

## LICENSING COMMITTEE

A meeting of **Licensing Committee** will be held on

**Thursday, 26 July 2012**

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### Members of the Committee

Councillor Addis (Chairman)

Councillor Amil	Councillor Ellery
Councillor Barnby	Councillor Faulkner (A)
Councillor Bent	Councillor Hytche
Councillor Brooksbank	Councillor Parrott
Councillor Butt	Councillor Pentney
Councillor Cowell	Councillor Stocks
Councillor Doggett	1 Vacancy

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**Our vision is for a cleaner, safer, prosperous Bay**

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For information relating to this meeting or to request a copy in another format or language please contact:

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# LICENSING COMMITTEE AGENDA

1. **Apologies**

To receive any apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of this Committee held on 24 May 2012.

(Pages 1 - 2)

3. **Declarations of interest**

(a) To receive declarations of personal interests in respect of items on this agenda

**For reference:** Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)

4. **Urgent items**

To consider any other items that the Chairman decides are urgent

5. **Gambling Act 2005 'Statement of Principles 2013', (Gambling Policy)**

To inform Members of the content of the draft 'Gambling Policy', (*hereinafter referred to as the 'Statement of Principles 2013'*), which Torbay Council is required to write and publish every three years. The consultation period for this Policy will commence on the 1<sup>st</sup> August for a period of 12 weeks, concluding 24th October 2012 and any Representations made by the Licensing Committee will be considered as part of that consultation process.

(Pages 3 -  
49)



## Minutes of the Licensing Committee

Thursday, 24 May 2012

**-: Present :-**

Councillor Addis (Chairman)

**Also in Attendance:**

Councillors Amil, Bent, Brooksbank, Butt, Doggett, Ellery, Faulkner (A), James, Parrott and Pentney

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### **1 Election of Chairman/woman**

Councillor Addis was elected Chairman for the 2012/2013 Municipal Year.

### **2 Apologies**

Apologies for absence were received from Councillors Cowell, Barnby, Stocks and Hytche.

### **3 Appointment of Vice-Chairman/woman**

Councillor Ellery was elected Vice-Chairman for the 2012/13 Municipal Year.

### **4 Minutes**

The Minutes of the meeting of the Licensing Committee held on 17 November 2011 were confirmed as a correct record and signed by the Chairman.

### **5 Decisions Taken in Relation to Licensing Act 2003 Applications Under Delegated Powers**

The Committee noted the report which set out the details of the decisions taken by the Executive Head Community Safety in relation to the Licensing Act 2003 applications, using delegated powers. Members were informed that the Licensing Policy required the decisions made under delegated powers to be reported to the Committee on a regular basis.

### **6 Decisions Taken in Relation to Gambling Act 2005 Applications Under Delegated Powers**

Members noted the report which set the decisions taken in relation to the Gambling Act 2005, taken by the Executive Head Community Safety in relation to the Gambling Act 2005 applications, using their delegated powers.

## 7 Establishment of Licensing Sub-Committee

The Committee considered a report in relation to the establishment of a Licensing Sub-Committee which would be able to deal with all matters in connection with licensing application. It was noted that the Licensing Act 2003 provided for the establishment of one or more sub-committees (Section 9 (1)), consisting of 3 members of the Licensing Committee.

Resolved:

- (i) that a sub-committee of the Licensing Committee be established to comprise of three Members of the Licensing Committee;
- (ii) that the terms of reference of the sub-committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);
- (iii) that the Licensing Sub-Committee be exempt from the rules of Committee proportionality, as defined in the Local Government and Housing Act 1989 and supporting regulations; and
- (iv) that the Governance Support Manager (in consultation with the Chairman), be authorised to empanel members of the Licensing Committee to serve on the Licensing Sub-Committee as and when required.

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Chairman



Report No: Public Agenda Item: **Yes**

Title: **Gambling Act 2005**  
**'Statement of Principles 2013', (Gambling Policy)**

Wards Affected: **All**

To: **Licensing Committee** On: **26th July 2012**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## 1. What we are trying to achieve

- 1.1 To inform Members of the content of the draft 'Gambling Policy', (*hereinafter referred to as the 'Statement of Principles 2013'*), which Torbay Council is required to write and publish every three years. The consultation period for this Policy will commence on the 1<sup>st</sup> August for a period of 12 weeks, concluding 24th October 2012.
- 1.2 To provide Members with an opportunity to make Representations on the draft 'Statement of Principles 2013'.

## 2. Recommendation(s) for decision

- 2.1 There is no recommendation for a decision, as this is a Full Council function. At this stage the draft 'Statement of Principles 2013' is a consultation document, and any Representations made by the Licensing Committee will be considered as part of that consultation process.

## 3. Key points and reasons for recommendations

- 3.1 The Gambling Act 2005 requires that Torbay Council must review and publish a 'Statement of Principles' every three years, outlining the procedures it intends to follow in discharging its statutory responsibilities under the Act.
- 3.2 The Gambling Act 2005 and Codes of Practice issued under the Act, require

Licensing Authority's who are authorised to issue a 'Small Casino Premises Licence' to include within their revised 'Statement of Principles' certain information. This includes information on how the '*Small Casino Premises Licence Application Process*' will be undertaken by the Council, including the 'greatest benefit test headline criteria' that will be applied to any applications received.

- 3.3 This draft 'Statement of Principles 2013' is a public document, which will be subject to a statutory 12 week consultation period and any person, body or organisation that may wish to make a Representation or comment upon the draft statement (including Elected Members), is formally invited to do so.
- 3.4 The Council has a statutory responsibility under the Gambling Act 2005 to complete this process of policy review, publication, consultation, consideration, approval and implementation on or before 30<sup>th</sup> January 2013. That being the date specified by the Secretary of State, as the 'relevant appointed date' under the Act.

**For more detailed information on this proposal please refer to Appendix A.**

**Frances Hughes  
Executive Head Community Safety**

## Appendix A – Supporting information to Report

### A1. Introduction and history

- A1.1 The Gambling Act 2005 requires Torbay Council, as a Designated Licensing Authority, to review and publish a ‘Statement of Principles’ (*the Gambling Policy*), every three years, outlining the procedures it intends to follow in discharging its statutory responsibilities under the Act. The last ‘Statement of Principles’ was agreed by Council on 10<sup>th</sup> December 2009 and was published before the 30<sup>th</sup> January 2010; that being the date specified by the Secretary of State as the ‘relevant appointed date’ under the Act.
- A1.2 In accordance with that requirement (this being the third year of statute), the Council has reviewed its current Policy and has prepared a draft ‘Statement of Principles 2013’ which will be formally published on 1<sup>st</sup> August 2012 inviting public consultation and comment.
- A1.3 On 15<sup>th</sup> May 2008 the ‘*Categories of Casino Regulation 2008*’ and the ‘*Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008*’ were approved by the Secretary of State for Culture, Media and Sport. This order specified which Licensing Authorities could issue premises licences for both large and small casinos; Torbay Council’s Licensing Authority was included in that order and was authorised to issue one ‘Small Casino Premises Licence’.
- A1.4 On 26<sup>th</sup> February 2008 the Secretary of State for Culture, Media and Sport issued the ‘*Code of Practice on Determinations Relating to Large and Small Casinos*’. The Licensing Authority must comply with the Code of Practice which states:
- The procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005.
  - Matters to which the Licensing Authority should have regard in making those determinations.
- A1.5 The Code of Practice places a requirement on those Licensing Authority’s authorised to issue a ‘Small Casino Premises Licence’, to include certain information within their revised ‘Statement of Principles’. This includes information on how the ‘*Small Casino Premises Licence Application Process*’ will be undertaken by the Council, including the ‘greatest benefit test headline criteria’ that will be applied to any applications received.
- A1.6 It is intended that the draft ‘Statement of Principles 2013’ will be considered and commented upon by Philip Kolvin QC, before being published as a draft document for consultation.
- A1.7 This draft ‘Statement of Principles 2013’ is a public document, which will be subject to a statutory 12 week consultation period that concludes on 24<sup>th</sup> October 2012 and any person, body or organisation that may wish to make a Representation or comment upon the draft statement (including Elected Members), is formally invited to do so.

A1.8 Upon completion of the statutory consultation period, the Council will consider any Representations which may have been made and if necessary, amend the draft 'Statement of Principles 2013'.

A1.9 Approval of the finalised 'Statement of Principles 2013' is a Full Council decision and a report on the draft 'Statement of Principles 2013' will be presented to Full Council for consideration on 6<sup>th</sup> December 2012.

A1.10 The Council has a statutory responsibility under the Gambling Act 2005 to complete this process of Policy review, publication, consultation, consideration, approval and implementation; on or before 30<sup>th</sup> January 2013, being the date specified by the Secretary of State as the 'relevant appointed date' under the Act.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

There are no risks associated with this report.

## **A3. Options**

A3.1 None, as only Representations can be made.

## **A4. Summary of resource implications**

A4.1 There are no significant additional resource implications that will derive from the Council discharging its routine and ongoing responsibilities, under the Gambling Act 2005. However, it should be noted that the 'Small Casino Premises Licence Process', will add significantly to the overall workload of the licensing team in meeting the statutory requirements placed upon it.

## **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no equalities or environmental sustainability implications. However one of the Gambling Act 2005 Licensing Objectives is "Preventing Gambling being a source of Crime and Disorder", so the work should have a positive impact on reducing this.

## **A6. Consultation and Customer Focus**

A6.1 There is a 12 week public consultation on the draft 'Statement of Principles 2010', from 1<sup>st</sup> August 2012 to 24<sup>th</sup> October 2012. The Council has also undertaken direct consultation with the 'Responsible Authorities' designated by the Act and with those parties identified as 'Stakeholders' to the Gambling Act 2005 licensing regime.

## **A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other business units relating to this report but again it should be noted, that the demands of the 'Small Casino Premises Licence Process' will add significantly to the workload of other



Business Units, notably Legal Services, Planning, Procurement, Finance, the Press Office and the Information Compliance Team.

## **Annexes**

Annex 1 Draft 'Statement of Principles 2013'

**Documents available in members' rooms:** Copies of all Background Papers.

### **Background Papers:**

The following resources and documents were used to compile this report:

- 1 Gambling Act 2005.
- 2 Gambling Commission Revised Guidance to Licensing Authorities: 3<sup>rd</sup> Edition issued May 2009.
- 3 Code of Practice Issued by the Secretary of State for Culture, Media and Sport on 26th February 2008: Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos.
- 4 Torbay Council Gambling Policy 2010.



## DRAFT ~ STATEMENT OF PRINCIPLES 2013 ~ DRAFT GAMBLING ACT 2005

### FORWARD

*Torbay Council is designated as a 'Licensing Authority' for the purposes of the Gambling Act 2005 (hereinafter referred to as 'the Act'), under Section 2 (1) of Part 1 to the Act.*

This document is Torbay Council's 'Statement of Principles', made under Section 349 of the Gambling Act 2005 and supports the Torbay Council's vision **working for a healthy, prosperous and happy Bay.**

Torbay is situated on the South Devon coast, on the south west peninsular of England and comprises the three towns of Torquay, Paignton and Brixham. Torbay is an outstanding coastal destination, including 22 miles of coastline which has shaped its economic and social development over time. Historically the local economy has focused on tourism, fishing and to a lesser extent manufacturing activities.

