

4.13.5 The provision of gaming machines, on premises licensed for the sale and consumption of alcohol, more than the automatic two machine entitlement, can only be authorised by way of a permit issued by the Council.

In considering any application for a permit to authorise the provision of more than two machines, on premises licensed under the Licensing Act 2003, for the sale and consumption of alcohol; the Licensing Authority will have regard to the following:

- The requirements of the Act.
- The Licensing Objectives.
- Any guidance issued by the Gambling Commission.
- Any Code of Practice issued by the Gambling Commission.
- The principles within this 'Statement of Policy'.
- Any other matters that the Council considers relevant.

The matters that the Council considers relevant will include but are not exclusive to:

- Any consultation it considers relevant by the Police and the Children's Safeguarding Partnership
- Any relevant policies
- The percentage of gross turnover the gaming machines contribute to total gross turnover of the premises and this should not be significant
- The confidence the Council has in the management of the premises.

4.13.6 In granting a permit the Council can prescribe a different number of machines to that which was applied for and can prescribe the category of machine(s) that may be permitted. However, the Council cannot attach conditions to a permit.

4.13.7 Applicants should be aware that only those premises which have a 'bar' (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants, which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food will not automatically qualify for two machines.

#### **4.14 Prize Gaming Permits**

Prize gaming is where the prize paid is not pre-determined on the number of players or amounts paid for playing, for example prize bingo.

In considering any application for a prize gaming permit the Licensing Authority will have regard to the following:

- The type of gaming that the applicant is intending to provide.
- The requirements of the Act.
- The Licensing Objectives.
- Any guidance issued by the Gambling Commission.
- Any statutory and mandatory conditions.
- The principles within this 'Statement of Policy'.

The Licensing Authority will expect the applicant to demonstrate that they understand the limits applicable to 'stakes and prizes' that are set out in Regulations and that they are able to understand and ensure that the gaming to be provided is within the law.

There are statutory and mandatory conditions in the Act which the permit holder must comply with and the Licensing Authority cannot impose any additional conditions to the grant of a permit.

#### **4.15 Club Machine Permits and Club Gaming Permits**

4.15.1 Member's Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming machines permit. Commercial Clubs can only apply for a Club Machine Permit.

4.15.2 A **Club Gaming Permit** will enable the premises to provide gaming machines (3 machines of categories B3A or B4, C or D), equal chance gaming and games of chance as set out in regulations. This is in addition to the exempt gaming authorised under S.269 of the Act.

Alternatively, a member's club (but not commercial clubs) can apply for a **Club Gaming Machine Permit** will enable the premises to provide only gaming machines (3 machines of categories B3A or B4, C or D).

**Commercial clubs** are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) which means that they should only apply for a Club Gaming Machine Permit. However, they are not able to site category B3A gaming machines offering lottery games in their club.

**NOTE: This maximum entitlement of three machines will include any machines provided by virtue of the Licensing Act 2003 entitlement; it is not in addition to that entitlement.**

4.15.3 Gambling Commission Guidance states: 'Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

4.15.4 The Council will take steps to ensure that a club is a bona fide club within the terms set out in the Act and with this in mind reserve the right to request or require sight of evidence that confirms the status of the club.

The Council may request evidence any of the follow factors for consideration in its decision-making.

- Evidence of committee members and evidence of their election by club members?
- Minutes of previous meetings (where appropriate)?
- Are there annual club accounts available for more than one year?
- Is the primary activity of the club something other than gaming?
- Does the club have a constitution, and can it provide evidence that the constitution was approved by members of the club?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Do guest arrangements link each guest to a member?
- Is the 48-hour rule being applied for membership and being granted admission being adhered to (for member clubs)
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Submission of a plan of the premises for which the permit is sought i.e. premises, boundaries, machine position, etc

4.15.5 The Council may only refuse an application for a 'Club Gaming Permit' or a 'Club Machine Permit' on the grounds that:

- The applicant does not fulfil the statutory requirements for a members' club, a commercial club or a miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- The applicant's premises are used wholly or mainly by children and/or young persons
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- A permit held by the applicant has been cancelled in the previous ten years
- An objection to the grant of a permit has been lodged by the Gambling Commission or the Police.

4.15.6 The Council is aware that there is a fast-track procedure for the issue of a permit to premises which hold a club premises certificate granted under the Licensing Act 2003. Under this fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police.

