

LICENSING SUB-COMMITTEE

Date: Wednesday 6 November 2024

Time: 10.00 am

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Pierre Doutreligne, Democratic Services Officer (Committees) on 01392 265486 or email committee.services@exeter.gov.uk

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Panel:-

Councillors Haigh, Sheridan and Snow

Agenda

Part I: Items suggested for discussion with the press and public present

1 **Appointment of Chair**

To appoint a Chair for the meeting.

2 **Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is considered unlikely that the Committee would wish to exclude the press and public during consideration of the items on this agenda. If, however, the Committee were to exclude the press and public, a resolution in the following form should be passed:

“RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act.”

To pass the following resolution:

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for items and on the grounds that if involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Act.

GAMBLING ACT 2005

4 Application for a new Bingo Premises Licence

To consider the report of the Service Lead – Environmental Health and Community Safety.

(Pages 3 -
82)

Individual reports on this agenda can be produced in large print on request to Democratic Services on 01392 265486.

REPORT TO: LICENSING (SUB) COMMITTEE

Date of Hearing:	06.11.2024
Report of:	Service Lead - Environmental Health and Community Safety Presented by Nigel Marston – Principal Licensing Officer
Decision Required:	To determine an application for a new Bingo Premises Licence
Legislation:	Gambling Act 2005
Premises	Merkur Slots 47 – 48 Sidwell Street, Exeter, EX4 6NS
Applicant	Merkur Slots UK Ltd

1. What is the report about?

- 1.1 The Gambling Act 2005 ('the Act') requires Exeter City Council, as the Licensing Authority, to carry out its various licensing functions so as to promote the following three Licensing Objectives:
- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder, or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2 A premises licence application for Merkur Slots was received on 15th July 2024. The application is requesting a Bingo Licence to operate Monday to Sunday 09:00 – 00:00.
- 1.3 There are no restrictions on access to gaming machines in bingo premises.
- 1.4 Three representations from (other persons) have been received in respect of the application. These are listed in Appendix 8.
- 1.5 The Act requires the Council to publish a Statement of Gambling Policy which sets out the policies the Council will have regard to and apply to promote the Licensing Objectives when making a decision on applications made under the Act. The Council's Statement of Gambling Policy is attached as Appendix 10.
- 1.6 It is essential that the Sub-Committee takes into account the government's guidance to the Act before reaching a decision. The Applicant, Responsible Authorities, or any other persons, should bring to the Sub-Committee's attention any relevant paragraphs. However, it is suggested good practice for Members of the Sub-Committee to read the relevant paragraph(s) of the guidance prior to the hearing.

2. Are there any representations?

- 2.1 As prescribed by the Act, the application has been out for consultation to statutory consultees (Responsible Authorities) and any other persons for 28 days in the form of a notice displayed on the premises and a notice published in a local newspaper on 25th July 2024. The application was also advertised on the Exeter City Council website on 15th July 2024.
- 2.2 Responsible Authorities have received a copy of the application. Please see below responses received:

Responsible Authority	Response received	Objections	Conditions Agreed
Licensing	No		-
Police	No		
Environmental Protection	No		
Fire Safety	Yes	No	
Health and Safety	No		
Planning	Yes	No	
Safeguarding Children	No		
HM revenues and Customs	No		
Gambling Commission	No		

- 2.3 Three representations from other persons have been received and are attached as Appendix 8. The grounds for the representations are that the granting of a premises Licence would undermine the Licensing Objectives of protecting children and other vulnerable people from being harmed or exploited by gambling, preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime and ensuring that gambling is conducted in a fair and open way.
- 2.4 The last date for receiving representations was 12th August 2024.

3. What are the legal aspects?

- 3.1 The Licensing Sub-Committee are required to have regard to;
- 3.1.1 the representations (including supporting information) presented by all the parties; and
 - 3.1.2 the Official Guidance issued to Licensing Authorities by the Gambling Commission (revised April 2023) which can be viewed here [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/guidance-to-licensing-authorities)
 - 3.1.3 the Licensing Authorities Statement of Gambling Policy 2022 -2025
- 3.2 In determining a licence application the Licensing Sub-Committee will consider each application on its merits.

- 3.3 The Licensing Sub-Committee, having regard to the representations, must take such of the following steps, if any, as it considers appropriate for the promotion of the Licensing Objectives
- i. Grant the application as requested. If the Sub-Committee consider that granting the application would not undermine any of the Licensing Objectives, it should be granted in full as submitted. This would be granted subject to mandatory conditions and other conditions consistent with the Applicant's operational standards, and any other conditions agreed by the Applicant as part of the consultation process. Any conditions attached to a licence must be appropriate to promote the Licensing Objectives.
 - ii. Grant the application as above, but the Sub-Committee could impose extra conditions as it thinks fit, or make amendments to the operating schedule conditions, and/or proposed hours. This option may include adding any conditions suggested by other parties at the hearing, including the Applicant. Any conditions to be attached to a licence must be appropriate to the Licensing Objectives.
 - iii. If the Sub-Committee concludes that no additional conditions would ensure that the Licensing Objectives would be upheld, then the whole application should be rejected.

