

To: Chairman and Members of the Alcohol and Gambling Licensing Committee

Councillors Jenns, Bates, Clews, Farrow, Fowler, Hobley, Jarvis, Melia, Osborne, O Phillips, Smith, Taylor, Turley, Whapples and A Wright

For the information of other Members of the Council

For general enquiries please contact Democratic Services on 01827 719221 or via email – democraticservices@northwarks.gov.

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ALCOHOL & GAMBLING LICENSING COMMITTEE AGENDA

28 JANUARY 2025

The Alcohol & Gambling Licensing Committee will meet on Tuesday 28 January 2025 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The day after the meeting a recording will be available to be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests.**

4 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members. This will not allow members of the public to speak on any licensing application being considered by the Committee if they are not a party to that application under the Licensing Act 2003. If you are a party to a hearing you will have received a notice of hearing and should respond as indicated in that notice.

Members of the public wishing to address the Board on any other issue must register their intention to do so by 9:30am two working days prior to the meeting. Participants are restricted to five minutes each.

If you wish to put a question to the meeting, please register by email to democraticservices@northwarks.gov.uk or telephone 01827 719221 / 719226 / 719237.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber;
- (b) attend remotely via Teams; or
- (c) request that the Chair reads out their written question.

The Council Chamber has level access via a lift to assist those with limited mobility who attend in person however, it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should dial the telephone number and ID number (provided on their invitation) when joining the meeting to ask their question. However, whilst waiting they will be able to hear what is being said at the meeting.

ITEMS FOR DISCUSSION AND DECISION

- 5 **Minutes of the Alcohol and Gambling Licencing Committee 30 January 2024** – copy herewith, to be approved as a correct record and signed by the Chairman.

6 **General Fund Revenue Budget – 2024/25 Forecast and 2025/26 Estimates and Fees and Charges** – Report of the Interim Corporate Director – Resources (Section 151 Officer)

Summary

This report covers the outturn forecast for 2024/25 and an estimate of expenditure for 2025/26, together with future estimates for 2026/27, 2027/28 and 2028/29. It also includes a review of the fees and charges with recommendations for increases.

The Contact Officer for this report is Akanksha Downing (719384).

7 **Gambling Act 2005 – Review of Gambling Policy Statement of Principles** – Report of the Chief Executive

Summary

The report asks the Committee to consider the adoption of the Draft Gambling Policy Statement of Principles 2025-2028 or if period of consultation is required prior to adoption.

The Contact Officer for this report is Sharon Gallagher (719292).

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE ALCOHOL AND GAMBLING LICENSING COMMITTEE

30 January 2024

Present: Councillor Jenns in the Chair

Councillors Clews, Fowler, Hobley, Jarvis, Melia, Osborne, O Phillips, Smith, Taylor, Turley, Whapples and A Wright

Apologies for absence were received from Councillors Bates and Fowler

Councillor Stuart was also in attendance.

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

2 **Minutes**

The minutes of the meeting of the Alcohol and Gambling Licensing Committee held on 24 January 2023, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

3 **General Fund Revenue Budget – 2023/24 Revised and 2024/25 Estimates and Fees and Charges**

Interim Corporate Director – Resources (Section 151 Officer) reported on the revised budget for 2023/24 and an estimate of expenditure for 2024/25, together with forward commitments for 2025/26, 2026/27 and 2027/28. It also included a review of the fees and charges for Alcohol and Gambling Licensing with recommendations for increases.

Resolved:

- a **That the revised budget for 2023/24 be accepted;**
- b **That the fees and charges, as set out in Appendix C of the report, be approved; and**

Recommendation to Executive Board:

- c **That the 2024/25 estimates be approved, as submitted in the report of the Interim Corporate Director – Resources (Section 151 Officer), be included in the budget to be brought before the meeting of the Executive Board on 12 February 2024.**

A Jenns
Chair

Agenda Item No 6

Alcohol & Gambling Licensing Committee

28 January 2025

**Report of the Interim
Corporate Director Resources
(Section 151 Officer)**

**General Fund Revenue Budget –
2024/25 Forecast and 2025/26
Estimates and Fees and Charges**

1 Summary

- 1.1 This report covers the outturn forecast for 2024/25 and an estimate of expenditure for 2025/26, together with future estimates for 2026/27, 2027/28 and 2028/29. It also includes a review of the fees and charges in Appendix C with recommendations for increases.

Recommendation to the Committee

- a To approve the estimated forecast for 2024/25;**
- b To approve the 2025/26 estimates, as presented in this report for inclusion in the overall Tax Set 2025/26 report for the Executive Board on 10 February 2025; and**
- c To approve the fees and charges as detailed in Appendix C of this report.**

2 Introduction

- 2.1 In consultation with the budget officers and Directors this report presents the Alcohol and Gambling Licensing Committee estimates for 2025/26 along with the outturn forecast for 2024/25, the detailed figures are in Appendices A and B.
- 2.2 At its meeting in November 2024, the Executive Board agreed the Medium-Term Financial Strategy (MTFS) for 2025-2029, which required savings of £1.5 million over a three-year period. This required budget savings of £500,000 in 2026/27 with additional savings of £500,000 in 2027/28 and £500,000 in 2028/29. Only limited growth was built into the strategy therefore any additional expenditure will impact on the funding position.
- 2.3 The figures for the outturn 2024/25 and the estimates for 2025/26 are presented in Table 1. The summary figures are presented at subjective level. Appendix A and B provide a more detailed breakdown of the figures. (The detailed cost centre pages are available but are not included as part of this report).