The 'fast track' process afforded to an applicant under the Licensing Act 2003 does not provide any statutory right to the issue of a permit and the Council may resolve to refuse the grant of a 'fast track' application on the following grounds:

- That the club is established primarily for gaming, other than gaming prescribed under Schedule 12 of the Act, that section relating to 'Club Gaming Permits' and 'Club Machine Permits'
- That in addition to the prescribed gaming to be provided under the permit, the applicant provides facilities for other gaming on the same premises.
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

4.15.7 No child shall be permitted to use a Category B or C gaming machines on the premises and that the holder of the Premises Licence must comply with any code of practice relevant to the location and operation of gaming machines.

#### **4.16 Temporary Use Notices (TUN)**

There are a number of statutory limits as regards Temporary Use Notices. The limits are set out in the Act as:

- A set of premises may not be the subject of Temporary Use notification for more than 21 days in a period of 12 months.
- A set of premises may be the subject of more than one Temporary Use Notice in a period of 12 months; provided that the aggregate of the periods for which the notices have effect does not exceed 21 days.

The purposes for which a Temporary Use Notice may be used are restricted by regulations, to the provision of facilities for equal chance gaming only, which must be provided by means other than 'machine gaming'.

'Equal Chance Gaming' is gaming where the participants are taking part in a gambling competition which is intended to produce a single, overall winner. An example of this would be a poker competition.

In considering whether to object to a Temporary Use Notice the Licensing Authority will have particular regard to this 'Statement of Principles', and any guidance issued by the Gambling Commission, with regard to the nature and definition of a 'premises' or a 'place'. Should the Council consider that 'Temporary Use Notices' are being employed at premises, (or for discreet parts of premises), to the extent where 'regular gambling' is thereby being provided within a given building or at a given place; then Council may object to the notice(s).

The event organiser must have an Operator Licence from the Commission and the gambling proposed must be the same as that permitted by the licence.

#### **4.17 Occasional Use Notices**

An Occasional Use Notice would be required to permit betting at a sporting event (such as a Point-to-point meeting).

With regard to 'Occasional Use Notices' (OUN's) the Licensing Authority will ensure the following:

- That the statutory limit of 8 days in a calendar year is not exceeded.
- That the subject premises can reasonable and effectively be defined as a 'track'
- That the applicant is permitted to avail himself/herself of the notice.

Further information on OUN's may be found on the Gambling Commission website: [Occasional use notices \(OUNs\) - Gambling Commission](#)

#### **4.18 General points regarding Gaming Machines**

Gaming machines are made available through a variety of permissions established by the granting of premises licences and permits. There are different categories of machine (the category will determine the level of stakes and prizes), and the number permitted to be made available for play by each operator is controlled by the licence or permit in question.

For example, the allowance for an Adult Gaming Centre will differ from a Bingo premises. The Council undertakes regular inspections of premises where licences and/or permits are in place to ensure that these requirements are complied with.

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

- Clearly display the classification (e.g., Category D) of each machine on the machine itself.
- Undertake consultation with the Licensing Authority in advance of applying screening and/or bothing to category B machines within licensed premises.
- Ensure that gaming machines situated in premises licensed to sell/ supply alcohol (authorised by way of notification of automatic entitlement and/or permit) are made available strictly in accordance with the Gambling Commission's code of practice with regards to gaming machines in alcohol-licensed premises.

#### **4.19 Small Society Lotteries**

Under the Act a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. The Council will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories. Licensed lotteries (requiring an operating licence from the Gambling Commission)

Exempt lotteries (including small society lotteries registered with North Somerset Council)

Exempt lotteries are defined as:

- Small society lotteries
- Incidental non-commercial lotteries

- Private lotteries
- Work lotteries
- Residents' lotteries
- Customer lotteries

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission guidance and the website - [Types of lottery you can run without a licence - Gambling Commission](#)

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

- 5.1 The Council will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder arising from gambling activities. This will include measures to be undertaken to prevent money laundering activities taking place.
- 5.2 The Gambling Commission, in its draft guidance for local authorities, has noted that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.” The Council Authority agrees with this statement.
- 5.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council and/or the Avon & Somerset Constabulary before making a formal application.
- 5.4 In considering licence applications, the Council will particularly consider the following:
- The design and layout of the premises
  - The training given to staff in crime prevention measures appropriate to those premises
  - Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed
  - The likelihood of any violence, public order, or policing problem if the licence is granted
  - The premises local risk assessment.
- 5.5 Where evidence is submitted that an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether Police assistance was required.