The three towns of Torbay and its environs have a combined population of **134,000**, making Torbay the second largest conurbation to the south west of Bristol. Tourism in Torbay today accounts for 1.45 million staying visitors plus 3.8 million day visitors, generating a direct and indirect spend of £442 million per annum. This represents around one third of the area's wealth and also one third of its jobs.

Torbay Council is committed to a broad corporate vision for Torbay and through the Torbay Strategic Partnership the Council has formulated a Community Plan, built around the principles of creating and developing **an area that:**

- Is prosperous area known to be a great place to live and learn and grow up in.
- Is able to compete on a world stage in our traditional industries of tourism and fishing.
- Communities know and support each other and enjoy some of the best **quality of life** in England.
- Widens opportunities and provides high quality employment and retains our young people in the Bay.
- Celebrates the **differences** in the three towns, **builds on the strengths of these towns and brings back the feel good factor.**

***Torbay Council, Town Hall, Castle Circus, Torquay, TQ1 3DS***

**[www.torbay.gov.uk](http://www.torbay.gov.uk)**

# MAP of TORBAY

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**This 'Statement of Principles 2013' was approved by Torbay Council on**

**???????????????**

**PART A ~ OVERVIEW**

**1 THE LICENSING OBJECTIVES**

1.1 In exercising its functions under the Gambling Act 2005, the Licensing Authority will have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- 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.

*[The Act defines a 'Child' as an individual aged 15 years or under; and defines a 'Young Person' as an individual aged 16 to 17 years].*

1.2 In making decisions in relation to premises licences the Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks that use will be:

- a) In accordance with any relevant code of practice issued by the Gambling Commission.
- b) In accordance with any relevant guidance issued by the Gambling Commission.
- c) Reasonably consistent with the licensing objectives (subject to the above).
- d) In accordance with Torbay Council's 'Statement of Principles', **issued** under the Act (subject to the above).

**2 INTRODUCTION**

2.1 Torbay is situated on the South Devon coast, on the south west peninsular of England and comprises the three towns of Torquay, Paignton and Brixham. Torbay is an outstanding coastal destination, including 22 miles of coastline, **which was recognised as a Global Geopark in 2007**. Historically the local economy has focused on tourism, fishing and to a lesser extent manufacturing activities. The Council area is mainly urban, comprising the three bay towns of Torquay, Paignton, and Brixham; there is a map of the Torbay area on page 2.

2.2 Under the Gambling Act 2005 Torbay Council must publish a statement of the principles which it intends to apply when exercising its functions under the Act, and that statement must be published at least every three years.

2.3	<p>Torbay Council has consulted widely upon a 'Draft Statement of Principles 2013', before approving and publishing the finalised 'Statement of Principles 2013'.</p> <p>The draft version of this 'Statement of Principles 2013' was published for a statutory 12 week consultation period, from ????? to ?????? via the Torbay Council website and copies of the document were also made available for public inspection during that time, at the Council's 'Connections' offices and at the public libraries located in Torquay, Paignton and Brixham.</p> <p>A list of those persons consulted is provided in Appendix 1 to this 'Statement of Principles 2013'</p>
2.4	<p>This 'Statement of Principles 2013' was approved at a meeting of the Full Council on ?????? and was published via the Torbay Council website thereafter. Copies were also made available for public inspection at public libraries and at the Council's 'Connections' offices, located in Torquay, Paignton and Brixham upon publication.</p>
2.5	<p>It should be noted that this 'Statement of Principles 2013' will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and in accordance with the statutory requirements of the Gambling Act 2005.</p>
3	<p><b>DECLARATION</b></p>
3.1	<p>In producing this 'Statement of Principles 2013', Torbay Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the current version of the 'Guidance to Licensing Authorities' issued by the Gambling Commission, any responses received from those who were consulted on the 'Draft Statement of Principles 2013' and any representations submitted by any interested party, person, body or organisation in response to the publication of the 'Draft Statement of Principles 2013'.</p>
4	<p><b>INTERESTED PARTIES</b></p>
4.1	<p>'Interested Parties' can make representations to the Licensing Authority, in respect of an application for a 'Premises Licence', or in respect of an application for a 'Provisional Statement', submitted to the Licensing Authority by an applicant, under the Gambling Act 2005.</p>
4.2	<p>Interested parties can also initiate, (or make representation in respect of), a review of a premises licence, the detail of which is outlined at Section 28 of this 'Statement of Principles' on Page 28, under the heading of 'Reviews'.</p>
4.3	<p>The Act states that a person is an 'Interested Party', if in the opinion of the Licensing Authority, that person:</p> <ul style="list-style-type: none"> <li>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> <li>b) Has business interests that might be affected by the authorised activities, or</li> <li>c) Represents persons who satisfy the criteria at paragraph a) or b).</li> </ul>

	These persons include trade associations, trade unions, and residents' and tenants' associations. However, the Licensing Authority will not generally view these bodies as interested parties, unless they have a member who satisfies the criteria in paragraphs a) or b) above; and they have written authority of representation.
4.4	'Interested Parties' can be persons who are democratically elected, such as Councillors, (including Town Councillors), and Members of Parliament. In such circumstances, no specific evidence of being 'asked' to represent an interested person will be required, provided the relevant Elected Member represents the Ward or Town likely to be affected.
4.5	In respect of any application for the grant of a small casino premises licence the Act provides that at Stage 1 of the consideration procedure, each competing applicant is an 'Interested Party' in relation to each of the other competing applications.
4.6	The Licensing Authority will apply the following principles in determining whether a person or body is an interested party for the purposes of the Act: <ul style="list-style-type: none"> <li>a) Each case will be decided upon its own merits subject to the licensing objectives and to any requirements imposed by the Gambling Act 2005.</li> <li>b) The Licensing Authority will not apply a rigid rule to its decision making.</li> </ul> <p>The Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the status and interpretation of 'Interested Parties'.</p>
4.7	In respect of any representation made by an interested party, the Licensing Authority will make a determination as to whether or not the representation is relevant. The following are examples of grounds which may be considered by the Licensing Authority, to be irrelevant, ( <i>this list is indicative only and is not exhaustive</i> ): <ul style="list-style-type: none"> <li>a) Representations which are inconsistent with Section 153 of the Act.</li> <li>b) Representations that are inconsistent with any guidance or codes of practice issued by the Gambling Commission, or with this 'Statement of Principles'.</li> <li>c) Representations which relate to the objection of gambling activity generally; for instance on moral grounds.</li> <li>d) Representations in relation to the demand or unmet demand for gambling premises.</li> <li>e) Representations in relation to planning matters.</li> <li>f) Public Safety Issues.</li> <li>g) Traffic Congestion issues.</li> </ul>
4.8	The Licensing Authority may disregard a representation which it considers to be: <ul style="list-style-type: none"> <li>a) Frivolous</li> <li>b) Vexatious</li> <li>c) Insignificant; to such an extent, that it would be wholly unreasonable for the Licensing Authority to refuse the grant of the licence, or remove / attach conditions to the licence, on the basis of such representation.</li> </ul>
5	<b>EXCHANGE OF INFORMATION</b>



5.1	In respect of the exchange of information between the Licensing Authority and the Gambling Commission under Sections 29 and 30 of the Gambling Act 2005, and the exchange of information under Section 350 of the Act with other persons listed in Schedule 6 of the Act, the Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 and the Data Protection Act 1988.
5.2	The Licensing Authority will have regard to any guidance issued by the Secretary of State on this matter. Should any protocols be established as regards the exchange of information with other bodies, then they will be made available.
6	<b>ENFORCEMENT</b>
6.1	<p>In discharging its responsibilities under the Act with regard to inspection and enforcement regimes, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and Torbay Council's 'Enforcement and Prosecution Policy' and will endeavour to be:</p> <ul style="list-style-type: none"> <li>a) Proportionate: the Licensing Authority will only intervene when it is deemed necessary and remedies will be appropriate to the risk posed; costs will be identified and minimised.</li> <li>b) Accountable: the Licensing Authority will ensure that it can justify decisions and will provide facilities for the public scrutiny of decisions taken.</li> <li>c) Consistent: the Licensing Authority will ensure that rules and standards are 'joined up' and implemented fairly.</li> <li>d) Transparent: the Licensing Authority will be open and will endeavour to keep regulations simple and user friendly.</li> <li>e) Targeted: the Licensing Authority will endeavour to focus on the problem, minimise side effects and avoid duplication with other regulatory regimes.</li> </ul>
6.2	<p>The Licensing Authority has adopted and implemented a risk-based / intelligence led inspection programme, based on;</p> <ul style="list-style-type: none"> <li>a) The licensing objectives.</li> <li>b) Relevant codes of practice.</li> <li>c) Guidance issued by the Gambling Commission.</li> <li>d) The principles set out in this 'Statement of Principles'.</li> <li>e) Regulators Compliance Code.</li> <li>f) <b>Departmental and Partner Agency intelligence.</b></li> </ul>
7	<b>LICENSING AUTHORITY FUNCTIONS</b>
7.1	<p>The Licensing Authority have a duty under the Gambling Act 2005 to:</p> <ul style="list-style-type: none"> <li>a) Issue '<i>Premises Licences</i>' where gambling activities are to take place.</li> </ul>

	<ul style="list-style-type: none"> <li>b) Issue <i>'Provisional Statements'</i> where gambling activities may take place.</li> <li>c) Regulate <i>'Members' Clubs'</i> that wish to undertake certain regulated gaming activities via issuing <i>'Club Gaming Permits'</i> or <i>'Club Machine Permits'</i>.</li> <li>d) Issue <i>'Club Machine Permits'</i> to <i>'Commercial Clubs'</i>.</li> <li>e) Grant <i>'Permits'</i> for the use of certain lower stake gaming machines at <i>'Unlicensed Family Entertainment Centres'</i>.</li> <li>f) Receive <i>'Notifications'</i> from premises licensed under the Licensing Act 2003, (for the sale and consumption of alcohol on the premises), for the use of up to two gaming machines on the premises.</li> <li>g) Grant <i>'Licensed Premises Gaming Machine Permits'</i> for premises licensed under the Licensing Act 2003, (for the sale and consumption of alcohol on the premises), where there are more than two machines on the premises.</li> <li>h) Register <i>'Small Society Lotteries'</i> below prescribed thresholds.</li> <li>i) Issue <i>'Prize Gaming Permits'</i>.</li> <li>j) Receive and endorse <i>'Temporary Use Notices'</i></li> <li>k) Receive <i>'Occasional Use Notices'</i>.</li> <li>l) Provide information to the Gambling Commission;</li> <li>m) Maintain registers of the permits and licences issued.</li> </ul>
	<b>PART B ~ PREMISES LICENCES</b>
<b>8</b>	<b>GENERAL PRINCIPLES</b>
8.1	In exercising its functions under the Act in relation to premises licences, the Licensing Authority will have regard to the provisions of the Act, Regulations drafted under the Act, the mandatory and default conditions and any guidance issued by the Gambling Commission.
8.2	<p>The Licensing Authority may:</p> <ul style="list-style-type: none"> <li>a) Exclude default conditions from the premises licence if it does not adversely affect the licensing objectives.</li> <li>b) Attach additional licence conditions, if it is deemed necessary to do to promote the licensing objectives.</li> </ul>
<b>9</b>	<b>GUIDING PRINCIPLES</b>
9.1	The Licensing Authority will treat each licensing objective with equal importance.