Table 1 - A Summary of the Alcohol and Gambling Licensing Committee's requirement is shown below:

	Approved Budget 2024/2025 £	Forecast Budget 2024/2025 £	Original Budget 2025/2026 £
Employee Costs	-	-	-
Premises-Related Expenditure	-		
Supplies and Services	1,400	1,400	1,400
Gross Expenditure	1,400	1,400	1,400
Income	(65,900)	(65,900)	(67,550)
Net Controllable Expenditure	(64,500)	(64,500)	(66,150)
Central Support Charges	48,440	48,440	52,800
Depreciation and Capital Charges	-	-	-
Net Expenditure	(16,060)	(16,060)	(13,350)

3 Comments on the 2024/25 Forecast Budget

3.1 The outturn forecast for 2024/25 is estimated to be a surplus of £16,060 no change.

4 Comments on the 2025/26 Estimates

4.1 The 2025/26 estimate has been prepared considering the following assumptions:

- A 3% pay award from 1 April 2025
- Increased Employers National Insurance as directed by the Government, increasing the rate from 13.8% to 15% and reducing the NI-free amount from £9,096 to £5,000 annually.
- Inflationary increases of 2.5% on premises related expenditure
- Inflationary increases of 2.5% on software maintenance, vehicle fuel and insurance
- An increase in income to reflect the increases included based on the fees and charges increases in Appendix C.

4.2 The estimated budget for 2025/26 is a surplus of £13,350 an increase in Central support recharges of £4,360 and income of £1,650 on the 2024/25 forecast budget. An overall increase in costs of £2,710 on the 2024/25 budget.

5 Income

- 5.1 Changes in the levels of fees and charges for services under the responsibility of this Board are in Appendix C. Income from increased fees and charges is expected to contribute to the achievement of income targets.

6 Risks to Services

- 6.1 The key risk to the budgetary position of the Council from services under the control of this Board is:

Fee Income – The levels of some licences are at risk from a downturn in the economy.

7 Future Year Forecasts

- 7.1 In order to assist with medium-term financial planning, Members are provided with budget forecasts for the three years following 2025/26. The table below provides a subjective summary for the Alcohol and Gambling Licensing Committee:

	Forecast Budget 2026/2027 £	Forecast Budget 2027/2028 £	Forecast Budget 2028/2029 £
Employees	-	-	-
Premises-Related Expenditure	-	-	-
Supplies and Services	1,440	1,480	1,520
Gross Expenditure	1,440	1,480	1,520
Income	(69,580)	(71,660)	(73,810)
Net Controllable Expenditure	(68,140)	(70,180)	(72,290)
Central Support Charges	54,380	56,010	57,690
Depreciation and Capital Charges	-	-	-
Net Expenditure	(13,760)	(14,170)	(14,600)

- 7.2 The forecasts given above have used several assumptions, which include pay awards of 3% in 2026/27 through 2028/29; increases in premises costs by 3%, increases in contracts and general increases in supplies and services of 3%.
- 7.3 These forecasts are built up using current corporate and service plans. Where additional resources have already been approved, these are also included. However, these forecasts will be amended to reflect any amendments to the estimates, including decisions taken on any further corporate or service targets.

8 Report Implications

8.1 Finance and Value for Money Implications

8.1.1 As detailed in the body of the report.

8.2 Environment, Climate Change and Health Implications

8.2.1 Continuing the budget strategy will allow the Council to manage its expected shortfall in resources without disruption of essential services.

8.3 Risk Management Implications

8.3.1 There are several risks associated with setting a budget, as assumptions are made on levels of inflation and demand for services. To minimise the risks, decisions on these have been taken using experience and knowledge of the past and informed by current forecasts and trends. However, the risk will be managed through the production of regular budgetary control reports, assessing the impact of any variances and the need for any further action.

8.4 Equalities Implications

8.4.1 There are no direct equalities implications arising from the proposals in this report. Each service area referred to will have regard to the Council's varying equality duties when discharging their services.

The Contact Officer for this report is Akanksha Downing (719384).

Licensing Board Alcohol & Gambling: Total

Appendix A

	Approved Budget 2024/2025 £	Forecast Budget 2024/2025 £	Variance Approved to Forecast Budget £	Original Budget 2025/2026 £	Variance Forecast to Original Budget £
Employees	-	-	-	-	-
Premises-Related Expenditure	-	-	-	-	-
Supplies & Services	1,400	1,400	-	1,400	-
Transport-Related Expenditure	-	-	-	-	-
Miscellaneous	-	-	-	-	-
Balance Sheet and Earmarked Reserves	-	-	-	-	-
Gross Expenditure	1,400	1,400	-	1,400	-
Income	(65,900)	(65,900)	-	(67,550)	(1,650)
Net Controllable Expenditure	(64,500)	(64,500)	-	(66,150)	(1,650)
Central Support Charges	48,440	48,440	-	52,800	4,360
Depreciation and Capital Charges	-	-	-	-	-
Net Expenditure	(16,060)	(16,060)	-	(13,350)	2,710

Steve Maxey

	Approved Budget 2024/2025 £	Forecast Budget 2024/2025 £	Variance Approved to Forecast Budget £	Original Budget 2025/2026 £	Variance Forecast to Original Budget £
Employees	-	-	-	-	-
Premises-Related Expenditure	-	-	-	-	-
Supplies & Services	1,400	1,400	-	1,400	-
Transport-Related Expenditure	-	-	-	-	-
Miscellaneous	-	-	-	-	-
Balance Sheet and Earmarked Reserves	-	-	-	-	-
Gross Expenditure	1,400	1,400	-	1,400	-
Income	(65,900)	(65,900)	-	(67,550)	(1,650)
Net Controllable Expenditure	(64,500)	(64,500)	-	(66,150)	(1,650)
Central Support Charges	48,440	48,440	-	52,800	4,360
Depreciation and Capital Charges	-	-	-	-	-
Net Expenditure	(16,060)	(16,060)	-	(13,350)	2,710

FEES FOR LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

SCHEDULE 1 (regulation 3)