4. Recommendations:

- 4.1 The Principal Licensing Officer recommends option (i)
- 4.2 The reason for this recommendation is that the Applicant has submitted a robust Operational Standards document and a Local Area Risk Assessment that outlines in detail how the Licensing Objectives will be upheld.
- 4.3 The Responsible Authorities who responded to the consultation have not offered up further conditions because they consider the application to be suitably conditioned for the type of business model and operation intended at the premises. If problems do occur then the review procedure is available to both Responsible Authorities and any other persons.
- 4.4 The Sub-Committee are advised that they may depart from the officer recommendation if, having heard all the evidence, they believe it is appropriate to do so. Should the Sub-Committee decide to depart from the recommendation and choose an alternative option, then they must provide full reasons for this decision, based on the promotion of the Licensing Objectives. The application must be considered on its own merits and all the circumstances taken into account before a decision is made.

Service Lead – Environmental Health & Community Safety

Author: Nigel Marston, Licensing Officer.

List of Appendices included:

1. Premises Licence application
2. Operational Standards Document
3. Working Together Document
4. Advert in Local Newspaper
5. Plan of Premises
6. Gaming Machines Proposed Plan
7. Location Plan
8. Representations
9. Bingo Mandatory Conditions
10. Gambling Policy - Statement of Principles

Other useful background papers:

Gambling Commission's Guidance to Licensing Authorities

It is a statutory obligation of the Sub-Committee to take into account the Gambling Commission's guidance to the Gambling Act 2005 before reaching a decision.

The Council's Statement of Gambling Policy

The Council will have regard to the policy when making a decision on applications made under the Act.

Local Government (Access to Information) Act 1972 (as amended)

Contact for enquires:

Democratic Services (Committees)

Room 4.36 01392 265275

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

Regional Casino

Large Casino

Small Casino

Bingo

Adult Gaming Centre

Family Entertainment Centre

Betting (Track)

Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is “yes”, please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname:

Other name(s):

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business - *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation:

MERKUR Slots UK Ltd

7. The applicant's registered or principal address:

**Second Floor
Matrix House
North Fourth Street
Milton Keynes
MK8 1NJ**

8(a) The number of the applicant's operating licence (as given in the operating licence):

003266-N-103444

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

N/A

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known):

MERKUR Slots

11. Address of the premises (or, if none, give a description of the premises and their location):

**47- 48 Sidwell Street
Exeter
EX4 6NS**

12. Telephone number at premises (if known): **N/A**

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Ground Floor Only

14(a) Are the premises situated in more than one licensing authority area?

No

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

N/A

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case?

No

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon			
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

N/A

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued):

ASAP

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence?

No

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority?

Yes

19(b). If the answer to question 19(a) is yes, please provide full details:

**MERKUR Slots Adult Gaming Centre Premises Licence: EX-GPL0014
145 Fore Street, Exeter, EX4 3AN**

20. Please set out any other matters which you consider to be relevant to your application:

Merkur Slots UK Ltd have full authority to provide licensed gaming by the provision of an Operating Licence granted by the Gambling Commission. The UK's Gambling Regulator has therefore approved the measures implemented to ensure that effective anti-money laundering procedures are applied and policies have been developed to ensure responsible trading in accordance with the gambling legislation, the licensing objectives and the licence conditions and code of practice.

The applicant has comprehensive measures to ensure that all gambling remains socially responsible, which includes detailed staff training on matters such as the protection of the vulnerable, including homeless individuals and young persons.

The applicant is an experienced licenced operator providing a large estate of gambling premises across the United Kingdom.

A copy of Merkur Slots UK Limited's Operational Standards has been provided in support of the application and full copies of the Applicant's policies and procedures are available, if required.

A copy of Merkur Slots UK Limited's 'Working Together' document has also been supplied in support of the application, which provides an overview of the licensee's proposed operation.

Part 6 – Declarations and Checklist (Please tick)

We confirm that, to the best of our knowledge, the information contained in this application is true. We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- We understand that if the above requirements are not complied with the application may be rejected
- We understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature: 

Print Name: **Poppleston Allen**

Date: **15 July 2024** Capacity: **Solicitors for & on behalf of the applicant**

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature: _____

Print Name: _____

Date: _____

Capacity: _____

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Felix Faulkner

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

0203 859 7751

24. Postal address for correspondence associated with this application:

**Poppleston Allen
The Stanley Building
7 Pancras Square
Kings Cross
London
N1C 4AG**

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

f.faulkner@popall.co.uk



THE LICENSING OBJECTIVES UNDER THE GAMBLING ACT 2005

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

Objective 1 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

- Merkur Slots UK Ltd is aware that it must notify the Gambling Commission should we suspect that offences under the Gambling Act 2005 are being committed.
- Merkur Slots UK Ltd complies with the Commission's advice on the Proceeds of Crime Act 2002.
- Merkur Slots UK Ltd has completed its own Business Anti-money laundering risk assessment, local area risk assessments and implements anti-money laundering policies and procedures.
- If we suspect anyone of using our premises for the furtherance of criminal activity (for instance drug dealing, using counterfeit money, selling suspected stolen property and criminal damage) we will contact the police immediately, report to our Head of Compliance and record the instance in the AML and Incidents modules of the electronic Smart Tablet system.
- All Merkur Slots UK Ltd premises operate digital CCTV and customer areas are supervised.
- Merkur Slots UK Ltd operates a group-wide Security Alert system where incidents are shared instantly with all licenced premises. We have an internal Fraud Measures Team that respond to and investigate incidents. As a BACTA member, we receive nationwide Security Alerts, which are circulated via the Security Alert system to all licenced premises.
- All Merkur Slots premises provide a static alarm system which is also supported by Staff Guard, a nationwide security company that offers 24hr support via a monitoring centre with fully trained operatives who advise on difficult situations and escalate appropriately.
- Merkur Slots UK Ltd has an extensive security, audit and money laundering team monitoring employees and customer activity.
- All Merkur Slots employees complete six-monthly refresher training which covers this licencing objective; anti-money laundering policies and procedures; and guidance on the Proceeds of Crime Act 2002.
- Merkur Slots UK Ltd operate a robust late night working policy, which is fully supported by a full-time Night Manager.
- Merkur Slots UK Ltd does not operate a single-manning policy between 8pm and close, however, should an emergency occur a 'locked door' and 'keep in touch' policy is implemented.