9.2	The Licensing Authority will have regard to its responsibilities under Section 17 of the Crime and Disorder Act 1998 and within the strategic aims of the <b>Safer Communities Annual Plan 2012</b> <del>Torbay Community Safety Strategy 2008-2011</del> , do all that is reasonable to prevent crime and disorder in Torbay.
9.3	The Licensing Authority will have regard to its responsibilities under the European Convention on Human Rights, set out by the Human Rights Act 1998, and its statutory role as a Local Authority to fulfil the duties and responsibilities vested in it.
9.4	The Licensing Authority will have regard to its responsibilities under the <b>Equalities Act 2010</b> . <del>Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000.</del>
9.5	Torbay Council's Constitution states that the Licensing Committee shall be comprised of 15 Elected Members of the Council; with a quorum of 5, and the Licensing Sub Committee shall be comprised of 3 Elected Members of the Council; with a quorum of 3.
9.6	The Chair of Torbay Council's Licensing Committee will be elected at the annual meeting of the Council.
9.7	Torbay Council will ensure that Members and Officers are appropriately trained to carry out their duties under the Act and in accordance with Torbay Council's constitution. No Member of Torbay Council shall sit upon the Licensing Committee or Sub-Committee unless they have received appropriate training.
9.8	The Licensing Authority considers that effective licensing can only be achieved by recognising the value of all contributors and will work in partnership with the Police and other statutory services, local businesses, local people, professionals involved in child protection and all others who can contribute positively, to the successful promotion of the three licensing objectives.
9.9	Torbay Council considers that the decisions of the Licensing Authority can be a key factor of the Council effectively discharging its duties under the Section 17 of the Crime and Disorder Act 1998. Whilst the Licensing Authority will not use licensing conditions to control anti social behaviour by patrons once they are away from licensed premises, licensees will be expected to demonstrate that they have taken appropriate action to minimise the potential impact of that behaviour, within the general vicinity of the licensed premises.
9.10	The Licensing Authority will ensure that any conditions attached to a licence will relate to matters within: <ul style="list-style-type: none"> <li>a) The control of the licensee, or,</li> <li>b) The control of other persons who may have relevant licences or authorisations, in respect of the subject premises, or adjacent premises.</li> </ul> <p>In determining any such conditions the Licensing Authority will have regard to the Act, any guidance or codes of practice issued by the Gambling Commission and this 'Statement of Principles'.</p>
9.11	Persons under 18 years of age will be restricted from entering gambling premises in accordance the requirements of the Gambling Act 2005, any relevant Codes of Practice and any guidance issued by the Gambling Commission. The Licensing Authority may attach conditions to a premises licence to ensure that persons under 18 years of age are

	not permitted access to the premises, if it is considered appropriate to do so.
9.12	The Licensing Authority will have regard to any relevant published information, especially with regard to gambling addiction in children and vulnerable persons, in discharging its function with regard to premises licences and permits.
9.13	The Licensing Authority considers that the licensing process, insofar as it may seek to protect children from harm and exploitation, includes protection from moral, psychological and physical harm.
9.14	Torbay Council will ensure that decisions made in relation to planning and building control legislation will be made independently of those made in respect of the Gambling Act 2005. The Licensing Authority will not have regard to the likelihood of obtain consents under planning or building legislation in considering any application for a premises licence, made under the Gambling Act 2005.
9.15	The Licensing Committee will receive reports, compiled six-monthly, on decisions made by Officers under the provisions of the scheme of delegation.
9.16	The Licensing Authority will, where relevant to its functions under the Gambling Act 2005, have regard to and promote Torbay Council's Economic Regeneration Strategy 2010-2015, which forms part of the Council's Policy Framework.
10	<b>DECISION MAKING PROCESS</b>
10.1	In making decisions about premises licences the Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it is: <ul style="list-style-type: none"> <li>a) In accordance with any relevant code of practice issued by the Gambling Commission.</li> <li>b) In accordance with any relevant guidance issued by the Gambling Commission.</li> <li>c) Reasonably consistent with the licensing objectives (subject to the above).</li> <li>d) In accordance with the Council's 'Statement of Principles' (subject to the above).</li> </ul>
10.2	In determining a premises licence application, the Licensing Authority shall not have regard to any objections which are deemed to be raised on moral grounds, nor will it be concerned with matters of sufficiency of, or unmet demand for, gambling facilities.
11	<b>DEFINITION OF PREMISES</b>
11.1	In deciding if parts of a given building constitute premises in their own right, the Licensing Authority will have due regard to the definition of 'premises' within the Act, any guidance issued by the Gambling Commission and any decisions handed down by the Courts.
11.2	The Act allows for a single building to be subject to more than one premises licence, provided those premises licences are for different parts of the building, and the different parts of the building can reasonably be regarded as being 'different premises'. This provision exists to allow large multiple unit premises, such as a pleasure park, pier, track or shopping mall, to obtain separate premises licences.

11.3	The Licensing Authority will take particular care in considering applications for multiple licences for a building and / or those relating to a separate part of a building used for other (non-gambling) purposes. In particular, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable, so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
11.4	The Licensing Authority will pay particular attention to premises licence applications, where access to the proposed licensed premises, can only be made by passing through other premises; being other premises which may or may not have the benefit of licences in their own right.
11.5	Where access to the proposed licensed premises cannot be made directly from the public highway the Licensing Authority will consider specific issues before granting such applications, for example: <ul style="list-style-type: none"> <li>a) The general access arrangements of the premises.</li> <li>b) The structural integrity and nature of any premises separation.</li> <li>c) Whether persons under 18 years of age can gain access to or have sightlines into the premises.</li> <li>d) The compatibility of adjacent establishments.</li> <li>e) Supervision and monitoring systems.</li> <li>f) The nature and legitimacy of any unlicensed areas providing separation of licensed premises.</li> <li>g) The overall ability to comply with the requirements of the Act.</li> </ul>
<b>PROVISIONAL STATEMENTS ~ PREMISES NOT YET READY FOR GAMBLING</b>	
12	
12.1	Where there is an intention on the part of an applicant, to provide gambling facilities at premises: <ul style="list-style-type: none"> <li>a) which they expect to be constructed, or</li> <li>b) which they expect to be altered, or</li> <li>c) for which they do not yet have the right to occupy the premises',</li> </ul> then an application may be made to the Licensing Authority for a 'Provisional Statement'.
12.2	The Licensing Authority will issue 'Provisional Statements' in accordance with the provisions of the Act, any guidance issued by the Gambling Commission and the principles contained within this 'Statement of Principles'.
12.3	'Interested Parties' and 'Responsible Authorities' can make representations to the Licensing Authority, in respect of an application for a 'Provisional Statement' in accordance with the procedures outlined at Section 4 of this 'Statement of Principles'. Following the grant of a 'Provisional Statement', no further representations from Relevant Authorities or Interested Parties can be taken into account unless: <ul style="list-style-type: none"> <li>a) The representations concern matters which could not have been addressed at the 'Provisional Statement' stage.</li> <li>b) The representations reflect a change in the applicant's circumstances.</li> </ul>

12.4	<p>Upon completion of the development works to the premises the Licensing Authority may refuse the grant of a Premises Licence, or grant the licence on terms different to those which may have been attached to the 'Provisional Statement', only by reference to matters which:</p> <ul style="list-style-type: none"> <li>a) Could not have been raised by objectors at the 'Provisional Statement' stage</li> <li>b) In the Licensing Authority's considered opinion, reflect a material change in the operator's circumstances.</li> </ul>
13	<b>PREMISES LOCATION</b>
13.1	<p>The Licensing Authority must be satisfied that the potential location of a premises intended for gambling is suitable for the purposes of the required gambling activity. In considering matters of location the Licensing Authority will have particular regard to the licensing objectives.</p>
13.2	<p>Therefore in determining whether a premises location is suitable for the grant of a licence, the Licensing Authority will have particular regard to the following:</p> <ul style="list-style-type: none"> <li>a) The proximity of the premises to any school, centre or establishment for the education, training or care of young persons and/or vulnerable persons.</li> <li>b) The proximity of the premises to leisure centres used for sporting and similar activities by young persons and/or vulnerable persons,</li> <li>c) The proximity of the premises to any youth club or similar establishment, and</li> <li>d) The proximity of the premises to community, welfare, health and similar establishments used specifically, or to a large extent, by young persons and/or vulnerable persons.</li> </ul>
14	<b>DUPLICATION WITH OTHER REGULATORY REGIMES</b>
14.1	<p>The Licensing Authority will endeavour to avoid any duplication with other statutory and regulatory regimes in discharging its functions under the Act, unless the Licensing Authority believes such duplication is necessary for the promotion of, and compliance with, the licensing objectives.</p>
14.2	<p>In considering an application for a premises licence the Licensing Authority will not take into account matters which lie beyond the remit of the licensing objectives, although this is not an exhaustive list, this would include issues such as:</p> <ul style="list-style-type: none"> <li>a) Whether the premises which is the subject of the licence application, is likely to be awarded planning permission or building consent.</li> <li>b) Whether the premises is safe for the intended use, (e.g. the structure, the means of escape, fire precaution provisions, etc).</li> <li>c) Whether the use of the premises under the licence may cause any public nuisance (e.g. to residents within the vicinity).</li> </ul> <p>The above matters will be addressed by other regulatory regimes.</p>