RATEABLE VALUES AND BANDS

The breakdown of premises by NDR rateable value on which all premises based fees are calculated

Rateable Value	Band
No rateable value to £4,300	A
£4,300 to £33,000	B
£33,001 to £87,000	C
£87,001 to £125,000	D
£125,001 and above	E

SCHEDULE 2 (regulation 4(2), (3) and 6(1))

APPLICATION FEE REQUIRED FOR

PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

AND VARIATIONS TO LICENCES/CLUB PREMISES CERTIFICATES

Band	Fee		
	NET CHARGE	VAT RATING	TOTAL CHARGE
	£		£
A	100.00	Outside Scope	100.00
B	190.00	"	190.00
C	315.00	"	315.00
D	450.00	"	450.00
E	635.00	"	635.00

Band	Multiplied fee if primarily selling alcohol		
	NET CHARGE	VAT RATING	TOTAL CHARGE
	£		£
A	N/A	Outside Scope	N/A
B	N/A	"	N/A
C	N/A	"	N/A
D	900.00	"	900.00
E	1,905.00	"	1,905.00

SCHEDULE 3 regulation 4(4)

ADDITIONAL FEE

Number of persons	Additional Fee		
	NET CHARGE	VAT RATING	TOTAL CHARGE
	£		£
5,000 to 9,999	1,000.00	Outside scope	1,000.00
10,000 to 14,999	2,000.00	"	2,000.00
15,000 to 19,999	4,000.00	"	4,000.00
20,000 to 29,999	8,000.00	"	8,000.00
30,000 to 39,999	16,000.00	"	16,000.00
40,000 to 49,999	24,000.00	"	24,000.00
50,000 to 59,999	32,000.00	"	32,000.00
60,000 to 69,999	40,000.00	"	40,000.00
70,000 to 79,999	48,000.00	"	48,000.00
80,000 to 89,999	56,000.00	"	56,000.00
90,000 and over	64,000.00	"	64,000.00

NORTH WARWICKSHIRE BOROUGH COUNCIL
LICENSING COMMITTEE - ALCOHOL AND GAMING
FEES AND CHARGES FROM 1 APRIL 2025

Appendix C

FEES FOR LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

SCHEDULE 5 (regulation 5, 7)

ANNUAL FEE

PART 1

Required by each premises licence/club certificate annually after November 2006

There are exceptions

Band	Fee		
	NET CHARGE	VAT RATING	TOTAL CHARGE
	£		£
A	70.00	Outside Scope	70.00
B	180.00	"	180.00
C	295.00	"	295.00
D	320.00	"	320.00
E	350.00	"	350.00

Band	Multiplied fee if primarily selling alcohol		
	NET CHARGE	VAT RATING	TOTAL CHARGE
	£		£
A	N/A	Outside Scope	N/A
B	N/A	"	N/A
C	N/A	"	N/A
D	640.00	"	640.00
E	1,050.00	"	1,050.00

PART 2 (see comment on schedule5)

Number	Additional Fee		
	NET CHARGE	VAT RATING	TOTAL CHARGE
	£		£
5,000 to 9,999	500.00	Outside Scope	500.00
10,000 to 14,999	1,000.00	"	1,000.00
15,000 to 19,999	2,000.00	"	2,000.00
20,000 to 29,999	4,000.00	"	4,000.00
30,000 to 39,999	8,000.00	"	8,000.00
40,000 to 49,999	12,000.00	"	12,000.00
50,000 to 59,999	16,000.00	"	16,000.00
60,000 to 69,999	20,000.00	"	20,000.00
70,000 to 79,999	24,000.00	"	24,000.00
80,000 to 89,999	28,000.00	"	28,000.00
90,000 and over	32,000.00	"	32,000.00

SCHEDULE 6 (Regulation 8)

PRESCRIBED FEES FOR PERMITTED TEMPORARY ACTIVITIES,
PERSONAL LICENCES AND MISCELLANEOUS

Application or notice	Fee		
	NET CHARGE	VAT RATING	TOTAL CHARGE
	£		£
section 25 (theft, loss, etc. of premises licence or summary)	10.50	Outside Scope	10.50
section 29 (application for a provisional statement where premises being built etc.)	315.00	"	315.00
section 33 (notification of change of name or address)	10.50	"	10.50
section 37 (application to vary licence to specify individual as premises supervisor)	23.00	"	23.00
section 42 (application for transfer of premises licence)	23.00	"	23.00
section 47 (interim authority notice following death etc. of licence holder)	23.00	"	23.00
section 79 (theft, loss etc. of certificate or summary)	10.50	"	10.50
section 82 (notification of change of name or alteration of rules of club)	10.50	"	10.50
section 83(1) or (2) (change of relevant registered address of club)	10.50	"	10.50
section 100 (temporary event notice)	21.00	"	21.00
section 110 (theft, loss etc. of temporary event notice)	10.50	"	10.50
section 117 (application for a grant of personal licence)	37.00	"	37.00
section 126 (theft, loss etc. of personal licence)	10.50	"	10.50
section 127 (duty to notify change of name or address)	10.50	"	10.50
section 178 (right of freeholder etc. to be notified of licensing matters)	21.00	"	21.00
Minor variations	89.00	"	89.00
Section 410 (application to vary premises licence to include alternative licence condition) where the only variation sought is the inclusion of the alternative licence condition	23.00	"	23.00

