

**Somerset West
and Taunton**

**Gambling Act 2005
Statement of Principles**

2022 – 2025

Contents		Page
1.	Statement of licensing policy	3
1.1	Licensing objectives	3
1.2	Introduction	4
1.3	Glossary of terms	6
1.4	Types of licence	6
1.5	Licensable premises & permits	6
1.6	General principals	6
1.7	Advisory body for the protection of children from harm	8
1.8	Consultees	9
1.9	Information exchange	9
2.	Legislation, policies and strategies	9
2.1	Legislation	9
2.2	Relationship with planning policies	10
2.3	National strategies	10
2.4	Local strategies and policies	10
2.5	Integrating strategies	10
3.	Decision making	11
3.1	Committee terms of reference	11
3.2	Allocation of decision making responsibilities	12
3.3	Licensing reviews	13
4.	Local standards	14
4.1	Applications and local area risk assessments	14
4.2	Assessment of need	17
4.3	Conditions	17
4.4	Enforcement	17
4.5	Casinos	18
4.6	Unlicensed family entertainment centre gaming machine permits	18
5.	Prevention of crime and disorder objective	19
6.	Ensuring that gambling is conducted in a fair and open way objective	20
7.	Protection of children and other vulnerable persons objective	20
7.1	Access to licensed premises	20
7.2	Vulnerable persons	21

8.	Complaints against licensed premises	21
9.	Further information	21
	Appendix A – map of district	23
	Appendix B – table of delegations of licensing functions	24
	Appendix C – contact details of relevant authorities	25
	Appendix D – list of consultees	26

1. Statement of licensing policy

1.1 Licensing objectives

The Gambling Act 2005 places a legal duty on the Council to aim to permit gambling, in so far as can be considered reasonably consistent with the pursuit of the 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 carried out in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 Introduction

Somerset West and Taunton Council (SWT) is the 'Licensing Authority' under the Gambling Act 2005 and is responsible for granting premises licences in Somerset West and Taunton ("the District") in respect of:

- Casinos;
- Bingo premises
- Betting premises, including tracks;
- Adult gaming centres;
- Family entertainment centres (FECs).

SWT was formed in April 2019 and covers the geographical area of both the former Taunton Deane Borough Council and West Somerset Council. In the four years prior to the formation of SWT, the two councils worked together, joining management and sharing services.

The former Taunton Deane district is a mixed urban and rural area in Somerset covering approximately 178 square miles and with a population of approximately 109,883. The main urban areas are Taunton, the County Town, and Wellington. The remainder of the area is a mixture of villages and

farmland. The population of Taunton is 69,570 and Wellington 14,549 (as of 2011).

The West Somerset part of the district is predominately rural in character with agriculture and tourism being the most important commercial activities. It covers approximately 280 square miles. The population of the district is approximately 35,400 with about one third living in Minehead, which is the principal town. Only the peripheral Towns of Watchet and Dulverton and villages of Dunster, Porlock and Williton significantly interrupt the surrounding countryside.

This 'Statement of Licensing Policy' has been prepared having regard to the provisions of the Gambling Act 2005, guidance issued by the Gambling Commission and responses received during the consultation process. It follows the format of the former West Somerset Council Statement of Licensing Principles document, which is in itself similar to that of other Somerset based local authorities, with whom discussions have been held prior to finalising its draft. It is intended to be a discussion document leading to adoption by SWT as a formal Statement of Licensing Principles, after having due regard to any response from those consulted.

The formal Statement of Principles will be available on the SWT website.

The policy will come into effect on the day of adoption by the Council and will be reviewed as necessary, and at least every three years from the date of adoption.

1.3 Glossary of terms

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

Licensing objectives:	As defined in section 1.1.
Council:	Somerset West and Taunton Council (SWT).
District:	The area of Somerset administered by SWT (shown in map at Appendix B).
Licences:	As defined in section 1.5 below.
Applications:	Applications for licences and permits as defined in section 1.4 below.
Notifications:	Means notification of temporary and occasional use notices.
Act:	The Gambling Act 2005.

Regulations:	Regulations made under the Gambling Act 2005.
Premises:	Any place, including a vehicle, vessel or moveable structure.
Code of practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005.
Mandatory condition:	Means a specified condition provided by regulations to be attached to a licence.
Default condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by SWT.
Responsible authority:	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Licensing Authority (SWT); 2. The Gambling Commission; 3. Avon & Somerset Constabulary; 4. Devon and Somerset Fire and Rescue Service; 5. Planning, SWT; 6. Exmoor National Park Planning Authority; 7. Environmental Health, SWT; 8. Safeguarding Children Board, Social Services, Somerset County Council; 9. HM Revenues and Customs.
Interested party:	<p>For the purposes of the Gambling Act 2005, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:</p> <ol style="list-style-type: none"> 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; this could also include, for example, trade associations, charities, faith groups and medical practices. c) Represents persons who satisfy a) or b) above; for example, Residents' and Tenants' Associations. <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</p>

Gambling Commission's Guidance to Local Authorities.