Objective 2 - Ensuring that gambling is conducted in a fair and open way.

- Our gaming rules are prominently displayed in each of our licensed premises.
- Our employees have a full understanding of machine gaming rules.

Merkur Slots UK Limited

Operational Standards



- We encourage customer-facing employees to use positive discretion to resolve customer issues at a local level, where possible.
- Our Customer Complaints procedure is displayed prominently in every venue. Where customer disputes cannot be resolved satisfactorily, we refer all potential disputes to our appointed Alternate Dispute Resolution provider (IBAS).
- All venue managers attend our National Training Centre for a thorough induction programme prior to taking on responsibility of their own venue and team.
- All licensed premises employees receive induction and six-monthly refresher training during the course of their employment to ensure that potential issues can be addressed at the earliest opportunity.

Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling

- All our licensed premises are strictly adult only and we provide appropriate notification on entry, on all marketing material and throughout our premises.
- We operate a Think 25 policy as standard and all employees are trained to request a photographic form of identity if they suspect that a customer is under age. All challenges are recorded on our Smart Tablet system under Age Verification Checks and Check Policy are our third-party independent partner for compliance testing.
- All licensed premise employees receive induction and six-monthly refresher training during the course of their employment on social responsibility and safeguarding children and vulnerable people, with a particular focus on the prevention of harm.
- We prominently display information throughout our licensed premises on responsible gambling and provide details of organisations that can provide support and guidance such as BeGambleAware.
- Socially Responsible messaging is implemented on B3 and Category C digital machines.
- All licensed premise employees are trained to identify potential at risk customers and conduct effective interactions. Customer interactions are recorded on the Interactions module on the electronic Smart Tablet and reviewed centrally by the Compliance team.
- We implement a self-exclusion policy throughout our licensed premises and operate a Smart Tablet system for recording self-exclusions, reinstatements and breaches. We are also members of the Bingo Association Multi-Operator Self-exclusion Scheme.
- The layout of our premises is designed to facilitate customer supervision by employees.
- We provide an annual donation in support of research, education and treatment of problem gambling.

All three licensing objectives are embedded at all levels within the organisation via training both on-line and face to face, during Operational meetings, Business Bulletin communications, Compliance/Audit visits and annual conferences.

WORKING TOGETHER



Accredited by the Global Gambling Guidance Group

THE MERKUR FAMILY



PART OF THE GAUSELMANN GROUP

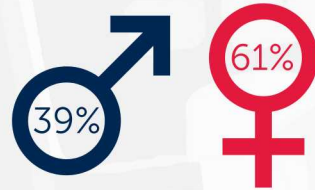
A Strong Partner For More Than 60 Years



**MERKUR
CASINO**

Merkur Casino UK, formerly Praesepe, is a subsidiary of the family run Gauselmann Group who are based in Espelkamp (Germany). Over the last 60 years the group has grown to operate more than 700 venues across Europe under the Merkur Brand. Millions of enthusiastic guests at home and abroad know our logo. The laughing MERKUR Sun is a guarantor for the best entertainment.

Merkur Casino UK employs over 1,600 people (61% Female) over 3 Bingo Clubs, over 180 High Street gaming centres and 3 Family Entertainment Centres under two main brands.



61% of employees are female
39% of employees are male

Merkur Slots is the main UK brand. All Merkur Cashino and Cashino Gaming venues will be rebranded into this new name over time. Our venues represent the very best in terms of exciting 'slot gaming' entertainment through delivering to our customers the latest in venue product and atmosphere. These venues are known for their highly trained teams and first class face to face service.

Merkur Bingo clubs, formerly Beacon Bingo, are very important to our customers in their local communities. Our teams strive to deliver not just great service but a Bingo experience which focusses on ambience, safety and fun in a modern environment. The flagship venue at Cricklewood, in North London, is the largest in Europe.



**MERKUR
SLOTS**



**MERKUR
BINGO**

HIGH STREET BINGO

What is it?

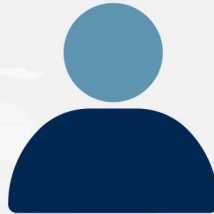
Bingo is one of the UK's favourite pastimes and Praesepe is one of the UK's largest operators of licensed bingo and arcade premises. Our High Street Bingo Venues:



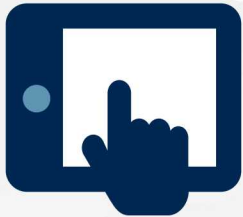
Offer more local, convenient locations to play Bingo rather than travelling to larger clubs.



Our teams remain with the customers on the venue floor rather than behind a counter.



Our customers can attend and play bingo at any time with the numbers auto-called.



The market on the high street has evolved with venues now providing Electronic Bingo Tablets.



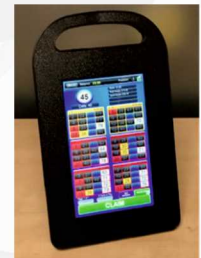
Our Bingo terminals offer B3, Cat C and Cat D products with an average stake of between 30-40p stake.