NORTH WARWICKSHIRE BOROUGH COUNCIL
LICENSING COMMITTEE - ALCOHOL AND GAMING
FEES AND CHARGES FROM 1 APRIL 2025

Appendix C

FEES UNDER THE GAMBLING ACT 2005

	Conversion Fast-track application TOTAL CHARGE	Conversion Non Fast-track application TOTAL CHARGE
Premises Type	£	
Regional Casino	N/A	N/A
New Large Casino	N/A	N/A
New Small Casino	N/A	N/A
Existing Casinos	240.00	1,600.00
Bingo Premises	240.00	1,400.00
Adult Gaming Centre	240.00	800.00
Betting Premises Tracks	240.00	1,000.00
Family Entertainment Centres	240.00	800.00
Betting Premises (other)	240.00	1,200.00
	Non-conversion application Provisional statement premises TOTAL CHARGE	Non-conversion application Other premises (i.e. new) TOTAL CHARGE
Premises Type	£	£
Regional Casino	6,400.00	12,000.00
New Large Casino	4,000.00	8,000.00
New Small Casino	2,400.00	6,400.00
Existing Casinos	N/A	4,000.00
Bingo Premises	960.00	2,800.00
Adult Gaming Centre	960.00	1,600.00
Betting Premises Tracks	760.00	2,000.00
Family Entertainment Centres	760.00	1,600.00
Betting Premises (other)	960.00	2,400.00
	Annual Fee TOTAL CHARGE	Variation TOTAL CHARGE
Premises Type	£	£
Regional Casino	12,000.00	6,000.00
New Large Casino	8,000.00	4,000.00
New Small Casino	4,000.00	3,200.00
Existing Casinos	2,400.00	1,600.00
Bingo Premises	800.00	1,400.00
Adult Gaming Centre	800.00	800.00
Betting Premises Tracks	800.00	1,000.00
Family Entertainment Centres	600.00	800.00
Betting Premises (other)	480.00	1,200.00

NORTH WARWICKSHIRE BOROUGH COUNCIL
LICENSING COMMITTEE - ALCOHOL AND GAMING
FEES AND CHARGES FROM 1 APRIL 2025

Appendix C

FEES UNDER THE GAMBLING ACT 2005

	Transfer of licence	Reinstatement fee
	TOTAL	TOTAL
	CHARGE	CHARGE
Premises Type	£	£
Regional Casino	5,200.00	5,200.00
New Large Casino	1,720.00	1,720.00
New Small Casino	1,440.00	1,440.00
Existing Casinos	1,080.00	1,080.00
Bingo Premises	960.00	960.00
Adult Gaming Centre	960.00	960.00
Betting Premises Tracks	760.00	760.00
Family Entertainment Centres	760.00	760.00
Betting Premises (other)	960.00	960.00

	Provisional statement	Change of circumstances
	TOTAL	TOTAL
	CHARGE	CHARGE
Premises Type	£	£
Regional Casino	12,000.00	50.00
New Large Casino	8,000.00	50.00
New Small Casino	6,400.00	50.00
Existing Casinos	N/A	50.00
Bingo Premises	2,800.00	50.00
Adult Gaming Centre	1,600.00	50.00
Betting Premises Tracks	2,000.00	50.00
Family Entertainment Centres	1,600.00	50.00
Betting Premises (other)	2,400.00	50.00
Temporary use notice	250.00	N/A

	Copy of licence
	TOTAL
	CHARGE
Premises Type	£
Regional Casino	25.00
New Large Casino	25.00
New Small Casino	25.00
Existing Casinos	25.00
Bingo Premises	25.00
Adult Gaming Centre	25.00
Betting Premises Tracks	25.00
Family Entertainment Centres	25.00
Betting Premises (other)	25.00

NORTH WARWICKSHIRE BOROUGH COUNCIL
LICENSING COMMITTEE - ALCOHOL AND GAMING
FEES AND CHARGES FROM 1 APRIL 2025

Appendix C

FEES UNDER THE GAMBLING ACT 2005

	TOTAL CHARGE £
LICENSED PREMISES GAMING MACHINE PERMIT	
Occasion on which fee may be payable	
Grant	150.00
Existing operator Grant	100.00
Variation	100.00
Transfer	25.00
Annual Fee	50.00
Change of name	25.00
Copy of Permit	15.00
LICENSED PREMISES AUTOMATIC NOTIFICATION PROCESS	
Occasion on which fee may be payable	
On notification	50.00
CLUB GAMING PERMITS	
Occasion on which fee may be payable	
Grant	200.00
Grant (Club Premises Certificate holder)	100.00
Existing operator Grant	100.00
Variation	100.00
Renewal	200.00
Renewal (Club Premises Certificate holder)	100.00
Annual Fee	50.00
Copy of Permit	15.00
CLUB MACHINE PERMITS	
Occasion on which fee may be payable	
Grant	200.00
Grant (Club Premises Certificate holder)	100.00
Existing operator Grant	100.00
Variation	100.00
Renewal	200.00
Renewal (Club Premises Certificate holder)	100.00
Annual Fee	50.00
Copy of Permit	15.00
FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS	
Occasion on which fee may be payable	
Grant	300.00
Renewal	300.00
Existing operator Grant	100.00
Change of name	25.00
Copy of Permit	15.00
PRIZE GAMING PERMITS	
Occasion on which fee may be payable	
Grant	300.00
Renewal	300.00
Existing operator Grant	100.00
Change of name	25.00
Copy of Permit	15.00
SMALL LOTTERY REGISTRATION	
Grant	40.00
Annual Fee	20.00

Agenda Item No 7

Alcohol & Gambling Committee

28 January 2025

Report of the Chief Executive

**Gambling Act 2005 – Review of
Gambling Policy Statement of
Principles**

1 Summary

- 1.1 The report asks the Committee to consider the adoption of the Draft Gambling Policy Statement of Principles 2025-2028 or if period of consultation is required prior to adoption.

Recommendation to the Committee

That the final draft Gambling Policy Statement of Principles 2025-2028 (Appendix A) is adopted with no consultation or sent out for consultation prior to adoption.