15	<b>LICENSING OBJECTIVES</b>
15.1	<p>The Licensing Authority will endeavour to ensure that any premises licences granted will be consistent with the licensing objectives.</p> <p>The Licensing Objectives are:</p> <ul style="list-style-type: none"> <li>a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.</li> <li>b) Ensuring that gambling is conducted in a fair and open way.</li> <li>c) Protecting children and the vulnerable from being harmed or exploited by gambling.</li> </ul>
15.2	<p>Licensing Objective a): <i>Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime.</i></p> <p>The Gambling Commission will take a lead role in preventing gambling from becoming a source of crime. However, the Licensing Authority will endeavour to promote this objective in the delivery of its responsibilities. For instance, in considering applications for premises licences the Licensing Authority will have particular regard to the following:</p> <ul style="list-style-type: none"> <li>a) Where an area has known high levels of organised crime the Licensing Authority will consider carefully whether gambling premises should be located in the proximity of that area.</li> <li>b) Whether additional licence conditions may be appropriate, such as the provision of Security Industry Authority, (SIA), registered door supervisors.</li> <li>c) Whether additional security measures should be installed at the premises, such as monitored CCTV.</li> <li>d) The likelihood of any violence or public order issues if the licence is granted.</li> <li>e) The design and layout of the premises.</li> <li>f) The training given to staff in crime prevention measures appropriate to those premises.</li> <li>g) Physical security features installed in the premises. This may include matters such as the positioning of cash registers and the standard of any CCTV system.</li> <li>h) If premises are to be subject to age restrictions; the procedures in place to conduct age verification checks.</li> </ul>
15.3	<p>Licensing Objective b): <i>Ensuring that gambling is conducted in a fair and open way.</i></p> <p>The Licensing Authority will not generally be concerned with ensuring that gambling is conducted in a fair and open way, (as that is the remit of the Gambling Commission), unless the gambling facilities are being provided at a Track; see Section 25, Page 25.</p>
15.4	<p>Licensing Objective c): <i>Protecting children and the vulnerable from being harmed or exploited by gambling.</i></p> <p>This objective is concerned with protecting children from gambling, as well as restrictions upon advertising, to ensure that the commercial promotion of gambling is not targeted towards children, or portrayed as attractive to children. The Licensing Authority will therefore consider whether specific measures are required at particular premises, with</p>

	regard to this licensing objective, which may include the supervision of entrances, the supervision of machines and the appropriate segregation of high risk areas, the provision of a 'chill out' room or area free from gambling and alcohol facilities.
15.5	In discharging its responsibilities with respect to this particular licensing objective, the Licensing Authority will have regard to the current 'Gambling Commission Codes of Practice', insofar as they may apply to specific premises, such as casinos.
15.6	The Act does not offer a definition with regard to the term, ' <i>vulnerable persons</i> ', however the Gambling Commission states the following.  For regulatory purposes the Commission will assume that this group includes: <ul style="list-style-type: none"> <li>a) People who gamble more than they want to.</li> <li>b) People who gamble beyond their means</li> <li>c) People who may not be able to make informed or balanced decisions about gambling, due to a mental impairment, alcohol or drugs.</li> </ul>
15.7	The Torbay Care Trust, ( <i>Safeguarding Adults Section</i> ), defines a vulnerable person in the following terms:  <i>A Vulnerable Adult is a person who is, or may be in need of community care services by reason of mental or other disability, age, or illness; and who is or may be, unable to protect him or herself against significant harm or exploitation.</i>
15.8	The Licensing Authority will have regard to the definitions of a ' <i>Vulnerable Person</i> ' as provided by the Gambling Commission and by the Torbay Care Trust, in discharging its responsibilities under the Act.
16	<b>LICENCE CONDITIONS</b>
16.1	Any conditions attached to licences will be proportionate and will be: <ul style="list-style-type: none"> <li>a) Relevant to the need to make the proposed building suitable as a gambling facility.</li> <li>b) Directly related to the premises and the type of licence applied for.</li> <li>c) Related to the scale and type of premises.</li> <li>d) Reasonable in all other respects.</li> </ul>
16.2	Decisions upon individual conditions will be made on a case by case basis, although there are a number of control measures that the Licensing Authority can utilise, such as the use of supervisors or the use of appropriate signage for adult only areas. The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively and promoted.
16.3	The Licensing Authority may require additional control measures in respect of buildings which are the subject of multiple premises licence applications, in order to ensure the promotion of the licensing objectives.  Such requirements may relate to the supervision of entrances, the segregation of gambling areas from non-gambling areas which may be frequented by children and the supervision of gaming machines in non-adult gambling specific premises.  The Licensing Authority will have regard to any guidance issued by the Gambling



	Commission in determining any such additional measures. The Licensing Authority will also expect the licence applicant to offer his / her own suggestions as to ways in which the licensing objectives can be met effectively and promoted.
16.4	<p>The Licensing Authority will ensure that, where category A to C machines are made available on premises to which children have access that:</p> <ul style="list-style-type: none"> <li>a) All such machines are located in an area of the premises that is separated from the remainder of the premises by a physical barrier and which is effective to prevent access, other than through a designated entrance.</li> <li>b) Only adults have access to the area where these machines are located.</li> <li>c) Access to the area where the machines are located is adequately supervised.</li> <li>d) The area where these machines are located is arranged so that it can be observed by the staff or the licence holder.</li> <li>e) At the entrance to and inside any such areas notices are prominently displayed, indicating that access to the area is prohibited to persons under 18 years of age.</li> </ul>
16.5	Tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. In discharging its functions in relation to Tracks, the Licensing Authority will consider the impact upon the licensing objective that refers to the 'protection of children'. The Licensing Authority will specifically require that the entrances to each part of premises are distinct and that children are effectively excluded from gambling areas where they are not permitted to enter.
17	<b>ADULT GAMING CENTRES</b>
17.1	In respect of adult gaming centres the Licensing Authority will have specific regard to the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Licensing Authority that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the premises.
17.2	<p>The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures and/or licence conditions may cover issues such as: <i>(this list is indicative only and is not exhaustive)</i></p> <ul style="list-style-type: none"> <li>a) Proof of age schemes.</li> <li>b) Closed Circuit Television Systems, (CCTV).</li> <li>c) Supervision of entrances and machine areas</li> <li>d) Physical separation of areas.</li> <li>e) Location of entry.</li> <li>f) Appropriate notices and signage.</li> <li>g) Specific opening hours.</li> <li>h) Self-exclusion schemes and the display of information regarding self-exclusion schemes.</li> <li>i) Provision of information leaflets and helpline numbers for organisations such as 'GamCare' <i>(please see Appendix 2 of this document for 'Gamcare' contact details)</i>.</li> </ul>

18	<b>LICENSED FAMILY ENTERTAINMENT CENTRES</b>
18.1	In respect of Licensed Family Entertainment Centres, ( <i>L FEC's</i> ), the Licensing Authority will have specific regard to the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the Licensing Authority that there will be sufficient measures and procedures in place, to ensure that persons under 18 years of age do not have access to the 'adult only' gaming machine areas on the premises.
18.2	The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures and/or licence conditions may cover issues such as: ( <i>this list is indicative only and is not exhaustive</i> ) <ul style="list-style-type: none"> <li>a) Proof of age schemes.</li> <li>b) Closed Circuit Television Systems, (<i>CCTV</i>).</li> <li>c) Supervision of entrances and machine areas</li> <li>d) Physical separation of areas.</li> <li>e) Location of entry.</li> <li>f) Appropriate notices and signage.</li> <li>g) Specific opening hours.</li> <li>h) Self-exclusion schemes.</li> <li>i) Measures / training for staff on how to deal with suspected truant school children on the premises</li> <li>j) Provision of information leaflets and helpline numbers for organisations such as GamCare, (<i>please see Appendix 2 of this document for 'Gamcare' contact details</i>).</li> </ul>
18.3	In determining an application for a licensed family entertainment centre, the Licensing Authority will have regard to any guidance issued by the Gambling Commission and any mandatory or default conditions deemed to have a positive effect. The Licensing Authority will have particular regard to any guidance or direction on how the separation and/or delineation of the 'adult only' machine areas of the premises should be achieved.
19	<b>SMALL CASINO PREMISES LICENCE OVERVIEW</b>
19.1	The Gambling Act 2005 provided for an increase in the number of casino premises permitted to operate in the United Kingdom and established that two new types of casino should be permitted; eight large and eight small casinos. The Secretary of State for Culture, Media and Sport was given the authority under the Act to determine which licensing authorities should be permitted to grant new casino premises licences.
19.2	The Secretary of State established a ' <i>Casino Advisory Panel</i> ' to recommend the most appropriate areas of the UK in which to site the 16 new casino premises and invited interested Local Authorities to submit proposals to the Panel; Torbay Council submitted a proposal to the panel in response to this invitation.
19.3	On 15 <sup>th</sup> May 2008 the ' <i>Categories of Casino Regulation 2008</i> ' and the ' <i>Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008</i> '

	were approved. The Order specified which Licensing Authorities could issue premises licences for both large and small casinos; Torbay Council's Licensing Authority was included in the Order and was authorised to issue one small casino premises licence.
19.4	<p>On 26<sup>th</sup> February 2008 the Secretary of State for Culture, Media and Sport issued the 'Code of Practice on Determinations Relating to Large and Small Casinos' (herein referred to as the Code of Practice). The Licensing Authority must comply with the Code of Practice which states:</p> <ol style="list-style-type: none"> <li>a) The procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005.</li> <li>b) Matters to which the Licensing Authority should have regard in making those determinations.</li> </ol>
19.5	<p>Schedule 9 paragraph 5 to the Act states the following:</p> <ol style="list-style-type: none"> <li>1) This paragraph applies if a Licensing Authority determine under Paragraph 4 that they would grant a number of competing applications greater than the number which they can grant as a result of section 175 and the Order under it.</li> <li>2) The Authority shall then determine which of those applications to grant under section 163(1)(a).</li> <li>3) For that purpose the Authority - <ol style="list-style-type: none"> <li>a) shall determine which of the competing applications would, in the Authority's opinion, be likely if granted to result in the greatest benefit to the Authority's area,</li> <li>b) may enter into a written agreement with an applicant, whether as to the provision of services in respect of the Authority's area or otherwise,</li> <li>c) may determine to attach conditions under section 169 to any licence issued so as to give effect to an agreement entered into under paragraph (b), and</li> <li>d) may have regard to the effect of an agreement entered into under paragraph (b) in making the determination specified in paragraph (a).</li> </ol> </li> </ol>
19.6	<p>Torbay Council, as the Licensing Authority, is aware that there may be a number of operators who may wish to apply for the small casino premises licence from Torbay Council.</p> <p>The Council will therefore stage a statutory selection process, (<i>the 'small casino premises licence process'</i>), under Schedule 9 of the Gambling Act 2005 and will run the selection process in line with 'The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008' and the said Code of Practice, issued by the Secretary of State.</p>
19.7	In accordance with the above Regulations, Torbay Council's Licensing Authority will publish an invitation calling for applications for the 'small casino premises licence'.