Bingo is available for play from 9am until midnight.



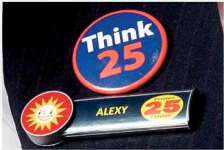
Bingo Terminals





RESPONSIBILITY IS THE FOUNDATION OF OUR BUSINESS

Think 25 Messaging



Players in Venue



We Are Not A Problem

Being a responsible operator is high priority across the Gauselmann group and in the UK, Merkur Casino is always looking at ways to adhere to the three licensing objectives as technology and customer behaviour changes.

GAMBLING COMMISSION

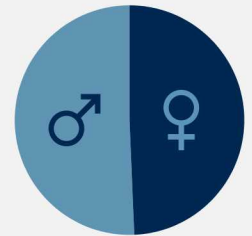
Merkur Casino is regulated by the Gambling Commission and Licensing Authorities



We do not sell or serve alcohol in our venues. We provide complimentary refreshments, teas and coffees, to customers. Our staff will not allow anyone into the premises who appears to be intoxicated.



We are immensely proud of the fact that we have never had a licence revoked or even reviewed. Incidents are extremely rare. We simply do not generate noise and anti-social behaviour.



Our venues operate a Think 25 policy whereby any persons who look under 25 have to produce a form of photo ID.



Our venues appeal to all ages with our membership gender database split of 52 % Male / 48% Female



Our venues have 3 external age tests per year with a compliance rate of over 94% for the last 3 years, compared to other leisure and gambling sectors that sit around 80%.

SOCIAL RESPONSIBILITY MEASURES IN PLACE



In Venue

Operationally we have a number of measures in place to protect our customers. Throughout the business Merkur Casino also has a number of socially responsible gambling tools, and management and training initiatives that include:



All staff complete on-boarding and six-monthly refresher training on "The Essentials of Compliance and Social Responsibility" and "Safeguarding Children and Vulnerable People".



Dedicated Learning & Development Team and National training centres.

IHL SMART tablet in every venue for the recording of customer interactions, self-exclusions, incidents and alerts.



All data is centrally reviewed and evaluated by an independent Audit/Compliance team.



Six monthly compliance audits to help identify training needs in venue.

Local Area Risk Assessments are updated annually to identify any changes in the local area.



Compliance



Training Centre



Online Training





SOCIAL RESPONSIBILITY MEASURES IN PLACE

Machine Messaging



Customer Interaction Training



All Levels

We provide an annual assurance statement to the Gambling Commission. This officially details the Board's commitment to the company values, purpose and culture and the accountability placed on delivery of the licensing objectives.



The statement contains information on how we operate effective governance, regulatory risk management, compliance controls, social responsibility and safer gambling initiatives.



It is also an opportunity to set out any initiatives relating to significant changes being introduced to improve control systems, risk-management, governance and safer gambling. Our recent commitments include: Socially Responsible Machine Messaging; Customer Set Your Limits; SMART Alert application to report criminal activity; opening our Second National Training Centre; Think 25 messaging and Customer Interaction Training.



Merkur Casino UK received the international certificate of accreditation from the Global Gambling Guidance Group (G4). Our Merkur 360 programme showcases how we are continually improving our social responsibility commitments throughout all levels of the business.

Merkur Casino UK also engages with the Bingo Association, Bacta and Gambling Business Group bodies.



- Senior Manager representation Divisional meetings.
- Operations Director is the Chair for division 3 representing Adult Gaming Centres.
- Member of the National Council.
- Head of Compliance is Vice Chair of the Social Responsibility Committee.



- Operations Director and Head of Compliance are Directors.
- Head of Compliance is a member of the Social Responsibility Committee.



BENEFITS TO THE HIGH STREET



Benefits for your High Street include:



Over 90% of new Merkur Slots venues occupy former vacant units.



Investment from £100,000 to £250,000 in long-standing vacant venues.



Linked trips with other shops helping to support other businesses.



Local jobs for between 6 and 12 people depending on the hours of operation.



Increased footfall to the High Street.



We provide an important natural surveillance on the high street, particularly late into the evenings.

COMMUNITY & CHARITY

Merkur Initiative

Supporting Local Charities and Good Causes

Amongst other charities, some of your donations have helped:



Merkur Casino UK has raised in excess of
£1.2 million for good causes since 2005

Please contact us

For press enquiries:

email martha@sourcemc.co.uk

phone +44 (0) 7796 614137

Merkur Casino UK

Seebeck House

1A Seebeck Place

Knowlhill

Milton Keynes

MK5 8FR

phone 01908 351200

email info@merkur-casino.com



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To place a public notice email: publicnoticesteam@reachplc.com

visit publicnoticeportal.uk

Alcohol & Licensing

NOTICE OF APPLICATION FOR A PREMISES LICENCE UNDER THE GAMBLING ACT 2005

Notice is hereby given that: Merkur Slots UK Limited Of the following address: Second Floor, Matrix House, North Fourth Street, Milton Keynes, MK9 1NJ are applying for a Bingo Premises Licence under section 159 of the Gambling Act 2005.

The application relates to the following premises: Merkur Slots, 47 - 48 Sidwell Street, Exeter, EX4 6NS. The application has been made to: Licensing Team, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1RQ. E: licensing.team@exeter.gov.uk. Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

Any of the following persons may make representations in writing to the licensing authority about the application: A person who lives sufficiently close to the premises to be likely to be affected by the authorised activities; A person who has business interests that might be affected by the authorised activities. A person who represents someone in any of the above two categories. Any representations must be made by the following date: 12 August 2024.