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

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

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

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

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

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

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

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

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

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

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

### **7.2 Premises considerations**

#### **7.2.1 Definition of "Premises"**

The Council will have regard to the definition of 'premises' as set out in the Section 152 of the Act to include 'any place'. In addition, that the intention of Section 152 is to prevent more than one premises licence applying to any place.

A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track, or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. Particular attention will be given to the sub-division of a single building or plot to ensure that mandatory conditions relating to access between premises are observed.

The Council will have regard to the Gambling Commission's Guidance that states 'In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.'



The Council will have regard to the clarification of guidance issued by the Gambling Commission in respect to any premises granted multiple licences. These premises may be inspected to reconsider the separation control measures put in place; any material changes noted since the granting of the application and the relevance of all these factors having regard to the promotion of the licensing objectives, in particular to the protection of children and vulnerable persons from being harmed or exploited from gambling.

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

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

Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not '**drift**' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit

There should be tangible and evident separation between premises. Adequate separation may be obtained by means of screening, walls, clear signage, PIR alarms etc.

Customers should be able to participate in the activity named on the premises licence in accordance with Social Responsibility Code 9 of the [Licence Conditions and Codes of Practice - Gambling Commission](#).

The Council may consider the following questions as relevant factors to in its decision-making, depending on all the circumstances of the case.

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?
- Has a risk assessment identified and adequately controlled risks?

[The Gambling Act 2005 \(Mandatory and Default Conditions\) \(England and Wales\) Regulations 2007 \(legislation.gov.uk\)](#) restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.

### 7.2.2 **Casinos**

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

### 7.2.3 **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises or one with a permit (such as an unlicensed family entertainment centre (uFEC)).

#### 7.2.4 Betting Shops

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

#### 7.2.5 Tracks

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

- A Casino
- An Adult Gaming Centre

#### 7.2.6 Bingo Premises

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

- A Casino
- An Adult Gaming Centre
- A Betting premises, other than a track

#### 7.2.7 Family Entertainment Centre

No customer must be able to access the premises directly from

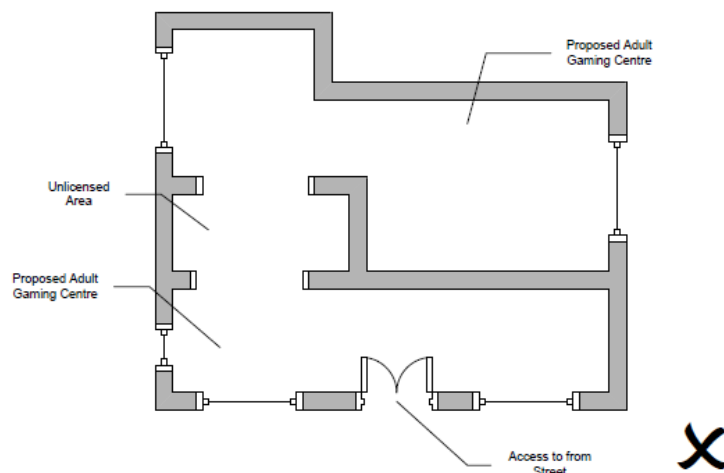
- A Casino
- An Adult Gaming Centre
- A Betting premises, other than a track

7.2.8 The Commission Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access.”

7.2.9 The Council does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.

7.2.10 Applications to place two licensed premises in one premises with an unlicensed area separating them, (see figure 1) will not meet this Policy because of the artificial nature of the premises, access, and likely use issues which will arise.

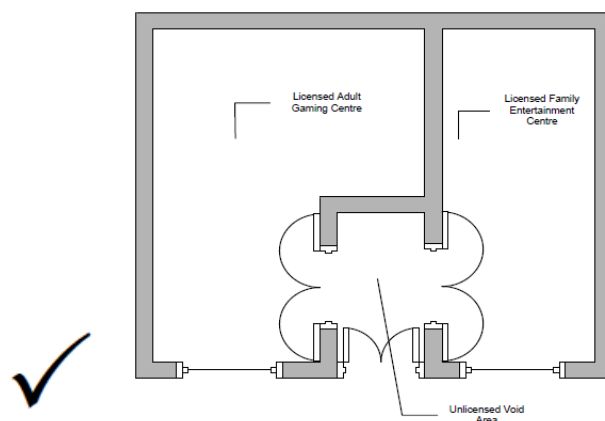
Figure 1



It is possible to have an unlicensed foyer area which separates one licensed premises from another if the foyer is accessed from the street. See Figure 2. The Council would expect as a minimum that the area should be used for non-gaming purposes such as an information point, a coffee shop or similar but must not contain any gambling information or literature promoting gambling activities.