19.8	<p>Should the Licensing Authority receive more than one application for a small casino premises licence at Stage 1 of the 'small casino premises licence process' and should the Licensing Authority determine that it would grant more than one small casino premises licence, then subject to any and all appeals which may have been lodged at Stage 1 of the process being concluded, the Licensing Authority will:</p> <ul style="list-style-type: none"> <li>a) Make a 'Provisional Decision to Grant' in respect of those applicants deemed appropriate for the grant of a small casino premises licence.</li> <li>b) Implement Stage 2 of the 'small casino premises licence process'.</li> <li>c) Invite those applicants issued with a 'Provisional Decision to Grant' at Stage 1 of the 'small casino licence process', to participate in Stage 2 of the 'small casino premises licence process'.</li> </ul>
19.9	<p>Any 'Provisional Decision to Grant' issued to an applicant at Stage 1 of the 'small casino premises licence process', shall have no effect and shall not be used for the provision of casino gaming facilities upon the premises to which it relates. The 'Provisional Decision to Grant' merely confirms the Licensing Authority's determination, that the applicant satisfies the statutory requirements for the grant of a small casino premises licence; and afford the applicant the right to participate in Stage 2 of the 'small casino premises licence process' for Torbay.</p>
19.10	<p>It may be the case that at Stage 1 of the process, only one application may be submitted to the Licensing Authority for a small casino premises licence, or it may be the case that after due consideration of all the applications at Stage 1, the Licensing Authority considers that only one applicant satisfies the statutory requirements, in respect of a premises licence. In that instance, the Licensing Authority will not implement Stage 2 of the 'small casino licensing process' and will, (subject to any and all appeals being concluded), grant a small casino premises licence to the 'only suitable applicant' determined under Stage 1 of the process.</p>
19.11	<p>If the Licensing Authority does not receive any applications for a small casino premises licence at Stage 1 of the 'small casino premises licence process', or should the Licensing Authority resolve to refuse the grant of any applications so made under Stage 1, then subject to any and all appeals being concluded:</p> <ul style="list-style-type: none"> <li>a) Stage 2 of the 'small casino premises licence process' will not be implemented, and,</li> <li>b) The Licensing Authority may re-publish an invitation calling for applications for a 'small casino premises licence'.</li> </ul>
19.12	<p>Section 166(1) of the Act states that a Licensing Authority may resolve not to issue a premises licence. A decision to pass such a resolution will take by the Authority by a whole and will not be delegated to the Licensing Committee (a resolution not to issue casino premises licences will only affect new casinos). In passing such a resolution the Authority may take into account any principle or matter, not just the licensing objectives. The Authority may revoke the resolution by passing a counter resolution.</p>
20	<p><b>SMALL CASINO PREMISES LICENCE ~ GENERAL PRINCIPLES</b></p>
20.1	<p>The Licensing Authority recognises that applicants may either apply for a 'Casino Premises Licence' or alternatively a 'Provisional Statement' in respect of the small casino premises</p>

	licence.
20.2	Unless otherwise specified, any reference to the application and procedures for a 'Small Casino Premises Licence' in the 'Small Casino Premises Licence' sections of this 'Statement of Principles' shall also include the application and procedures for a 'Provisional Statement' for a small casino premises licence.
20.3	In making any decision under Stage 1 or Stage 2 of the 'small casino premises licence process', the Licensing Authority will have due regard to this 'Statement of Principles', the Gambling Act 2005 and to any Codes of Practice, Regulations and Guidance which may be issued by: <ul style="list-style-type: none"> <li>a) The Secretary of State.</li> <li>b) The Department for Culture, Media and Sport, (<i>DCMS</i>).</li> <li>c) The Gambling Commission.</li> </ul>
20.4	In making any decision in respect of a small casino premises licence application, made under the 'small casino premises licence process': <ul style="list-style-type: none"> <li>a) the Licensing Authority shall not take into account whether or not an applicant is likely to be granted planning permission or building regulations approval; and</li> <li>b) any decision taken in relation to the small casino premises licence application, shall not constrain any later decision by Torbay Council, under the law relating to planning or building control; and</li> <li>c) any conditions or agreements attached to any planning consents will normally fall outside of the licensing process and will normally be disregarded by the Licensing Authority, in determining which applicant will bring the greatest benefit to the area of Torbay.</li> </ul>
20.5	The Licensing Authority cannot consider unmet demand when considering applications for a small casino premises licence.
20.6	Torbay Council does not have a preferred location for the new small casino. Applicants can submit plans for any site or location within Torbay and each which will be judged on its own individual merits. Applicants, however, should have regard to the proposed location of the premises, with regard to meeting that licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling.
20.7	Where more than one 'Provisional Decision to Grant' is issued in accordance with Section 19.8 above, the Licensing Authority will implement Stage 2 of the 'small casino premises licence process'.
20.8	The Licensing Authority will ensure that any pre-existing contract, arrangements or other relationship it may have with a company or individual, does not affect the procedure so as to make it unfair (or appear unfair) to any applicant.
21	<b>SMALL CASINO PREMISES LICENCE APPLICATION ~ STAGE 1</b>
21.1	The 'small casino premises licence process' will be started by the Licensing Authority publishing an invitation calling for applicants to submit an application for a small casino premises licence.

21.2	An application for a small casino premises licence may be made at any time, however the Licensing Authority will not consider any such application, until a formal invitation to apply has been published and the appointed closing date for the submission of applications has passed. The appointed closing date shall be the final day of the three month period, duly advertised for Stage 1 applications.
21.3	The Licensing Authority will provide an Application Pack that will include a statement of the procedure and process it proposes to follow, in assessing applications for a small casino premises licence.
21.4	All applications for a small casino premises licence will be received through Stage 1 of the 'small casino premises licence process'. Should the Licensing Authority receive more than one application, then each application will be considered separately and on its own merits, with no reference being made to the other applications received.
21.5	At Stage 1 of the 'small casino premises licence process' any additional information submitted by an applicant, above that required by the statutory process, will be disregarded and returned to the applicant in accordance with Gambling Act 2005 and its Regulations. Additional information may be submitted by an applicant participating in Stage 2 of the 'small casino premises licence process'.
21.6	The Licensing Authority recognises that, should there be more than one small casino premises licence applicant, then each applicant is an 'Interested Party' in relation to the other, and therefore may make a representation. The term 'Interested Party' is defined in Section 4 at Page 6, of this 'Statement of Principles' and all representations will be considered carefully to ensure they meet the requirements set out therein.
21.7	It is recognised that any decision taken by the Licensing Authority under Stage 1 of the 'small casino licence application process' may be the subject of an appeal. The Licensing Authority will not proceed to Stage 2 of the 'small casino premises licence process' until any and all appeals, which may have been lodged at Stage 1 of the process, have been concluded.
22	<b>SMALL CASINO PREMISES LICENCE APPLICATION ~ STAGE 2</b>
22.1	Stage 2 of the 'small casino premises licence process' cannot be commenced until Stage 1 has been completed and all applications determined, including the conclusion of any and all appeals.
22.2	At Stage 2 of the 'small casino premises licence process', each of the second stage applicants will be required to state and demonstrate the greatest benefit they can bring to the local area of Torbay and how this will contribute to the well being of the area.
22.3	Where more than one application is received for a small casino premises licence and where more than one application is the subject of a 'Provisional Decision to Grant', (in accordance with Section 19.8 at Page 18), the Licensing Authority will give due consideration to all applications and will grant the available licence, to the applicant that it considers will deliver the greatest benefit to the area of Torbay.
22.4	Any determination made under Stage 2 of the 'small casino premises licence process' will be judged on a wide range of criteria, which have been established by the Licensing Authority in consultation with the community of Torbay, under the terms of this 'Statement

	of Principles’.
22.5	The Licensing Authority may during Stage 2 of the ‘small casino premises licence process’ engage in discussions with each Stage 2 applicant, with a view to the application being refined, supplemented or otherwise altered so as to maximise the benefits to the area of Torbay.
22.6	The Licensing Authority will expect a Stage 2 applicant to sign a written agreement with Torbay Council relating to the benefits that the proposed development may bring to the area of Torbay. The Licensing Authority will take any such agreement into account, in determining which application would result in the greatest benefit to the area of Torbay. The Licensing Authority may attach conditions to the small casino premises licence to give effect to this agreement.
22.7	<p>The following are the principles which will be used by the Licensing Authority to judge which proposal is likely to result in the greatest benefit to the area of Torbay and therefore, these are the matters to which applicants will be expected to address their Stage 2 application:</p> <ul style="list-style-type: none"> <li>a) How the proposals will directly assist with local economic benefit and regeneration, sustainable job creation, enhance existing tourism, training and youth unemployment; especially with regard to non-gambling related jobs.</li> <li>b) How the proposal will deal with health and social responsibility, linking with local health care providers, including problem / fair gambling, protection of children and vulnerable persons; whether in the casino or in the wider community.</li> <li>c) How the proposals will link with Torbay Council’s Cumulative Impact Policy.</li> <li>d) The provision that is made within the application for preventing gambling from becoming a source of crime and disorder, being associated with crime and disorder or being associated with crime and disorder.</li> <li>e) The proposed location of the small casino premises development and other facilities, and how the selected site(s) along with the design and architecture, will regenerate the surrounding area as well as meeting the highest energy and environmental standards.</li> <li>f) How the proposal will improve the environment with improved public realm, tackling poor buildings or the provision of new or repairing existing infrastructure, as well as enhancing the local environmental quality in the immediate vicinity of the development and on arterial routes to the venue.</li> <li>g) The provision of a marketing policy which explains how the development will promote Torbay, in line with Torbay Council’s strategy to improve the quality and image of the area to increase visitor numbers and visitor spend.</li> <li>h) Proposed contributions towards community schemes, such as improving the night-time economy, the local community, the voluntary sector and youth facilities.</li> <li>i) Proposed contributions towards all year round arts and culture provision and recreational facilities for visitors and residents.</li> <li>j) How the proposals will assess the social, economic and physical impact of the development and the commitment thereafter to mitigate any potential adverse effects</li> <li>k) Proposals regarding day/night access and travel arrangements to and from the</li> </ul>

	<p>small casino taking into consideration staff and customer travel requirements.</p> <p>l) A financial contribution will accompany the application; what will be the purpose of the contribution and the form that this contribution will take.</p>
22.8	<p>At paragraph 22.8 above the Licensing Authority has set out matters which it will take into account in judging the competing applications at Stage 2 of the 'small casino premises licence process' and which are likely to receive the greatest weight in the evaluation process, but an operator is not debarred from putting forward other benefits which the Licensing Authority will take into consideration and weigh to the extent it considers them relevant.</p>
22.9	<p>The Stage 2 applicant will be expected to additionally submit the following:</p> <p>a) A clear and detailed Business Plan.</p> <p><i>The Licensing Authority will evaluate the Business Plan, especially with regard to the viability of any submitted proposals.</i></p> <p>b) A signed 'Development Agreement' in a form that is acceptable to the Licensing Authority, committing the applicant, (in the event that they are granted a licence), to the entirety of the scheme they have put forward.</p> <p>c) A timescale for implementation and completion of the proposed development works, (including any ancillary development), setting out the various stages of construction. This is to enable the Licensing Authority to be kept informed of when the project is likely to be completed and that the applicant is on target for final completion.</p> <p>d) Evidence that there will be consultation with Statutory Bodies and Responsible Authorities, to ensure due compliance with any and all Statutory Regulations and Legislation, during the construction of the development; (e.g. health and safety, highway approvals, etc).</p>
22.10	<p>In assessing applications made under the 'small casino premises licence process' the Licensing Authority <b>will</b> give consideration to the likelihood of a casino actually being developed and additional weight <b>shall be</b> given to <b>its deliverability</b>. <del>proposal, which has already secured planning consent.</del></p>
22.11	<p>The 'small casino premises licence process' will follow the DCMS Code of Practice; however, the Code of Practice leaves individual authorities to determine the detail of their own procedure.</p> <p>Therefore, (because it is recognised that the Licensing Authority does not necessarily have all the relevant expertise), the Licensing Authority might need to seek advice on an applicant's proposal from Officers in other relevant Council Departments; for example Planning, Highways, Finance, Regeneration and Legal. The Licensing Authority may also need to solicit independent expertise and advice from sources outside of the Council.</p> <p>For this purpose, the Licensing Authority intends to constitute a non-statutory panel to assist in the evaluation of the Stage 2 application process. This panel shall be called the 'Advisory Panel'.</p>
22.12	<p>It is accepted that only the Licensing Authority will make the final decision on the successful applicant. The function of the Advisory Panel will be to evaluate the applications for the benefit of the Licensing Committee or Sub-Committee. The Advisory Panel will not be a decision-making body and while the Licensing Committee or Sub-Committee will take the Advisory Panel's evaluations into account, with regard to the 'small casino premises licence process', it is not bound to follow them.</p>