2 Report

- 2.1 Section 349 of the Gambling Act 2005 (the Act) requires all licensing authorities to prepare and publish a statement of principles, commonly known as the Statement of Policy, that they propose to apply in exercising their functions under the Act.
- 2.2 The Council must also keep the Policy under review during those three years, and, if necessary revise the statement and publish the revisions. In practice, the Statement of Policy prepared for each three-year period will itself be a revision of the Policy already in force incorporating any necessary updates including any matters highlighted during the consultation.
- 2.3 This authority published its first policy statement in January 2007. This was reviewed and further policies published in January 2010, 2013, 2016, 2019 and January 2022. It is proposed, subject to Members' approval, to publish this policy following the full Council meeting, however if members elect for a period of consultation, then publication would take place on conclusion of that and following the next meeting of full council.
- 2.4 This policy has been reviewed in conjunction with the other Warwickshire District and Borough Councils and Coventry City Council who will all be adopting similar policies at approximately the same time. The new policy does not differ from the previous one to any material extent, only minor updating having been carried out, such as references to Data Sharing, Data Security and Equality.

3 Report Implications

3.1 Finance and Value for Money Implications

3.1.1 There are no finance or value for money implications contained in the report.

3.2 Safer Communities Implications

3.2.1 Having an effective gambling policy will assist the Council in meeting the licensing objectives of the Gambling Act 2005, namely: -

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

3.3 Legal, Data Protection and Human Rights Implications

3.3.1 As indicated in the body of the report, the Council has a duty under the Gambling Act to prepare a Statement of Licencing Policy every three years and keep the policy under revision. The Council must therefore now adopt a further policy under the Act. The Act states that the Council may not delegate the function of preparing the Policy and, therefore, the final decision must be made by Full Council.

3.3.2 When exercising its functions under the Act in relation to licensing of premises used for gambling, the Council must do so in accordance with its Statement of Policy, along with the other principles set down in the Act.

3.3.3 The Council will act in accordance with the Gambling Act 2005 in its exchange of information which includes that the UK General Data Protection Regulations and the Data Protection Act 2018 will not be contravened. The Council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. The Gambling Act also allows the exchange of information with persons or bodies for them to exercise their functions under the Act which are listed in Schedule 6 (1).

3.4 Environment, Sustainability and Health Implications

3.4.1 There are no adverse environmental implications in the report. The policy will help maintain the quality of the environments by setting out the Council's expectations or licence holders in terms of promoting the licensing objectives.

3.5 Health, Wellbeing and Leisure Implications

3.5.1 Proper regulation of gambling advances leisure opportunities, whilst protecting health and wellbeing.

3.6 Human Resources Implications

3.6.1 There are no human resource implications contained with the report.

3.7 Risk Management Implications

3.7.1 There is a risk that if the Council does not adopt this policy it is more likely that it could face legal challenges over its decisions.

3.8 Equalities Implications

3.8.1 There are no negative impacts or opportunity for any known group.

3.9 Links to Council's Priorities

3.9.1 Enhancing community involvement and access to services.
Protecting and improving our environment.
Working with our partners to tackle crime, the fear of crime and anti-social behaviour.

The Contact Officer for this report is Sharon Gallagher (719292).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date



North Warwickshire
Borough Council

Gambling Act 2005

Gambling Policy Statement of Principles 2025 - 2028

IMPORTANT NOTE

In producing this statement, the Licensing Authority is aware that the Government may amend the gambling Act 2005, subordinate legislation and statutory guidance. Any such amendments made in the future will only be incorporated into subsequent policy statements and not this document. Readers are advised to check on the Gambling Commission website to ensure they have the latest information.

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GAMBLING ACT 2005
GAMBLING POLICY
STATEMENT OF PRINCIPLES

1. Introduction

1.1 North Warwickshire Borough Council, as the Licensing Authority (referred to in this Statement as the Authority), makes this Statement of Principles in pursuance of its powers and duties under Section 349 of the Gambling Act 2005 (referred to in this Statement as “the Act”) and sets out the Authority’s approach in dealing with its responsibilities under the Act.

1.2 North Warwickshire Borough is a largely rural area surrounded by large urban areas such as Birmingham, Coventry and Nuneaton, with a population of around 65,000 people. There are four main centres of population – the towns of Atherstone and Coleshill and the large villages of Polesworth and Kingsbury and smaller settlements in nineteen parishes.

1.3 List of Consultees

The Authority has consulted the following on the content of this Statement of Principles:
-

- Responsible Authorities;
- Holders of existing licences, permits and registrations;
- Councillors and Parish Councils;
- Representatives of businesses;
- Representatives of persons carrying on gambling businesses in North Warwickshire;
- Local bodies representing consumers and tourism;
- Local bodies representing vulnerable persons;
- Departments within the Council with an interest in the licensing of gambling;

1.4 In preparing this statement, the Authority has had regard to the provisions of the Act, the Guidance issued by the Gambling Commission, Regulations made by the Secretary of State and responses to its consultations.

2. Gambling Act 2005

2.1 The Act specifies licensing objectives which are central to the regulatory regime, these are: -

- **preventing gambling from being a source of crime and 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;**

2.2 In carrying out the licensing function under the Act the Authority will aim to permit the use of premises for gambling as long as it is considered to be: -

- **in accordance with any relevant Codes of Practice issued by the Gambling Commission;**

- **in accordance with any relevant Guidance issued by the Gambling Commission;**
- **in accordance with this Statement of Principles; and**
- **reasonably consistent with the licensing objectives;**

2.3 The Act provides for 3 categories of licence: -

- operating licences;
- personal licences; and
- premises licences;

2.4 The Authority will be responsible for issuing premises licences. The Gambling Commission will be responsible for issuing operating and personal licences.

2.5 This statement will come into force on 31st January 2022 and will have effect until 30th January 2025 being kept under review and revised or amended as required following consultation.