- 7.2.11 The size of the unlicensed area is matter for each application, but the Council will not consider this configuration if the foyer is not of sufficient size to be a useable space.

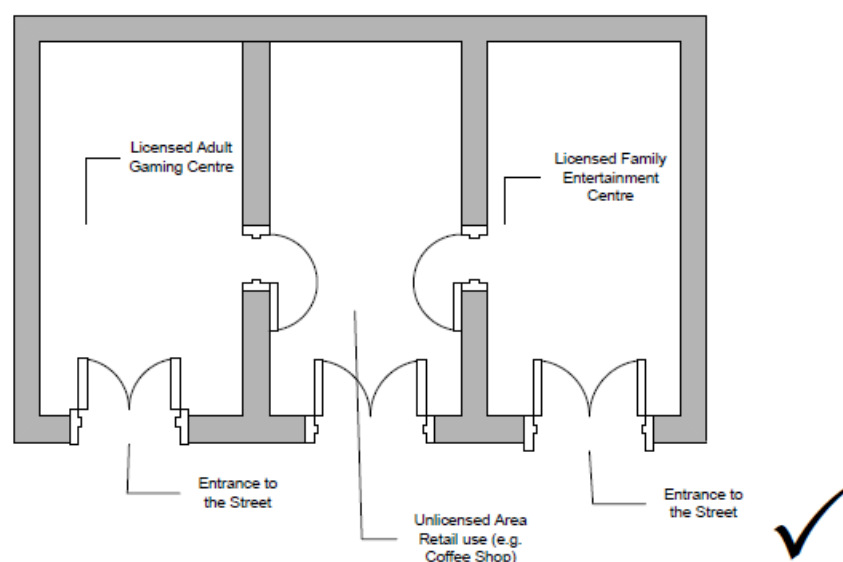
Figure 2



- 7.2.12 It may also be acceptable if a premise is separated by another non-licensed premises that have access to both licensed premises from it. An example of this could be in the form of a coffee shop which has a main entrance to the street.

The coffee shop may have access to an Adult Gaming Centre on one side and an entrance Family Entertainment Centre on the other side, see figure 3. Where a member of the public not using the gambling premises is likely to use the coffee shop it may be considered that there is no direct access between the two licensed premises.

Figure 3



- 7.2.13 Part 7 of the Gambling Commission's Guidance also contains further guidance on this issue, which this authority will also consider in its decision-making.

7.2.14 This will apply to all applications for Premises licences after the date of publication of this Statement of Policy.

### **7.3 Adult Gaming Centres**

7.3.1 In respect of Adult Gaming Centres, the Council will have specific regard to the Licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Council that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the premises.

7.3.2 The Council will expect applicants to offer their own measures and must be included in the local risk assessment to meet the Licensing Objectives. However appropriate measures and/or licence conditions may cover issues such as: *(this list is indicative only and is not exhaustive)*

- Proof of age schemes
- Closed Circuit Television Systems
- Supervision of entrances and machine areas
- Physical separation of areas
- Location of entry
- Appropriate notices and signage
- Self-exclusion schemes and the display of information regarding self-exclusion schemes.
- Provision of information leaflets and helpline numbers for organisations such as 'Gamcare'
- Identify local risks, such as proximity to schools or in an area with a high crime rate

### **7.4 (Licensed) Family Entertainment Centres**

7.4.1 In respect of (Licensed) Family Entertainment Centres, the Council will have specific regard to the Licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Council that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the 'adult only' gaming machine areas on the premises.

7.4.2 The Council will expect applicants to offer their own measures and must be included in the local risk assessment to meet the Licensing Objectives. However, appropriate measures and/or licence conditions may cover issues such as: *(this list is indicative only and is not exhaustive)*

- Proof of age schemes.
- Closed Circuit Television Systems
- Supervision of entrances and machine areas
- Physical separation of areas
- Location of entry
- Appropriate notices and signage
- Self-exclusion schemes.
- Measures/training for staff on how to deal with suspected truant school children on the premises
- Provision of information leaflets and helpline numbers for organisations such as Gamcare
- Identify local risks, such as proximity to schools or in an area with a high crime rate.