22.13	Members of the Advisory Panel will comprise of carefully selected, competent and suitably qualified individuals, who are not biased and whose personal interests would not compromise their independence. It will be for the Local Authority to determine the membership of the Advisory Panel.
22.14	A schedule detailing the Advisory Panel members and the Panel's terms of reference will be included in the Application Pack. The terms of reference will include further details of the functions of the Advisory Panel and the procedures of the evaluation process, in order to ensure fairness and transparency to all applicants.
22.15	<p>To ensure that there is fairness and transparency; applicants will be asked if they wish to object to any Member of the Advisory Panel. Should an applicant wish to raise any objection to a Member of the Advisory Panel; then:</p> <ul style="list-style-type: none"> <li>a) A formal objection must be served upon the Local Authority within 10 working days of the applicant requesting an Application Pack.</li> <li>b) The objection must clearly indicate the grounds upon which the objection is being made.</li> <li>c) It will be for the Local Authority to determine the validity of any objection and to determine if any member of the Advisory Panel should be replaced on the basis of the objection(s) raised.</li> <li>d) The formal procedure to be followed in the event of any objection being raised will be detailed within the 'Application Pack'</li> </ul> <p><i>(The strict time constraints detailed at section a) above, are to ensure that in the event of an Advisory Panel Member being replaced as a result of an applicants' objection, all applicants can be given due notice and opportunity to object to any 'Replacement' Advisory Panel Member(s); and to prevent the potential frustration of the procedure in the latter stages of the 'small casino premises licence' determination process. Objections raised 'out of time' will only be considered if the applicant can satisfy the Local Authority, that the objection could not reasonably have been made within the stipulated period for objections).</i></p>
22.16	It is important that the small casino premises licence application includes all documents and paperwork in support of the proposals, (hereinafter referred to as the 'bid documentation'). Once all the bid documentation has been submitted, the Advisory Panel will carry out a preliminary evaluation of each application. Following the preliminary evaluation, Officers of Torbay Council may liaise with applicants with a view to the application being refined, supplemented or altered so as to maximise the greatest benefit to the Torbay area.
22.17	Once the bid documentation is finalised, the Advisory Panel will evaluate each bid and the bids will be scored within definitive bands determined by the Local Authority. Once assessed, the Advisory Panel's draft evaluation report on each application will be sent to the applicant, in order to enable the relevant applicant to identify and address any factual errors that may have occurred. Thereafter no additional information may be submitted by the applicant, but any agreed factual errors will be amended.
22.18	The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable. <del>It is noted that once a decision has been made there will be no right of an appeal, however.</del> <b>Following the decision of the successful bid, will not be confirmed until the ALCATEL process is complied with. (As per OJEU process)</b>

23	<b>BINGO PREMISES LICENCE</b>
23.1	<p>The Licensing Authority considers that if persons under 18 years of age are allowed to enter premises licensed for bingo, it is important that they do not participate in gambling, other than on category D machines. Where category C or above machines are available on premises to which persons under 18 years of age have access, the Licensing Authority will require that:</p> <ul style="list-style-type: none"> <li>a) All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance.</li> <li>b) Only adults are admitted to the area where the machines are located.</li> <li>c) Access to the area where the machines are located is adequately supervised.</li> <li>d) The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder.</li> <li>e) At the entrance to and inside any such area there are notices prominently displayed, indicating that access to the area is prohibited to persons under 18.</li> </ul>
23.2	In determining any application for a Bingo Premises Licence, the Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the suitability and general layout of Bingo premises and with regard to matters of primary gambling activity.
24	<b>BETTING PREMISES LICENCE</b>
24.1	The Licensing Authority is responsible for the issue of premises licences for all betting establishments, including casinos, bookmaker's offices and tracks. It is illegal for persons under 18 years of age to enter upon licensed betting premises and bet, but they may gain entry to tracks.
24.2	<p>The Licensing Authority has an express authority to limit the number of betting machines made available upon licensed betting premises and in determining whether or not to limit the number of machines, the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> <li>a) The size of the premises.</li> <li>b) The number of counter positions available for person-to-person transactions.</li> <li>c) The ability of staff to monitor the use of the machines by persons under 18 years of age or vulnerable persons.</li> </ul>
24.3	In determining any application for a Betting Premises Licence, the Licensing Authority will have regard to any guidance issued by the Gambling Commission concerning primary gambling activity.
25	<b>TRACK PREMISES LICENCE</b>
25.1	General

	Tracks are sites, (including horse racecourses and dog tracks), where races or other sporting events take place. Betting is a primary gambling activity on tracks, both in the form of pool betting, (often known as the 'Totalisator' or 'Tote'), and also general betting, often known as 'Fixed-Odds' betting. In discharging its functions with regard to Track Betting Licences the Licensing Authority will have regard to any guidance issued by the Gambling Commission in that respect.
25.2	There is no special class of betting premises licence for a Track, but the Act does contain rules which apply specifically to a 'Premises Licence' granted in respect of a Track.
25.3	<p>Applicants for a Premises Licence made in relation to a Track, will not be required to hold an Operating Licence issued by the Gambling Commission, unless the applicant intends to offer pool betting or general betting facilities himself; in which case an Operating Licence will be required.</p> <p>The betting that is provided upon the track will not generally be provided by the applicant, but will be provided by other operators who attend the track to provide betting facilities. These 'On-Course Operators' will require the necessary operating licences, therefore the Act allows the track operator to obtain a Premises Licence without the requirement to hold an Operating Licence. This 'Track Premises Licence' then authorises anyone upon the premises to offer betting facilities, provided they already hold a valid Operators Licence.</p>
25.4	<p>The Licensing Authority is aware that tracks are different from other premises in that there may be more than one premises licence in effect, each covering a specified area of the track. The Licensing Authority will especially consider the impact of the licensing objective of the protection of children and vulnerable persons with regard to this category of licence. Specific considerations in this respect may include:</p> <ul style="list-style-type: none"> <li>a) The need to ensure entrances to each type of premises are distinct.</li> <li>b) That children are excluded from gambling or betting areas that they are not permitted to enter.</li> </ul>
25.5	The Licensing Authority will expect the premises licence applicant(s) to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.
25.6	Children are legally permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines, (other than category D machines), are provided.

25.7	<p>Appropriate measures and / or licence conditions which may be applied to a track premises licence by the Licensing Authority, in order to promote the licensing objectives, (particularly the objective with regard to children and vulnerable persons), may include:</p> <p><i>(This list is indicative; it is not mandatory or exhaustive)</i></p> <ul style="list-style-type: none"> <li>a) Proof of age schemes</li> <li>b) CCTV</li> <li>c) Door supervisors</li> <li>d) Supervision of entrances/machine areas</li> <li>e) Physical separation of areas</li> <li>f) Location of entry</li> <li>g) Notices / signage</li> <li>h) Specific opening hours</li> <li>i) Self-barring schemes</li> <li>j) Provision of information leaflets / helpline numbers for organisations such as GamCare, <i>(please see Appendix 2 of this document for 'Gamcare' contact details).</i></li> </ul>
25.8	<p><b>Gaming Machines at Tracks</b></p> <p>Applicants for Track Premises Licences will need to demonstrate within their applications, that where the applicant holds a 'Pool Betting Operating Licence' and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded and that such areas are suitably operated.</p>
25.9	<p><b>Betting Machines at Tracks</b></p> <p>The Licensing Authority has an express power under the Act, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching licence conditions to a betting premises licence.</p>
25.10	<p>The potential space available for betting machines at a track may be considerable, bringing with it significant problems in relation to:</p> <ul style="list-style-type: none"> <li>a) The proliferation of such machines.</li> <li>b) The ability of track staff to supervise the machines if they are dispersed around the track.</li> <li>c) The ability of the track operator to comply with the law and prevent children betting on the machines.</li> </ul>
25.11	<p>In considering whether or not it is appropriate to restrict the number of betting machines made available at a track, by way of licence condition, the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> <li>a) The size of the premises.</li> <li>b) The ability of staff to monitor the use of the machines by children or by vulnerable people.</li> <li>c) The number, nature, location and circumstances of the betting machines that an operator intends to make available for use.</li> </ul>
25.12	<p><b>Conditions on Rules being Displayed at Tracks</b></p>

	The Licensing Authority will attach a condition to Track Premises Licence requiring the track operator to ensure that the rules are prominently displayed in, (or near), the betting areas, or made available to the public by some other means, such as being included to the race-card or issued as leaflet.
25.13	<p>Applications and Plans for Tracks</p> <p>The following information should be submitted with the application:</p> <ul style="list-style-type: none"> <li>a) Detailed plans for the track and the area that will be used for temporary “on-course” betting facilities (often known as the “Betting Ring”).</li> <li>b) In the case of dog tracks, horse racecourses, fixed and mobile pool betting facilities, (whether operated by the Tote or the track operator), and any other proposed gambling facilities; the plans should make clear what is being sought for authorisation under the Track Betting Premises Licence.</li> <li>c) Details of any other areas of the track, which may be the subject of a separate application, for a different type of premises licence.</li> </ul>
25.14	<p>Self Contained Premises on Tracks</p> <p>The Licensing Authority will generally require that all ‘self-contained premises’ operated by off-course betting operators on track, be the subject of a separate Premises Licence. This will ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the track premises.</p>
26	<b>TRAVELLING FAIRS</b>
26.1	Travelling fairs do not require any permit to provide gaming machines, but must comply with the legal requirements as to the way the machines operate. They may provide an unlimited number of Category D gaming machines and/or equal chance prize gaming machines, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair.
26.2	A given area of land may, by statute, only be used on 27 days per calendar year for the purposes of accommodating a fair. The statutory maximum of 27 days calendar use, applies to the land on which the fairs are held and that use is cumulative, regardless of whether it is the same fair or a procession of different travelling fairs.
26.3	The Licensing Authority will monitor fairs, (whether travelling or otherwise), which provide category D gaming machines or equal chance prize gaming machines within Torbay, to ensure that the provision of gambling is ancillary to the amusement provided at the fair and to ensure that the statutory limits upon the annual use of the land, are not exceeded.
26.4	The Licensing Authority will work with its neighbouring licensing authorities to ensure that any inter-authority sites which may be used for the provision of fairs, are appropriately monitored to ensure due compliance with statutory requirements.
27	<b>REVIEWS</b>
27.1	An ‘Interested Party’ or a ‘Responsible Authority’ can make an application to the Licensing Authority at any time, requesting that the Licensing Authority review a licence that it has