3. Authorised Activities

3.1 'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery: -

- gaming means playing a game of chance for a prize;
- betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring; or whether anything is true or not;
- a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance;

3.2 The main functions of the Authority are to: -

- licence premises for gambling activities;
- grant permits for gambling and gaming machines in clubs;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider notices given for the temporary use of premises for gaming;
- receive occasional use notices for betting at tracks; and
- register small societies lotteries;

3.3 Spread Betting is a form of betting in which the bettor wins or loses money according to the margin by which the value of a particular outcome varies from the spread of expected values quoted by the bookmaker and is regulated by the Financial Services Authority.

Remote Gambling is dealt with by the Gambling Commission and is defined by the Gambling Act 2005 as gambling in which persons participate by the use of remote communication: -

- the internet;
- telephone;
- television;
- radio;

- any other kind of electronic or other technology for facilitating communication;

The National Lottery is regulated by Gambling Commission.

4. General Statement of Principles

- 4.1 The Authority recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs, amusement arcades and racing tracks.
- 4.2 In carrying out its licensing functions the Authority will have regard to guidance issued by the Gambling Commission.
- 4.3 The Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation. This statement of principles will avoid duplication with other regulatory regimes wherever possible. In considering applications, and taking enforcement action, under the Gambling Act the Authority will have regard to the provisions of the Human Rights Act.
- 4.4 To ensure the licensing objectives are met the Authority will establish a close working relationship with the police, the Gambling Commission and other responsible authorities.
- 4.5 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Authority has considered the Gambling Commission's Guidance to local authorities. However, the overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits. The Authority cannot take into account any moral objections to gambling.
- 4.6 In its Guidance to Local Authorities the Gambling Commission suggest that Authorities should adopt a "Local Area Profile". A Local Area Profile is created by gathering information about a locality and any particular areas of concern within that locality. Where evidence is submitted to the Authority which identifies any areas of concern it is intended to produce a Local Area Profile separate to this Statement. Once adopted, the Local Area Profile would assist the Authority and Operators in identifying specific local risks within the District.

5. Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime

- 5.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling or being associated with providing such facilities.
- 5.2 When applying to the Authority for a premises licence the applicant will have to hold an operating licence from the Commission before a licence can be issued so the Authority will not be concerned with the suitability of the applicant. Where concerns about a person's suitability arise, the Authority will bring those concerns to the attention of the Commission. The Authority will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commissions Guidance, codes of practice and this gambling policy.

- 5.3 The Authority will expect the applicant to have a good understanding of the local area in which they either operate or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in the policy and demonstrate that in operating the premises they will be reasonably consistent with the objective. Operators need to be aware of how the operation of their premises may impact on this objective. The Authority will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out.
- 5.4 To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria

Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.

Considerations:

- Where an area is known for high levels of crime the Authority will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors;
- Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime;
- Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder;
- Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid being apprehended;
- The Authority will also consider the location of the premises in the context of this licensing objective. If an application is received in relation to premises that are in an area noted for particular problems with organised crime or a premises that have previously been a focus for antisocial behaviour, the Authority will expect applicants to demonstrate that they have sufficient measures in place to prevent or deter people involved from using their premises and will also consider conditions being put on the licence to promote this licensing objective;
- Whilst issues of nuisance are not included specifically in the gambling objectives and cannot be addressed via the Gambling Act, the Authority may consider, when making decisions on the applications for premises licences, that extreme instances of public nuisance and/or persistent public nuisance may constitute disorder and/or crime for the purposes of this objective;

6. Ensure Gambling is conducted in a fair and open way

- 6.1 Generally the Commission would not expect 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.
- 6.2 In relation to the licensing of tracks the Authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

Criteria

Whether the premises will operate measures that will ensure that the gambling activity is conducted in a fair and open way.

Considerations: -

- Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way;
- Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way;
- Whether the management and operation of the premises is open and transparent;
- Whether the operators of the premises have been or will be fully cooperative with enforcement agencies;
- Whether the Commission's Codes of Practice have been complied with;

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

- 7.1 The Gambling Commission's Guidance states that one of the aims of this objective means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at or are, particularly attractive to children).
- 7.2 The Act and Gambling Commission Guidance does not define the term "vulnerable". For regulatory purposes and the Commission states that it assumes "vulnerable persons" includes:
- people who gamble more than they want to;
 - people who are gambling beyond their means; and
 - people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs;

This is the definition the Authority will use in its consideration of applications.

- 7.3 This Authority will pay particular attention to any codes of practice, which the Gambling Commission issues in relation to specific premises. It will consider this licensing objective on a case-by-case basis, and where necessary add conditions to promote this objective.

- 7.4 To protect children and other vulnerable persons from being harmed or exploited by gambling, the Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria

Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

Considerations:

- Whether the operator has a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
- If the premises is an adult only environment, whether the operator has taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas;
- Whether there is provision for self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare;
- Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
- Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
- Whether any promotional material associated with the premises could encourage the use of the premises by children or young people;
- The Authority will also consider the location of the premises in the context of this licensing objective. If an application for a gambling premises is received for a location within a sensitive area or in close proximity to what are considered to be sensitive areas the Authority will expect applicants to demonstrate that they have sufficient and suitable control measures in place to promote this licensing objective;

8. Premises Licences

- 8.1 Section 150 of the Act permits the issue of premises licences authorising the provision of facilities at the following: -

- casino premises;
- bingo premises;
- betting premises, including tracks and premises used by betting intermediaries;
- adult gaming centres;
- family entertainment centres;

- 8.2 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts

can be genuinely regarded as being different 'premises'.