7.4.3 In determining an application for a licensed Family Entertainment Centre, the Council will have regard to any guidance issued by the Gambling Commission and any mandatory or default conditions deemed to have a positive effect. Council will have regard to any guidance or direction on how the separation and/or delineation of the 'adult only' machine areas of the premises should be achieved. Please refer to section 7.2 for more information regarding separation of premises.

## **7.5 Bingo premises licences**

7.5.1 The Council considers that if persons under 18 years of age can enter premises licensed for bingo, it is important that they do not participate in gambling, other than on category D machines. Where category C or above machines are available on premises to which persons under 18 years of age have access, the Council will require that:

- All such machines are in an area of the premises separated from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance
- Only adults are admitted to the area where the machines are located
- Access to the area where the machines are located is adequately supervised.
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
- At the entrance to and inside any such area there are notices prominently displayed, indicating that access to the area is prohibited to persons under 18.
- No under 18s may play bingo on this premises' must be displayed at each entrance to the bingo premises.

7.5.2 The Council will expect applicants to offer their own measures and must be included in the local risk assessment to meet the Licensing Objectives. However, appropriate measures and/or licence conditions may cover issues such as: *(this list is indicative only and is not exhaustive)*

- Proof of age schemes.
- Closed Circuit Television Systems
- Supervision of entrances and machine areas
- Physical separation of areas
- Location of entry
- Appropriate notices and signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets and helpline numbers for organisations such as Gamcare
- Identify local risks, such as proximity to schools.

7.5.3 In determining any application for a Bingo Premises Licence, the Council will have regard to any guidance issued by the Gambling Commission regarding the suitability and general layout and appearance of Bingo Premises (Social Responsibility Code 9 of the LCCP).

## **7.6 Betting premises licences**

7.6.1 The Council is responsible for the issue of premises licences for all betting establishments, including casinos, licensed betting offices and tracks. It is illegal for persons under 18 years of age to enter upon licensed betting premises and bet, but they may gain entry to tracks.

7.6.2 A betting premises licence gives the holder the entitlement to up to 4 Cat B2

Machines (also known as Fixed Odds Betting Terminals). Section 169 of the Act gives the Licensing Authority the power to apply conditions in specific circumstances, in such cases the Council will have regard to the following:

- The size of the premises.
- The number of counter positions available for person-to-person transactions.
- The ability of staff to monitor the use of the machines by persons under 18 years of age or vulnerable persons.

7.6.3 The Council expects applicants to offer their own measures and must be included in the local risk assessment to meet the Licensing Objectives. However appropriate measures and/or licence conditions may cover issues such as: (*this list is indicative only and is not exhaustive*)

- Proof of age schemes.
- Closed Circuit Television Systems, (CCTV).
- Supervision of entrances and machine areas
- Physical separation of areas.
- Location of entry.
- Appropriate notices and signage.
- Specific opening hours.
- Self-exclusion schemes.
- Measures / training for staff on how to deal with suspected underage access and play
  - on the premises
- Provision of information leaflets and helpline numbers for organisations such as Gamcare.
- Identify local risks, such as proximity to an area with a high crime rate or high deprivation.

## 7.7 Travelling Fairs

Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements as to the way the machines operate. They may provide an unlimited number of Category D gaming machines and/or equal chance prize gaming machines, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.

A given area of land may, by statute, only be used on 27 days per calendar year for the purposes of accommodating a fair. The statutory maximum of 27 days calendar use, applies to the land on which the fairs are held, and that use is cumulative, regardless of whether it is the same fair or a procession of different travelling fairs. The Licensing Authority may monitor fairs, (whether travelling or otherwise), which provide category D gaming machines or equal chance prize gaming machines within North Somerset, to ensure that the provision of gambling is ancillary to the amusement provided at the fair and to ensure that the statutory limits upon the annual use of the land is not exceeded.

The Licensing Authority will work with its neighbouring Licensing Authorities to ensure that any inter-authority sites which may be used for the provision of fairs, are appropriately monitored to ensure due compliance with statutory requirements.

## 7.8 Vulnerable Persons

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

- People who gamble more than they want to

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

The Council notes the Gambling Commission's guidance to protect children and other vulnerable persons from being harmed or exploited by gambling. This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will therefore consider whether specific measures are required at premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

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

North Somerset Council, as the Licensing Authority, designates the North Somerset Safeguarding Children partnership as the competent authority to provide advice on the protection of children from harm.