Operator licence: Is a licence issued to the operator by the Gambling Commission.

Personal licence: Is a licence issued to individuals by the Gambling Commission.

1.4 Types of licence

Within this Statement of Principles, the following words and terms are defined as stated. This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:

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

1.5 Licensable premises and permits

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

1. Casinos (see section 4.5);
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Licensed Family Entertainment Centres;
7. Unlicensed Family Entertainment Centres;
8. Club Gaming Permits;
9. Prize Gaming and Prize Gaming Permits;
10. Temporary Use Notices;
11. Occasional Use Notices; and
12. Registration of small society lotteries.

1.6 General principles

Nothing in this Statement of Policy will:

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

The starting point in determining applications will be to grant the application without conditions. Conditions will only be considered where 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.

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 residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

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

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

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

1. Planning controls;
2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
4. The power of the Police, other responsible authorities or local residents and businesses 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 Council will be able to consider it.

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

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

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

GamCare is the leading provider of information, advice and support for anyone affected by problem gambling. They operate the National Gambling Helpline, provide treatment for problem gamblers and their families, create awareness about responsible gambling and treatment, and encourage an effective approach to responsible gambling within the gambling industry. GamCare have developed the 'Safer Gambling Standard'; a voluntary process which comprises of an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. The Council will consider more favourably applications from operators who can demonstrate they are part of the [Safer Gambling Standard scheme](#).

The Council will also consider more favourably applications from members of BACTA, the trade association for the amusement and gaming industry in the UK, on account of their having to abide by [BACTA's Social Responsibility Charter and Code of Practice](#).

1.7 Advisory body for the protection of children from harm

Somerset West and Taunton Council, as the licensing authority, designates the Safeguarding Children Board as the competent authority to provide advice on the protection of children from harm.

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

1.8 Consultees

This Statement of Principles will be subject to formal consultation with:

1. Avon and Somerset Constabulary;
2. Devon and Somerset Fire & Rescue Service;
3. The Local Safeguarding Children Board;
4. Representatives of the holders of the various licences for premises within the district who will be affected by this Policy;
5. Persons/bodies representing the interests of persons likely to be affected by this policy; and
6. Parish and Town Councils.
7. Business Improvement Districts (BIDs)

For further information, see Appendix D.

1.9 Information exchange

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

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

2. Legislation, policies and strategies

2.1 Legislation

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

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work etc. Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-social Behaviour Act 2003;
6. The Anti-social Behaviour, Crime & Policing Act 2014;
7. Equality Act 2010;
8. Children Act 2004;
9. The Data Protection Act 2017.

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.

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 need to be sought and approved before any development takes place.

2.3 National strategies

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

2.4 Local strategies and policies

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

1. The Council's Corporate Strategy;
2. The Community Safety Strategy;
3. Enforcement Policy.

2.5 Integrating strategies

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

There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing Committee will therefore receive reports, when appropriate, on the:

1. Needs of the local tourist economy;
2. Cultural strategy for the area;
3. Employment situation in the area and the need for new investment and employment where appropriate;
4. Local crime prevention strategies;
5. Diversity and equality schemes.

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

In order to avoid duplication with other statutory regimes, the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

3. Decision making

3.1 Committee terms of reference

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 Sub-Committee 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.

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

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

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

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

The Council's Licensing Officers will deal with all other licensing 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.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers and/or the relevant Specialist, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or 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 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 A 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 Full Committee if considered appropriate in the circumstances of any particular case.

3.3 Licensing reviews

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

1. Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drug crimes;
2. Use of licensed premises for the sale and distribution of illegal firearms;
3. Use of licensed premises for prostitution or the sale of unlawful pornography;
4. Use of licensed premises as a base for organised criminal activity;
5. Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
6. Use of licensed premises for the sale of smuggled tobacco or goods;
7. Use of licensed premises for the sale of stolen goods.
8. Children and/or vulnerable persons are put at risk.
9. Knowingly permitting unlawful activity.

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

- a) The grounds are frivolous;
- b) The grounds are vexatious;
- c) The grounds are irrelevant;
- d) The grounds will not cause the Licensing Authority to revoke or suspend a licence, or to remove, amend or attach conditions on the Premises Licence;

- e) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) The grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

A premises licence may also be reviewed by the Licensing Authority on its own volition.