	<p>granted; the Licensing Authority may also initiate a review of a licence itself.</p> <ul style="list-style-type: none"> <li>a) Responsible Authorities are scheduled to Appendix 2 of this 'Statement of Principles'</li> <li>b) Interested Parties are defined at Section 4 of this 'Statement of Principles'.</li> </ul>
27.2	<p>Should the Licensing Authority receive an application requesting the review of a licence, the Licensing Authority will make a determination as to whether or not the review is to be carried out. In making this determination the Licensing Authority will consider whether the request for the review is relevant to the matters listed below:</p> <ul style="list-style-type: none"> <li>a) In accordance with any relevant Code of Practice issued by the Gambling Commission.</li> <li>b) In accordance with any relevant guidance issued by the Gambling Commission.</li> <li>c) Reasonably consistent with the licensing objectives.</li> <li>d) In accordance with Torbay Council's 'Statement of Principles'.</li> </ul>
27.3	<p>The Licensing Authority will also make a determination as to whether or not the application for the licence review is made on relevant grounds; the following are examples of grounds which may be considered by the Licensing Authority, to be irrelevant, (<i>this list is indicative and is not exhaustive</i>):</p> <ul style="list-style-type: none"> <li>a) Representations which are inconsistent with Section 153 of the Act.</li> <li>b) Representations that are inconsistent with any guidance or codes of practice issued by the Gambling Commission, or with this 'Statement of Principles'.</li> <li>c) Representations which relate to an objection to gambling activity generally; for instance on moral grounds.</li> <li>d) Representations in relation to the demand or unmet demand for gambling premises.</li> <li>e) Representations in relation to planning matters.</li> <li>f) Public Safety Issues.</li> <li>g) Traffic Congestion issues.</li> </ul>
27.4	<p>The Licensing Authority will not initiate a licence review if it considers that the grounds upon which the review is being sought are:</p> <ul style="list-style-type: none"> <li>a) Frivolous</li> <li>b) Vexatious</li> <li>c) Substantially the same as representations made at the time that the application for a premises licence was considered; the Licensing Authority will not normally review a licence to re-visit issues which were considered at the time of the grant.</li> <li>d) Substantially the same as the grounds cited in a previous application for review, relating to the same premises, and a sufficient or reasonable period of time has not elapsed since that previous application was made.</li> <li>e) Insignificant; to such an extent, that it would be wholly unreasonable for the Licensing Authority to revoke or suspend the licence; or to remove, amend or attach conditions to the licence, on the basis of such representation.</li> </ul>
27.5	<p>Should the Licensing Authority determine that an application for a licence review, (which has been duly submitted by an 'Interested Party' or a 'Responsible Authority'), is valid or should the Licensing Authority decide to initiate a licence review of its own volition; then</p>

	that licence review will be undertaken and progressed to conclusion, in accordance with the requirements of the Act, any guidance issued by the Gambling Commission and this 'Statement of Principles'.
	<b>PART C - PERMITS / TEMPORARY AND OCCASIONAL USE NOTICES</b>
28	<b>UNLICENSED FAMILY ENTERTAINMENT CENTRE, (UFEC)</b> <b>GAMING MACHINE PERMITS ~ STATEMENT OF PRINCIPLES ON PERMITS</b>
28.1	Unlicensed Family Entertainment Centres, (UFEC's), are premises commonly located at seaside resorts, on piers, at airports or at motorway service stations. These establishments cater for families, including unaccompanied children and young persons and, subject to the grant of a permit from the Council, operators can provide an unlimited number of Category D gaming machines, upon the premises.
28.2	Where a premises does not have the benefit of a premises licence issued under the Act, but the applicant wishes to provide Category D gaming machines; an application may be made to the Licensing Authority for an unlicensed family entertainment centre permit. The applicant must satisfy the Licensing Authority that the premises will be 'wholly or mainly' used for making gaming machines available for use.
28.3	<b>The Licensing Authority will require as part of the application form, a plan to scale clearly defining the area covered by the UFEC.</b>
28.4	The Licensing Authority will issue permits for unlicensed family entertainment centres in accordance with the following principles: <ul style="list-style-type: none"> <li>a) The licensing objectives.</li> <li>b) Any relevant regulations or codes of practice.</li> <li>c) Any guidance issued by the Gambling Commission.</li> <li>d) The principles set out in this 'Statement of Principles'.</li> </ul>
28.5	The Licensing Authority will only grant a permit if satisfied that the premises will be used as an unlicensed family entertainment centre and that the Devon and Cornwall Police have been consulted in relation to the application; applicants will also be required to demonstrate to the Licensing Authority: <ul style="list-style-type: none"> <li>a) That the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed family entertainment centre.</li> <li>b) That staff are suitably trained and have a full understanding of the maximum stakes and prizes permissible in an unlicensed family entertainment centre.</li> <li>c) That the applicant has no convictions, which may have been identified as 'relevant convictions', for the purposes of the Act.</li> </ul>
28.6	The Licensing Authority will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. Such measures may include:

	<ul style="list-style-type: none"> <li>a) Enhanced Criminal record checks for staff.</li> <li>b) Appropriate measures / training for staff as regards suspected truant school children on the premises.</li> <li>c) Appropriate measures / training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on / around the premises.</li> </ul>
28.7	The Licensing Authority can grant or refuse an application for an unlicensed family entertainment centre permit; however it cannot attach conditions to a permit.
29	<b>(ALCOHOL) LICENSED PREMISES ~ GAMING MACHINE PERMITS</b>
29.1	Under the provisions of the Gambling Act 2005, there is an automatic entitlement to provide a maximum of 2 category C and/or D gaming machines, on premises that are licensed under the Licensing Act 2003, for the sale and consumption of alcohol on the premises. Subject only to the proviso, that the premises licence holder must serve notice of intention upon the Licensing Authority in respect of those machines.
29.2	<p>The Licensing Authority can remove the '<i>Licensing Act 2003 Automatic Entitlement</i>' in respect of any particular premises if:</p> <ul style="list-style-type: none"> <li>a) The provision of the machines is not reasonably consistent with the pursuit of the licensing objectives</li> <li>b) The licensee has breached the requirements of the Gambling Act 2005.</li> <li>c) An offence under the Gambling Act 2005 has been committed on the premises.</li> <li>d) The premises are mainly used for gaming.</li> </ul>
29.3	The provision of gaming machines, (on premises licensed for the sale and consumption of alcohol), in excess of the automatic two machine entitlement, can only be authorised by way of a permit issued by the Licensing Authority.
29.4	<p>In considering any application for a permit to authorise the provision of more than two machines, on premises licensed under the Licensing Act 2003, (for the sale and consumption of alcohol); the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> <li>a) The requirements of the Gambling Act 2005.</li> <li>b) The Licensing Objectives.</li> <li>c) Any guidance issued by the Gambling Commission.</li> <li>d) Any Code of Practice issued by the Gambling Commission.</li> <li>e) The principles within this 'Statement of Principles'.</li> <li>f) Any such matters that the Council considers relevant.</li> </ul>
29.5	In granting a permit the Licensing Authority can prescribe a different number of machines to that which was applied for, and can prescribe the particular category of machine(s) that may be permitted; however the Licensing Authority cannot attach conditions to a permit.
29.6	Applications for permits under this section cannot be made in respect of unlicensed non-alcoholic areas of, ( <i>Licensing Act 2003</i> ), licensed premises. Such areas would need to be considered under the provisions relating to 'Family Entertainment Centres' or 'Adult Gaming Centres'.



30	<b>PRIZE GAMING PERMITS ~ STATEMENT OF PRINCIPLES ON PERMITS</b>
30.1	<p>In considering any application for a prize gaming permit the Licensing Authority will have regard to the following:</p> <ul style="list-style-type: none"> <li>a) The type of gaming that the applicant is intending to provide.</li> <li>b) The requirements of the Gambling Act 2005.</li> <li>c) The Licensing Objectives.</li> <li>d) Any guidance issued by the Gambling Commission.</li> <li>e) Any statutory and mandatory conditions.</li> <li>f) The principles within this 'Statement of Principles'.</li> </ul>
30.2	<p>The Licensing Authority will expect the applicant to demonstrate that they understand the limits applicable to 'stakes and prizes' that are set out in Regulations; and that they are able to understand and ensure that the gaming to be provided is within the law.</p>
30.3	<p>There are statutory and mandatory conditions in the Act which the permit holder must comply with and the Licensing Authority cannot impose any additional conditions to the grant of a permit. The conditions in the Act are:</p> <ul style="list-style-type: none"> <li>a) The limits on participation fees, as set out in regulations, must be complied with.</li> <li>b) 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.</li> <li>c) 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).</li> <li>d) Participation in the gaming must not entitle the player to take part in any other gambling.</li> </ul>
31	<b>CLUB GAMING PERMITS AND CLUB MACHINE PERMITS</b>
31.1	<p>Members Clubs may apply for a 'Club Gaming Permit' or a 'Club Machine Permit'. Commercial Clubs may apply for a 'Club Machine Permit'.</p>
31.2	<p>The grant of a 'Club Gaming Permit' by the Licensing Authority will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations.</p>
31.3	<p>The grant of a 'Club Machine Permit' by the Licensing Authority will enable the premises to provide up to a maximum of three gaming machines of categories B, C or D.</p> <p><i>NOTE: This maximum entitlement of three machines will include any machines provided by virtue of the Licensing Act 2003 entitlement; it is not in addition to that entitlement.</i></p>
31.4	<p>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. This may cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A 'Members' Club' must be permanent in nature, not established to</p>