We expect all operators to have a safeguarding policy in relation to children and vulnerable adults. All staff will be expected to undertake training regarding:

- Vulnerability risk factors
- How to identify safeguarding issues
- How to report and record concerns

Please see **Appendix F**

## **8. Complaints about Licensed Premises**

The Council will investigate complaints about the operation of licensed premises regarding matters relating to the licensing objectives for which it has responsibility. For all customer complaints about the gambling products, complainants must raise the complaint directly with the licensee or business concerned to seek a local resolution. If they are not satisfied, they should contact the Gambling Commission.

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

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

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

## 9. Further Information

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

The Licensing Office  
North Somerset Council  
Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1UJ  
Tel: 01934 426800

E-mail: [licensing@n-somerset.gov.uk](mailto:licensing@n-somerset.gov.uk)  
Website: [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk)

Information is also available from the

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Tel: 0121 230 6666

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

**Disclaimer:** The Council wishes to make clear that the Gambling Commission's [Guidance to Local Authorities](#) (6th Edition – April 2021) was the most recent information available at the time of writing and can be the subject of change within the period that this statement of principles is in force. The Council will therefore have regard to changes in legislation, court judgements and any updated guidance issued by the Gambling Commission where it is appropriate to the application under consideration.



# Appendix A

## Map of North Somerset



## Appendix B - Table of delegations of licensing functions

MATTER TO BE DEALT WITH	FULL COUNCIL	Licensing Committee or Sub-Committee	OFFICERS
Three-year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			Executive
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premise gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as whether a representation is frivolous, vexatious, or repetitive			X

## **Appendix C**

### **Contact Details for Responsible Authorities**

<b>North Somerset Council</b>	North Somerset Council Town Hall Walliscote Grove Road Weston-super-Mare BS23 1UJ
<b>The Gambling Commission</b>	Fourth Floor Victoria Square House Victoria Square Birmingham B2 4BP
<b>Avon &amp; Somerset Constabulary</b>	Licensing Bureau PO Box 3259 Bristol BS2 2EJ
<b>Avon Fire &amp; Rescue Service</b>	Community Safety Milton Avenue Weston-super-Mare BS23 2UL
<b>Safeguarding Children Partnership</b>	North Somerset Council Children & Young Peoples services Town Hall Walliscote Grove Road Weston-super-Mare BS23 1UJ
<b>HM Customs &amp; Excise</b>	HM Revenue & Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ

## Appendix D

### Consultees

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

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

Members of the public who will be affected by this policy.

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

Interested Parties' can make representations to the Licensing Authority, in respect of an application for a 'Premises Licence', or in respect of an application for a 'Provisional Statement', submitted to the Licensing Authority by an applicant, under the Act.

Interested parties can also initiate, (or make representation in respect of), a review of a Premises Licence, the detail of which is outlined under the heading of 'Reviews'.

The Act states that a person is an 'Interested Party', if in the opinion of the Licensing Authority, that person:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities
- Has business interests that might be affected by the authorised activities, or
- Represents persons who satisfy the criteria at paragraph a) or b)
- These persons include trade associations, trade unions, and residents' and tenants' associations. However, the Licensing Authority will not generally view these bodies as interested parties, unless they have a member who satisfies the criteria in paragraphs a) or b) above; and they have written Authority of representation.

'Interested Parties' can also be persons who are democratically elected, such as Councillors, (including Town Councillors), and Members of Parliament. In such circumstances, no specific evidence of being 'asked' to represent an interested person will be required, provided the relevant Elected Member represents the ward or town likely to be affected.

### **Child sexual exploitation and Trafficking of children and young people**

This Council is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly the North Somerset safeguarding Children Partnership.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people, and prosecute perpetrators of sexual exploitation. Sharing information with the Avon and Somerset Police and North Somerset Council Child Protection service helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation and trafficking is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

Sexual exploitation of children and young people involve exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g., food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion, and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol, or cigarettes.

### **How gambling premises licence and permit holders and their employees can help tackle child sexual exploitation**

Gambling establishment licence and permit holders and their employees are in a good position to help identify victims of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders and their employees regularly encounter children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

Licence and permit holders and their employees should ask themselves the following questions when they see young and vulnerable people in their gambling premises:

- Do any of your customers appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with the Police (Tel: 101) and North Somerset County Council Child Protection Team. (Tel: 01275 888808).