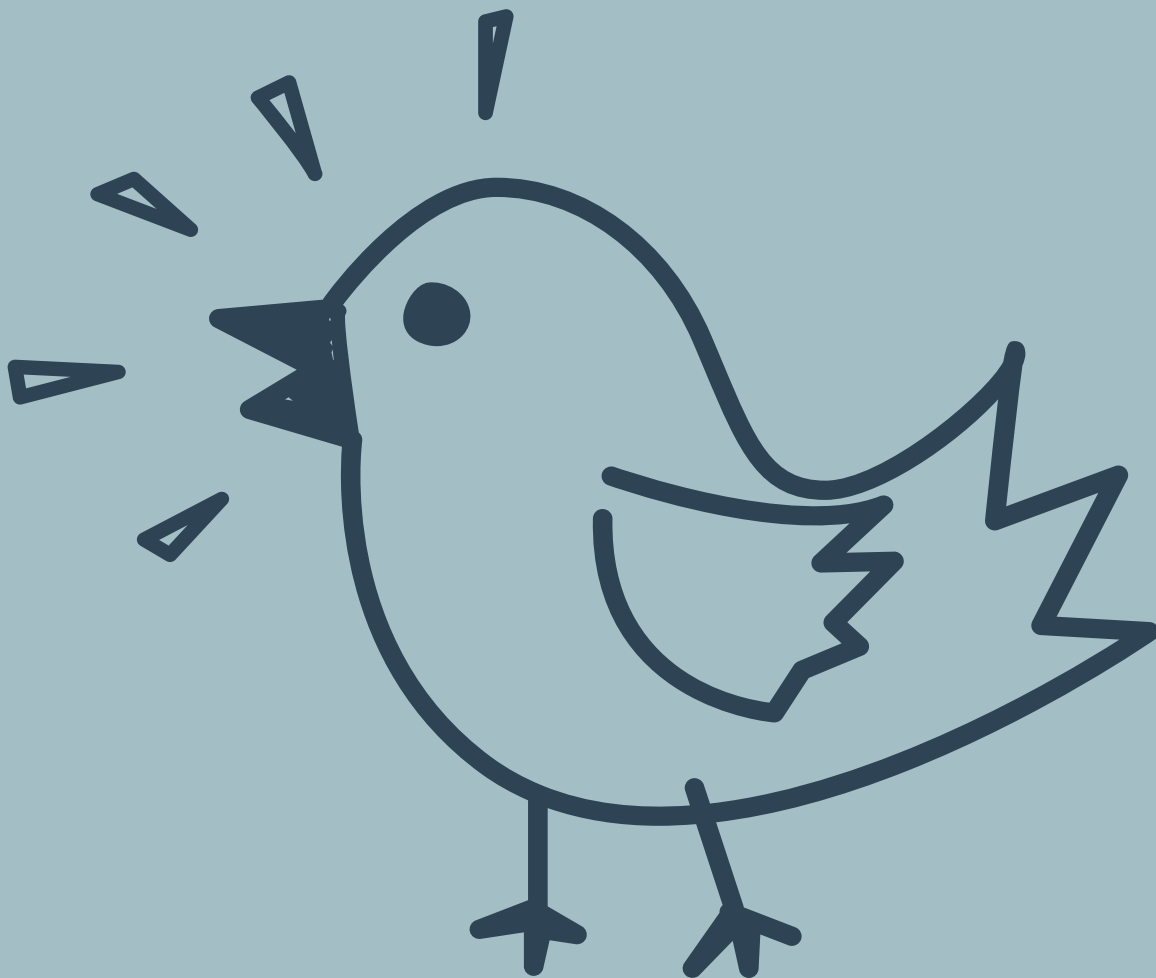
It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