	make commercial profit, and controlled by its members in equal part. Examples would include 'Working Men's Clubs', branches of the 'Royal British Legion' and clubs with political affiliations.
31.5	<p>The Licensing Authority may only refuse an application for a 'Club Gaming Permit' or a 'Club Machine Permit' on the grounds that:</p> <ol style="list-style-type: none"> <li>The applicant does not fulfil the statutory requirements for a members' club, a commercial club or a miners' welfare institute; and therefore is not entitled to receive the type of permit for which it has applied.</li> <li>The applicant's premises are used wholly or mainly by children and/or young persons.</li> <li>An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.</li> <li>A permit held by the applicant has been cancelled in the previous ten years.</li> <li>An objection to the grant of a permit has been lodged by the Gambling Commission or the Police.</li> </ol>
31.6	The Licensing Authority is aware that there is a 'fast-track' procedure, for the issue of a permit under this section provided by the Licensing Act 2003 to premises which hold a 'Club Premises Certificate'. Under this fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police.
31.7	<p>The 'fast track' process afforded to an applicant under the Licensing Act 2003 does not provide any statutory right to the issue of a permit and the Licensing Authority may resolve to refuse the grant of a 'fast track' application on the following grounds:</p> <ol style="list-style-type: none"> <li>That the club is established primarily for gaming, other than gaming prescribed under Schedule 12 of the Act, (<i>that section relating to 'Club Gaming Permits' and 'Club Machine Permits'</i>).</li> <li>That in addition to the prescribed gaming to be provided under the permit, the applicant provides facilities for other gaming on the same premises.</li> <li>That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.</li> </ol>
32	<b>TEMPORARY USE NOTICES</b>
32.1	<p>There are a number of statutory limits as regards temporary use notices. The limits are set out in the Act as:</p> <ol style="list-style-type: none"> <li>A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months.</li> <li>A set of premises may be the subject of more than one temporary use notice in a period of 12 months; provided that the aggregate of the periods for which the notices have effect does not exceed 21 days.</li> </ol>
32.2	<p>The purposes for which a temporary use notice may be used are restricted by regulations, to the provision of facilities for equal chance gaming only, which must be provided by means other than 'machine gaming'.</p> <p><i>'Equal Chance Gaming' is gaming where the participants are taking part in a gambling competition which is intended to produce a single, overall winner. An example of this would</i></p>

	<i>be a poker competition.</i>
32.3	In considering whether to object to a temporary use notice the Licensing Authority will have particular regard to this 'Statement of Principles', and any guidance issued by the Gambling Commission, with regard to the nature and definition of a 'premises' or a 'place'. Should the Licensing Authority consider that 'Temporary Use Notices' are being employed at premises, (or for discreet parts of premises), to the extent where 'regular gambling' is thereby being provided within a given building or at a given place; then the Licensing Authority may object to the notice(s).
33	<b>OCCASIONAL USE NOTICES</b>
33.1	With regard to 'Occasional Use Notices' the Licensing Authority will ensure the following: <ul style="list-style-type: none"> <li>a) That the statutory limit of 8 days in a calendar year is not exceeded.</li> <li>b) That the subject premises can reasonable and effectively be defined as a 'track'</li> <li>c) That the applicant is permitted to avail himself / herself of the notice.</li> </ul>
34	<b>APPENDICIES</b>

<b>Appendix 1 ~ Consultation</b>	
1	<p>The Gambling Act 2005 requires that the following parties are consulted by Torbay Council prior to publication of the finalised 'Statement of Principles':</p> <ol style="list-style-type: none"> <li>The Chief Officer of Police.</li> <li>One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the authority's area.</li> <li>One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Gambling Act 2005.</li> </ol>
2	<p>The finalised 'Statement of Principles' will be made following consultations with the following:</p> <ol style="list-style-type: none"> <li>Residents and businesses of Torbay</li> <li>Bodies representing existing gambling businesses in Torbay</li> <li>The Chief Officer of Devon and Cornwall Constabulary</li> <li>The Chief Officer of Devon and Somerset Fire and Rescue Service</li> <li>Torbay Care Trust and Local Health Providers</li> <li><del>f) Torbay Council : Children's Services</del> <b>Torbay Safeguarding Children Board</b></li> <li>Torbay Council : Planning, <b>Community Safety</b> and Highways Authorities</li> <li><del>h) The Torbay Safer Communities Partnership</del> <b>Safer Communities Torbay</b></li> <li>Facilities in Torbay assisting vulnerable persons</li> <li>Faith groups; via Torbay-Interface <b>Interfaith</b> Forum and the Street Pastors</li> <li><b>Torbay Town Centres Company</b></li> <li><b>Brixham Town Council</b></li> <li><b>English Riviera Tourism Company</b></li> <li><del>Torbay Development Agency</del> <b>Economic Development Company</b></li> </ol>
3	<p>In determining the finalised 'Statement of Principles', Torbay Council will undertake to give appropriate weight to the views of those it has consulted. In determining what weight to give to a particular representation, the factors taken into account will include:</p> <ol style="list-style-type: none"> <li>Who is making the representation; (what is their expertise or interest?)</li> <li>What was the motive for their representation?</li> <li>How many other people have expressed the same or similar views?</li> <li>How far the representations relate to matters that Torbay Council should be including in its 'Statement of Principles'</li> </ol>
4	<p>Torbay Council has designated the Torbay Safeguarding Children Board, (<i>TSCB</i>), as the 'Competent Body' to advise the Council, with regard to the licensing objective that protects children from being harmed or exploited by gambling.</p>

<b>Appendix 2 ~ Schedule of Licensing Authority and Responsible Authority Contacts</b>	
<b>Licensing Authority</b>	
1	<p>Licensing and Public Protection Team  Community Safety  1st Floor  Commerce House  Abbey Road  Torquay  TQ2 5PJ</p> <p>Tel: 01803 208025  E-mail: <a href="mailto:licensing@torbay.gov.uk">licensing@torbay.gov.uk</a></p>
<b>Responsible Authorities</b>	
2	<p>Licensing Department  Devon and Cornwall Police HQ  Middlemoor  Exeter  EX2 7HQ</p> <p>Tel: 01392 452225  E-mail: <a href="mailto:licensingeast@devonandcornwall.pnn.police.uk">licensingeast@devonandcornwall.pnn.police.uk</a></p>
3	<p>Devon and Somerset Fire and Rescue Service  Western Command  Devon South Group  Torquay Headquarters  Newton Road  Torquay  TQ2 7AD</p> <p>Tel: 01803 653700  E-mail: <a href="mailto:southfiresafety@dsfire.gov.uk">southfiresafety@dsfire.gov.uk</a></p>
4	<p>Torbay Safeguarding Children Board  Torbay Council  Town Hall  Castle Circus  Torquay  TQ1 3DR</p> <p>Tel: 01803 207176</p>

	E-mail: <a href="mailto:tscb@torbay.gov.uk">tscb@torbay.gov.uk</a>
5	Licensing and Public Protection Team (Public Nuisance) Community Safety 1st Floor Commerce House Abbey Road Torquay TQ2 5PJ  Tel: 01803 208025 E-mail: <a href="mailto:licensing@torbay.gov.uk">licensing@torbay.gov.uk</a>
6	Planning and Development Services Town Hall Castle Circus Torquay TQ1 ???  Tel: 01803 207801 E-mail: <a href="mailto:planning@torbay.gov.uk">planning@torbay.gov.uk</a>
7	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP  Tel: 0121 230 6666 E-mail: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
8	HM Revenue & Customs Betting and Gaming National Registration Unit Portcullis House 21 India Street G2 4PZ Tel: 0141 5553633 E-mail: <a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a>
<p><b>Gamcare</b></p> <p><i>'Gamcare' is not a designated 'Responsible Authority' under the Gambling Act 2005 and has not been consulted by Torbay Council in relation to this 'Statement of Principles 2013'. However, Torbay Council has resolved to include the contact details of Gamcare within this appendix.</i></p> <p>GamCare 2nd Floor, 7-11 St John's Hill, London SW11 1TR Tel: 020 7801 7000 : Fax: 020 7801 7033 E-mail: <a href="mailto:info@gamcare.org.uk">info@gamcare.org.uk</a></p>	

**Appendix 3 ~ Torbay Council Delegation Protocols**

<b><u>Matter to be dealt with</u></b>	<b><u>Full Council</u></b>	<b><u>Licensing Committee or Licensing Sub-Committee</u></b>	<b><u>Officers</u></b>
Three year licensing policy	X		
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 the transfer of a licence		Where representations have been received from the <b>Gambling</b> Commission.	Where no representations received from the <b>Gambling</b> Commission.
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn.
Review of a premises licence		X	
Application for club gaming / club machine permits		Where 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 except below			X
Applications for gaming machine permits		For more than 4 machines or where representations have been received.	For up to 4 machines where no representations received / representations have been withdrawn.
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	

**Appendix 4 ~ Schedule of Gaming Machine Provision by Premises**

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
<b>Pre-2005 Act casino</b> (no machine/table ratio)	Maximum of 20 machines B to D (except B3A machines), or any number of C or D machines instead						
<b>Betting premises and tracks occupied by pool betting</b>	Maximum of 4 machines categories B2 to D (except B3A machines)						
<b>Bingo premises</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
<b>Adult gaming centre</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
<b>Family entertainment centre</b> (with premises licence)						No limit on category C or D machines	
<b>Family entertainment centre</b> (with permit)						No limit on category D machines	
<b>Clubs or miners' welfare institute</b> (with permits)				Maximum of 3 machines in Categories B3A or B4 to D*			
<b>Qualifying alcohol-licensed premises</b>				1 or 2 machines of category C or D automatic upon notification			
<b>Qualifying alcohol-licensed premises</b>				Number of category C-D machines as specified on			



(with gaming machine permit)							permit
<b>Travelling fair</b>							No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

\*It should be noted that members' clubs are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

\*\* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

**Appendix 5 ~ Schedule of Gaming Machine Categories and Entitlements**

<b>Category of machine</b>	<b>Maximum stake (July 2011)</b>	<b>Maximum prize (July 2011)</b>
<b>A</b>	<b>No category A gaming machines are currently permitted</b>	
<b>B1</b>	£2	£4,000
<b>B2</b>	£100 (in multiples of £10)	£500
<b>B3A</b>	£1	£500
<b>B3</b>	£2	£500
<b>B4</b>	£1	£250
<b>C</b>	£1	£70
<b>D – non-money prize (other than a crane grab machine)</b>	30p	£8
<b>D – non-money prize (crane grab machine)</b>	£1	£50
<b>D ( money prize)</b>	10p	£5
<b>D – combined money and non-money prize (other than a coin pusher or penny falls machine)</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D – combined money and non-money prize (coin pusher or penny falls machine)</b>	10p	£15 (of which no more than £8 may be a money prize)

\*Subject to EC Notification process

**NB These stakes and prizes are due for review during 2013.**

Appendix 6 ~ Schedule of Gaming Entitlements for Clubs and Pubs

	Members' club with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Member's club, or commercial club without a club gaming permit	Pubs and other alcohol-licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Poker</b> £100 per premises per day <b>Other gaming</b> £5 per person per game <b>Cribbage &amp; dominoes</b> No limit
<b>Limits on prizes</b>	No limit	No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £100 per game <b>Other gaming</b> No limit
<b>Maximum participation fees – per person per day</b>	<b>Bridge and/or whist*</b> £20 <b>Other gaming</b> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £3 (commercial club) £1 (members' club)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	No bingo permitted	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence

\*On a day when no other facilities for gaming are provided.