4. Local standards

4.1 Applications and local area risk assessments

An application for a Premises Licence can only be made by a person who either holds an Operating Licence authorising him to carry out the activity in respect of which a Premises Licence is sought, or has made an application for an operating licence which has not yet been determined.

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

Operators are therefore required to undertake a local risk assessment on application for a new premises licence. Furthermore, all currently licensed premises based operators must also have a risk assessment in place at that time. 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).

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

- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. The various stages of development regarding the HPC site during the years ahead is the obvious example of a risk to be assessed in terms of the District itself. Other examples affecting the immediate vicinity of a premises, however, will include where new offices,

supermarkets and hotels are either built nearby or developed from existing buildings.

- 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.
- 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.

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

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

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

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

- School
- College
- Other educational establishment (if applicable)
- Play area
- Youth centre
- Leisure centre
- Bank
- Alcohol licensed premises
- Takeaway/ fast food establishment
- Other gambling licensed premises
- Homeless hostel
- Rehabilitation centre
- Hospital/ Mental health services

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;
- ensuring staff levels are appropriate at key times of the day, taking into account nearby premises e.g. schools, pubs etc.;
- any training for staff on identifying vulnerable persons.

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.

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

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

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

authorities and liaising with other gambling operators in the area where necessary.

The level of detail to be provided will be advised by the Council and will be proportional to the scale and nature of the application made.

4.2 Assessment of need

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

4.3 Conditions

Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. They will be imposed where there is evidence of a risk to the licensing objectives that is not adequately addressed by the policies, procedures and mitigation measures outlined in the applicant's risk assessment. 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 Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises.

4.4 Enforcement

The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.

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

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

When determining risk, consideration will be given to:

- The nature of the gambling activities carried out on the premises;
- The location of the premises in relation to schools etc.;
- The procedure put in place by the management to meet the licensing objectives;

- Issues highlighted in the premises local risk assessment;
- The identification of significant changes in the local area.

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

The Council will seek to work actively with the Police in enforcing licensing legislation. It encourages the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998.

4.5 Casinos

There is no resolution to prohibit casinos in the District at present. However the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos or, if licensed casinos are already operating, resolve not to permit any additional casinos.

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

4.6 Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

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

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

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

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

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

5. Prevention of crime and disorder objective

The Council will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder arising from gambling activities.

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

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council’s Licensing Officers and Avon and Somerset Constabulary before making a formal application.

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

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

6. Ensuring that gambling is conducted in a fair and open way objective

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

7. The protection of children and 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 Somerset Safeguarding Children Board on any application that indicates there may be concerns over access for children or vulnerable persons.

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

The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises.

This may include such requirements as:

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

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

The 2005 Act provides for a Code of Practice on access to gambling premises by children and young persons and the Council will work closely with the Police to ensure the appropriate enforcement of the law.

7.2 Vulnerable persons

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

1. People who gamble more than they want to;
2. People who gamble beyond their means; and
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

8. Complaints against licensed premises

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

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

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange 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 considers 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 or the application process, including application forms and guidance notes, can be obtained via:

Somerset West and Taunton Council
PO Box 866
Taunton
TA1 9GS

Email: enquiries@somersetwestandtaunton.gov.uk

Website: www.somersetwestandtaunton.gov.uk

Telephone: 0300 304 8000

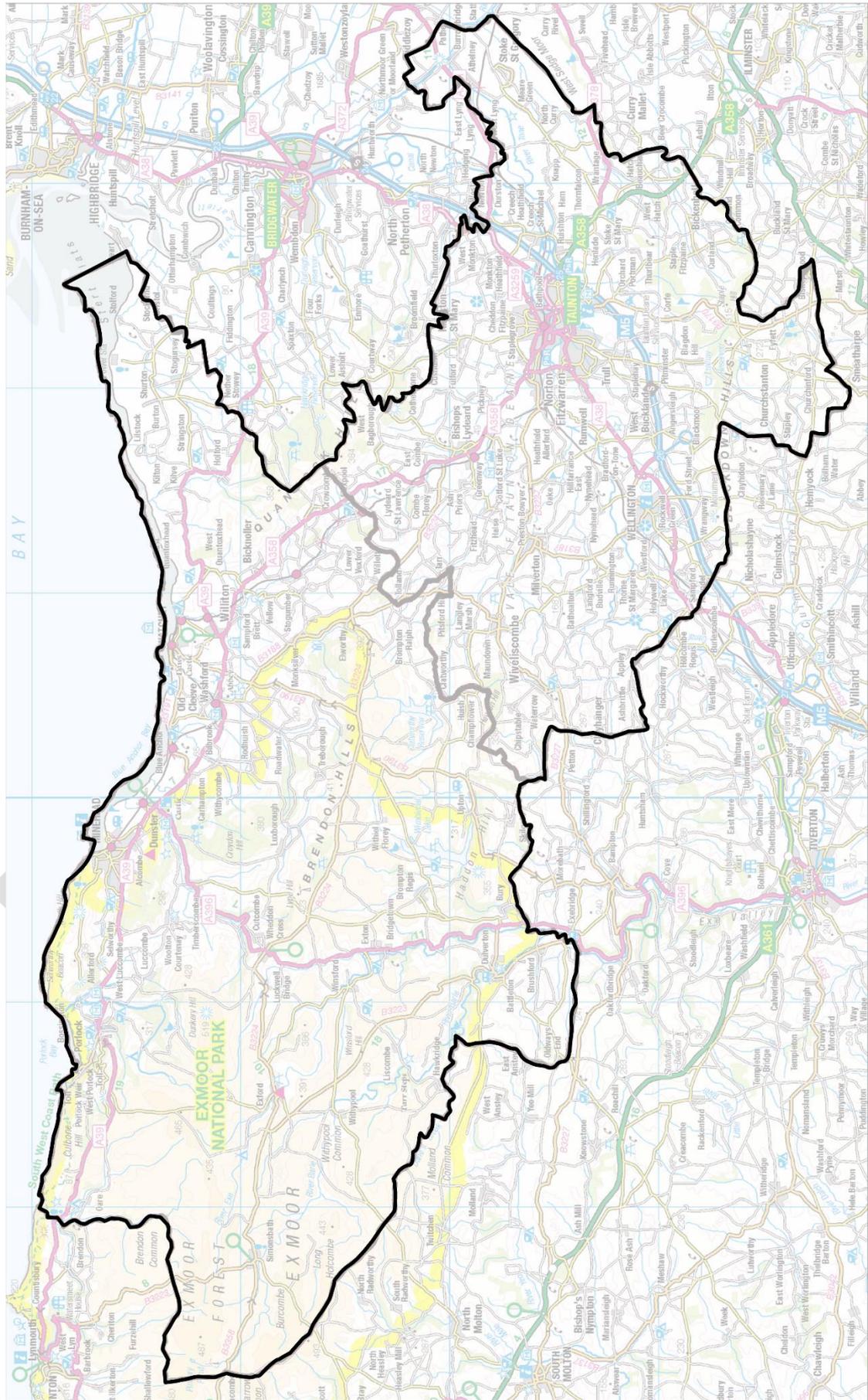
Gambling Commission
Berkshire House
168 – 173 High Holborn
LONDON WC1V 7AA

Telephone: 020 7306 6219

www.gamblingcommission.gov.uk

DRAFT

Appendix A – map of district



Appendix B – delegation of functions

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE OR SUB-COMMITTEE	OFFICERS
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee Setting - when appropriate			✓(to be approved by Executive Councillor)
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		✓	
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		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give a counter notice to a temporary use notice		✓	

Appendix C – relevant authority contact details

RESPONSIBLE AUTHORITY	ADDRESS
Somerset West and Taunton Council - Licensing Authority	PO Box 866 Taunton TA1 9GS
Avon and Somerset Constabulary	Liquor Licensing Bureau PO Box 3259 Bristol BS2 2EJ
Devon and Somerset Fire and Rescue Service	Devon & Somerset Fire & Rescue Service Service Headquarters The Knowle Clyst St George Exeter EX3 0NW
Somerset West and Taunton Council – Environmental Health	PO Box 866 Taunton TA1 9GS
Somerset Local Safeguarding Children Board	PP2 B3W County Hall Taunton TA1 4DY
Somerset West and Taunton Council	Development Control PO Box 866 Taunton TA1 9GS
Gambling Commission	Fourth Floor Victoria Square House Victoria Square Birmingham B2 4BP
HM Revenue and Customs	HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom

Appendix D - consultees

Elected Members, Somerset West and Taunton Council
Town & Parish Councils in Somerset West and Taunton
The Gambling Commission
BACTA (The British Amusement Catering Trade Association)
Avon & Somerset Constabulary
Devon and Somerset Fire & Rescue Service
Planning, Somerset West and Taunton Council
Planning Manager, Exmoor National Park
Environmental Health, Somerset West and Taunton Council
Safeguarding Children Board, Somerset County Council
HM Revenues & Customs
LACORS (Local Authorities Coordinators of Regulatory Services)
Association of British Bookmakers
Gamcare
Gambling Aware
NSPCC
Somerset Chamber of Commerce
Lotteries Council
Bingo Association
Gamblers Anonymous
Mecca Bingo/Rank
Paddy Power
Betfred
Butlins

Representatives of the holders of 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 inclusive. Comments and observations will be welcome from anyone who will be affected by this policy.