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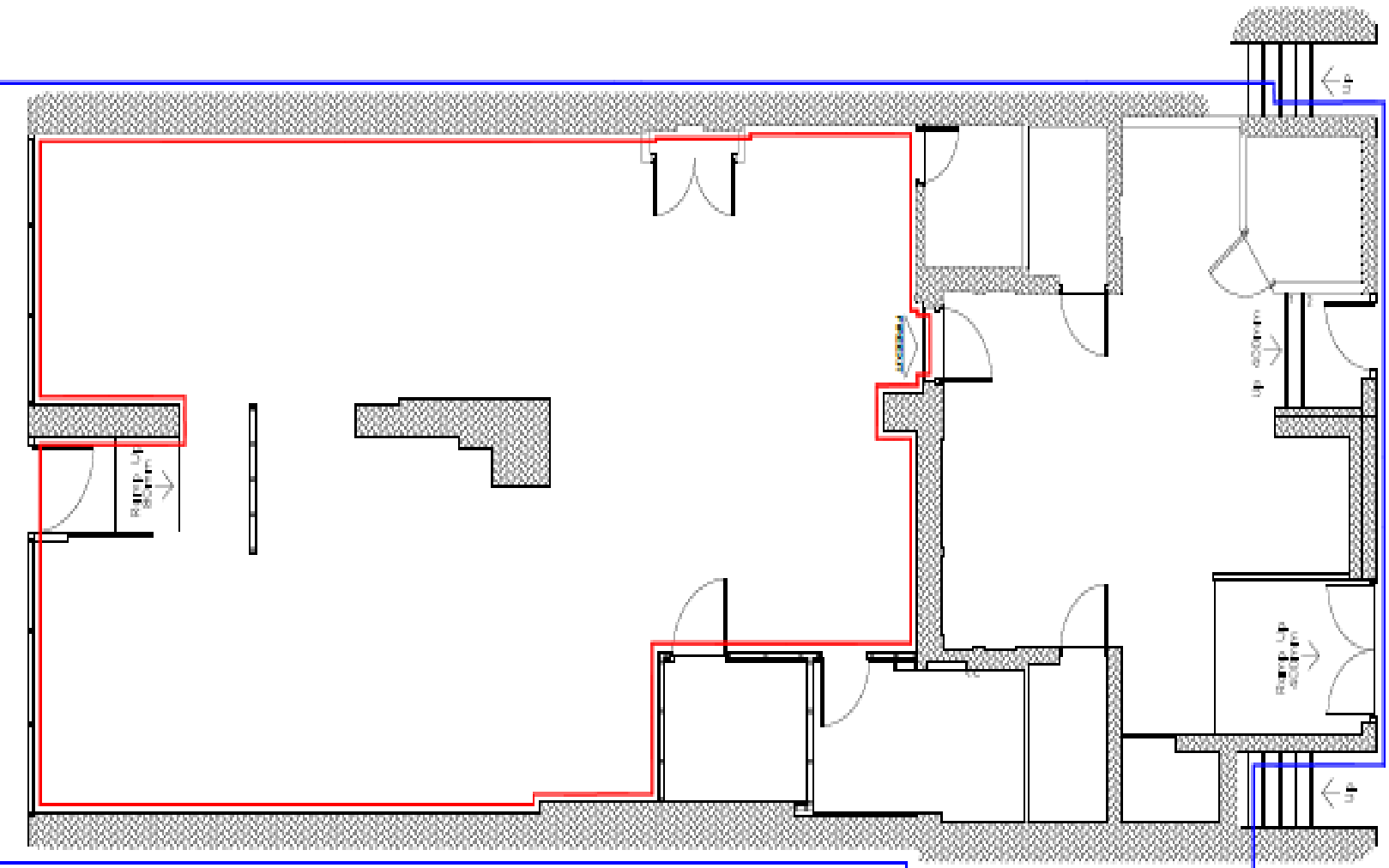