- 8.3 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised, and that people are not allowed to 'drift' accidentally into a gambling area.
- 8.4 Where the Authority has concerns about the use of premises for gambling it will seek to address this through licence conditions wherever possible.
- 8.5 Other than an application for a betting premises licence in respect of a track, the Authority is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 8.6 When considering applications for premises licences the Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission being granted.
- 8.7 The Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

9. Location

- 9.1 This Authority is aware that demand issues cannot be considered with regard to the location of premises. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The authority will pay particular attention to the suitability of a location for gambling activity in terms of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 9.2 Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them. The supporting information may contain the following information:
- how the premises will restrict access to children, young people or other vulnerable persons;
 - whether a proof of age scheme is being used;
 - will the appropriate number of security staff be employed at appropriate times;
 - will opening times be set so that the premises are not open during school start and finish times;
 - what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc;

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

- 9.3 The Authority will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people,

including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives.

- 9.4 It should be noted that each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome. This may be achieved by local Risk Assessments.

10. Primary Activity

- 10.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. The Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity and will have regard to the advice which it issues from time to time. Applicants are expected to operate premises in line with the Commission's Guidance and conditions on their operators licence. The Authority will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed.
- 10.2 It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

11. Responsible Authorities

- 11.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Authority if they are relevant to the licensing objectives.
- 11.2 Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. In relation to the Authority's area, these are:
- The Authority itself
 - The Gambling Commission
 - The chief officer of police/chief constable for the area in which the premises is wholly or partially situated;
 - The fire and rescue authority for the same area;
 - The local planning authority;
 - An authority with functions in relation to pollution of the environment or harm to human health;
 - A body designated in writing by the Authority as competent to advise about the protection of children from harm (see paragraphs 11.3 and 11.4 set out below);
 - HM Revenue & Customs; and
 - Any other person prescribed in regulations by the Secretary of State;

Section 211(4) provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is to be used for licensable activities.

- 11.3 The Authority is required to set out the principles to be applied in exercising its powers to designate, in writing, a body which is competent to advise about the protection of children from harm. The principles applied in designating such a body are:

- the body must be responsible for covering the whole of the Authority's area: and
- the body should be answerable to democratically elected persons rather than any particular vested interest groups etc;

11.4 Details of the body designated for North Warwickshire Borough Council, Strategic Commissioning People Group. Details of this and all other responsible authorities are available on www.northwarks.gov.uk or in printed form available from the Authority.

12. Interested Parties

12.1 Interested parties can make representations about licence applications or apply for a review of an existing licence based on the principles detailed in section 2 of this policy statement.

An interested party is someone who: -

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons in either of the two groups above;

12.2 The principles the Authority will apply to determine whether a person is an interested party are: -

- Interested parties could include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 e.g., lives sufficiently close to the premises or has business interests likely to be affected by the activities being applied for;
- Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient;
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities;

12.3 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application or in any other way have a personal interest that would preclude them from participating in a hearing. If there are any doubts, then please contact the licensing team for advice;

12.4 It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance;

13. Representations

- 13.1 The Authority is obliged to consider representations from ‘responsible authorities’ and ‘interested parties’ and must determine whether or not representations are admissible. A representation is inadmissible if not made by a responsible authority or an interested party.
- 13.2 The only representations likely to be relevant are those that relate to the licensing objectives, or that raise issues under this statement or the Commissions guidance or codes of practice. The Authority must determine the relevance of the representation.
- 13.3 Any concerns that responsible authorities have in relation to their own functions cannot be taken into account if they are not relevant to the application for a premises licence and the licensing objectives.
- 13.4 The Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but before coming to a decision the Authority may consider the following:
- who is making the representation and whether there is a history of making representations that are not relevant;
 - whether it raises a ‘relevant’ issue or not; or
 - whether it raises issues specifically to do with the premises which are the subject of the application;

14. Conditions of Licence

- 14.1 Premises licenses are subject to mandatory and default conditions and that these conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.
- 14.2 Conditions imposed by the Authority may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence.
- 14.3 The Authority will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission’s Guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.
- 14.4 Any conditions imposed by the Authority will be proportionate to the circumstances they are intended to address. In particular, the Authority will ensure that any conditions are:
- relevant to the need to make the premises suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and;
 - reasonable in all other respects;
 - decided on a case-by-case basis;
- 14.5 The Authority will not consider imposing conditions: -

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
- relating to gaming machine categories, numbers or method of operation;
- which specify that membership of a club or other body is required; and
- in relation to stakes, fees, winnings or prizes;

15. Casinos

- 15.1 The Authority has already considered its position under Section 166 of the Gambling Act 2005 regarding the application for a casino and has passed a 'no casino' resolution.

16. Gaming Machines in Gaming Premises

- 16.1 The Authority is aware of its power to restrict the number of gaming machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.
- 16.2 In the event that the Authority considers whether to impose such a condition on any particular licence it may, among other things, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

17. Bingo

- 17.1 Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licence, for that or those excluded areas.
- 17.2 Section 172(7) of the Act provides that the holder of bingo premises licences may make available for use a number of category B gaming machines for use on the premises.
- 17.3 This Authority also notes the Commissions Guidance in the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted. It is not permissible for all of the gaming machines to which each of the licenses brings an entitlement to be grouped together within one of the licensed premises.
- 17.4 The playing of bingo specifically in alcohol-licensed premises, clubs and miners welfare institutes is permissible under the exempt gaming allowances. Where the level of bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a bingo operating licence will be required by the commission.
- 17.5 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- 17.6 Commercial bingo halls will require a bingo premises licence from the Council
- 17.7 Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people

are allowed, local authorities will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is 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; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18;

18.0 Tracks

- 18.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 18.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Authority are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 18.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 18.4 When considering whether to exercise its power to restrict the number of betting machines at a track the Authority will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

19. Temporary Use Notices

- 19.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 19.2 The Authority can only accept a Temporary Use Notice from a person or company holding a relevant operating licence.
- 19.3 Regulations prescribed by the Secretary of State provide that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, for example games such as backgammon, cribbage, bingo and poker.

19.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 14 of the Gambling Commission Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

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

20. Occasional Use Notices

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

21. Gaming Machines

21.1 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be a gaming machine.