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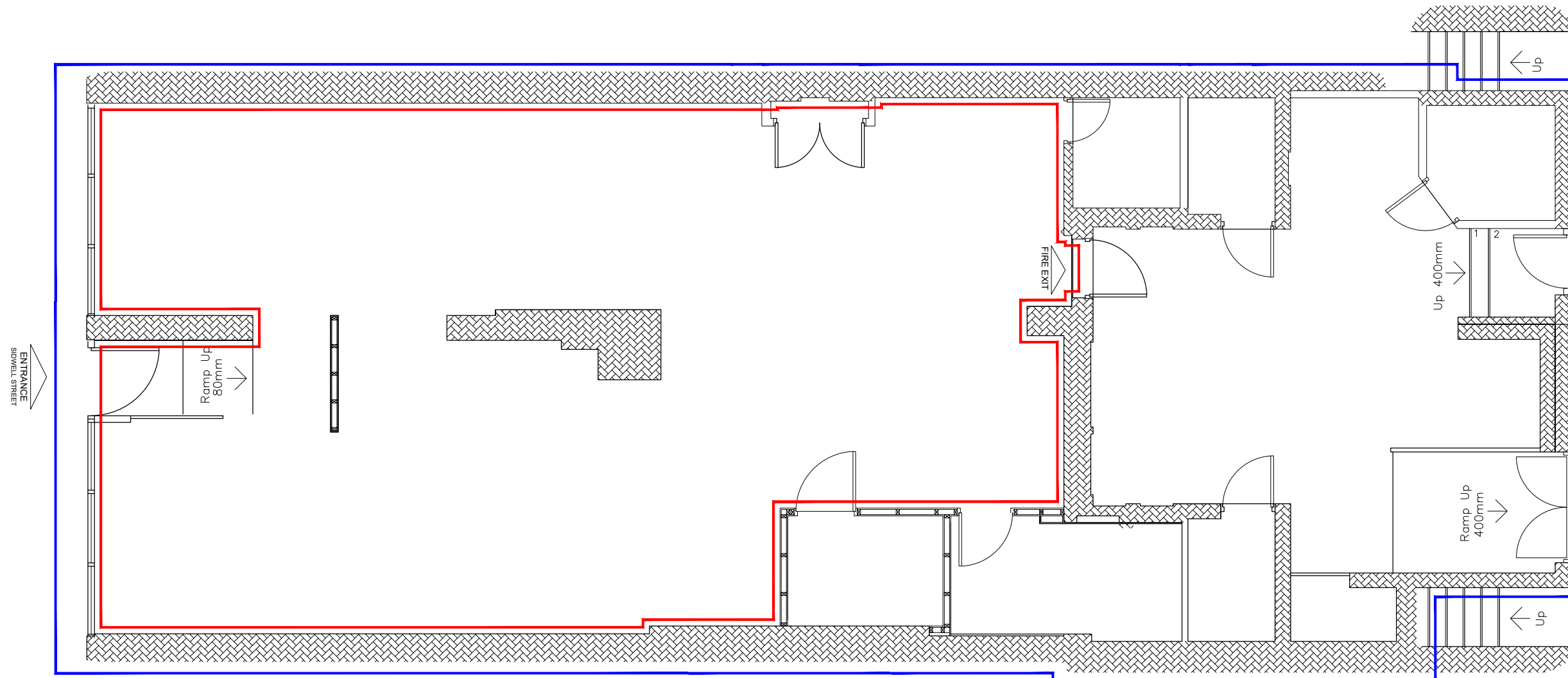
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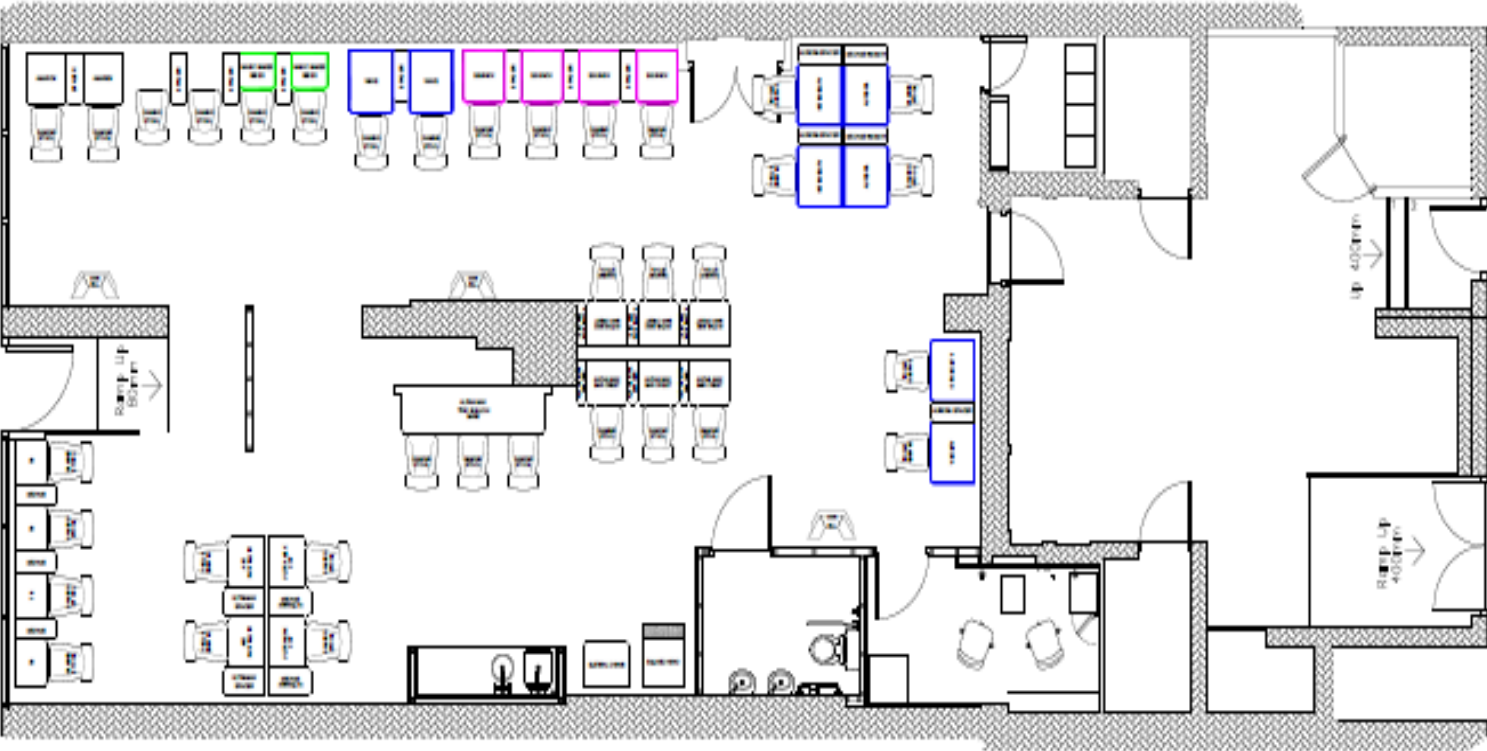


LICENSE PLAN LEGEND <table border="1"> <tr> <th>LINE TYPE</th> <th>LINE TYPE DESCRIPTION</th> </tr> <tr> <td></td> <td>AREA IN WHICH FACILITIES WILL BE PROVIDED FOR GAMING.</td> </tr> <tr> <td></td> <td>EXTENT OF PREMISES</td> </tr> </table>		LINE TYPE	LINE TYPE DESCRIPTION		AREA IN WHICH FACILITIES WILL BE PROVIDED FOR GAMING.		EXTENT OF PREMISES	REVISIONS REV 00:		FIT OUT TYPE LICENCING PROJECT MERKUR SLOTS 47-48 SIDWELL STREET EXETER EX4 6NS		REFERENCE DRAWINGS		
LINE TYPE	LINE TYPE DESCRIPTION													
	AREA IN WHICH FACILITIES WILL BE PROVIDED FOR GAMING.													
	EXTENT OF PREMISES													
GAMBLING ACT 2005 LICENSING PLAN Anything shown on this plan, which is not required by The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 is for illustrative purposes only, and does not form part of the premises licence.		DESCRIPTION PROPOSED LICENCE PLAN		SCALE 1:75		DRAWN BY MG								
				DATE 07/06/24										
				DRAWING No. 894-PL-106		REVISION 00								
								<small>COPYRIGHT IS RESERVED BY MERKUR CASINO UK AND IS ISSUED ON THE CONDITION THAT IT IS NOT COPIED OR DISCLOSED BY OR TO ANY UNAUTHORISED PERSONS WITHOUT PRIOR CONSENT FROM MERKUR CASINO UK.</small>						