21.2 The Authority is aware of its power to restrict the number of gaming machines in certain circumstances. In the event that the Authority considers whether to impose such a restriction on any particular permit it may, among other things, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

21.3 The Authority will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access and would include take-away premises, taxi offices, supermarkets etc.

22. Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits

22.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

22.2 Guidance also states that an application for a permit may be granted only if the Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application, Licensing Authorities may wish to consider asking applications to demonstrate:

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

- 22.4 It should be noted that a Authority cannot attach conditions to this type of permit.
- 22.5 With regard to renewals of these permits, a Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

23. (Alcohol) Licensed Premises Gaming Machine Permits

23.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Authority. The Authority can remove the automatic authorisation in respect of any particular premises if: -

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

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

This Authority considers that “such matters” will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

23.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for the use of gaming machines in their non-alcohol licensed areas. Any such application would need to be applied for and dealt with as an Adult Gaming Centre premises licence.

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

23.5 It should also be noted that the holder of a permit must comply with Gaming Machines in Alcohol Licensed Premises Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

24. Prize Gaming Permits

- 24.1 In making its decision on an application for this permit the Authority does not need to but may have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 24.2 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but the Authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling;

25. Club Gaming and Club Machine Permits

- 25.1 Members' Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (three machines of categories B, C or D).
- 25.2 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. It is anticipated that this will cover bridge and whist clubs, which will replicate 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.
- 25.3 Licensing authorities may only refuse an application on the grounds that: -
- the applicant does not fulfil the requirements for a members' or Commercial Club or Miners' Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
 - 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; or
 - an objection has been lodged by the Commission or the police;
- 25.4 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Gambling Commission Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are: -
- that the club is established primarily for gaming, other than gaming prescribed under

schedule 12

- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled.”

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

26. Lotteries

26.1 In carrying out its functions in relation to Lotteries, the Authority will have regard to the Act, any guidance issued by the Commission from time to time and any Regulations issued by the Secretary of State.

26.2 The Act makes it illegal to promote lotteries unless they are licensed or within an exempt category. One such exemption relates to registered small society lotteries and the Authority is responsible for registering small society lotteries, which are promoted by non-commercial organisations that are established for: -

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

27. Exchange of Information

27.1 The principle that the Authority will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the General Data Protection Regulation will not be contravened. The Authority will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

28. Enforcement

28.1 The Authority will liaise with the Gambling Commission and other enforcing authorities on enforcement issues and will look to carry out joint inspections. The targeting of resources towards high-risk premises and activities that require greater attention will provide a more efficient deployment of the Council's officers and other officers that are commonly engaged in enforcing gambling law and inspection of licensed premises. A lighter touch will apply in respect of low-risk premises, which are well run.

28.2 The Council's approach to enforcement will be based on identified risk and will take into account: -

- Relevant codes of practice;
- Guidance issued by the Gambling Commission;
- The licensing objectives;
- The principles set out in this statement of gambling policy;

- 28.3 In general, action will only be taken in accordance with the principles of the Regulatory Compliance Code, Authority Enforcement Policy and the relevant provisions of the Regulatory Enforcement and Sanctions Act 2008. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 28.4 The Council will also be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects;
- 28.5 In accordance with the Gambling Commission Guidance to Authorities the Council will endeavour to avoid duplication with other regulatory regimes as far as possible.
- 28.6 The main enforcement and compliance role for this Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority but will be notified to the Gambling Commission.

29. The Licensing Process

- 29.1 The powers of the Council as an Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or, instead, by one or more Council officers acting under delegated authority. The Council has adopted the following scheme of delegation: -

Matters to be dealt with	Full Council	Full Committee	Sub Committee	Officers
Three-year Gambling Policy	X			
Policy not to permit casinos	X			
Fee Setting – when appropriate		X		
Application for premises licence			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 and not withdrawn	Where no representations received/representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises licence/club premises certificate			X	

Application for club gaming/club machine permits	Where objections have been made and not withdrawn.	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits	X	
Applications for other permits/registration of small society lotteries		X
Cancellation of licensed premises gaming machine permits		X
Consideration of temporary use notice		X
Decision to give a counter notice to a temporary use notice	X	
Decision on whether a complaint is irrelevant frivolous vexatious etc		X
Decision as Responsible Authority to call for a Review of a Premises Licence		X

29.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. From 6th April 2016 applicants should carry out a risk assessment before they apply for a premises licence or to vary a premises licence.

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

- The location of services for children such as schools, playgrounds. Leisure/community centres and other areas where children will gather;
- The demographics of the area in relation to vulnerable groups;
- Whether the premises is in an area subject to high levels of crime and/or disorder;

Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected. Local risk assessment or copies of local risk assessments must be kept on the premises for inspection by any Proper Officer. In undertaking their risk assessments, they must take into account relevant matter identified in this Statement of Principles.

29.4 Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from the Authority, including contact names for each of the

responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

- 29.5 The Act requires authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request copies of the entries. The register will be located at: -

Licensing Team
 North Warwickshire Borough Council
 South Street
 Atherstone
 Warwickshire
 CV9 1DE
 Tel: 01827 715341
 email: licensing@northwarks.gov.uk
 Website: <https://www.northwarks.gov.uk>

30 Data Sharing and Data Security

The Council will act in accordance with the Gambling Act 2005 in its exchange of information which includes that the UK General Data Protection Regulations and the Data Protection Act 2018 will not be contravened. The Council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. The Gambling Act also allows the exchange of information with persons or bodies for them to exercise their functions under the Act which are listed in Schedule 6 (1).

The Council details its approach to the protection of and access for information on the Council's website.

31 Equality

The Council aims to act positively to reduce inequality, to work against discrimination and to promote and create access to services by everyone, irrespective of their age, disability, race, gender, sexuality, cultural or social background, religion or belief. More information can be found on the Council's website".

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