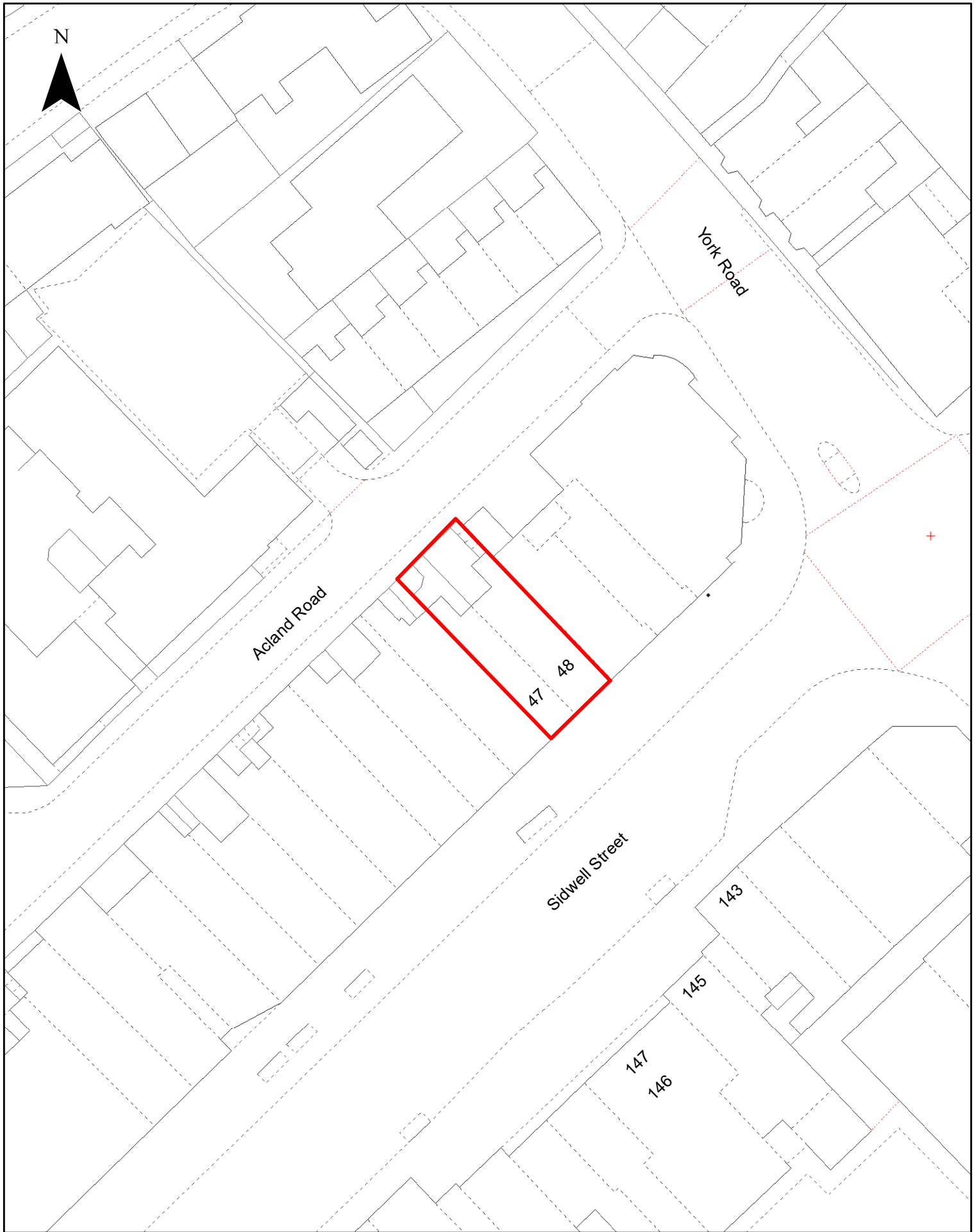
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PROPOSED GAMING AREA: 108.25m²
FOR ILLUSTRATION PURPOSES ONLY

PLEASE NOTE: SPACERS ARE NOT GAMING MACHINES



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47-48 Sidwell Street

Scale: 1:500

Date: 2024

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Dear Sirs,

I note that Merkur Slots have submitted an application for a Bingo Premises Licence at the above address on Sidwell Street.

As a local St James resident I wish to lodge my strong objection to this application.

As you will be aware from recent press, Sidwell Street has a long history of social disorder and is an area deemed to be less affluent than other areas of Exeter.

Recently Sidwell Street has been trying hard to remove this reputation, it has become more multicultural and appealing with independent cafes and shops.

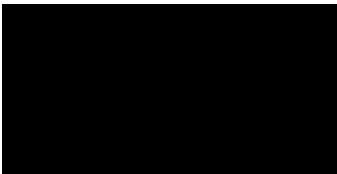
A gambling establishment serves no purpose in this mix other than to extract money, potentially from some of the most vulnerable in our society.

Given the social issues on Sidwell Street, this type of establishment does nothing to address them and has the potential to make the worse.

Sidwell street is mine and my young children's main walking route to the city centre and I feel it would be made less safe with this type of establishment, that offers for our family.

It's my sincere hope that you refuse this application.

Regards,



From: [REDACTED]
Sent: Thursday, August 1, 2024 9:49 AM
To: Licensing Team <licensing.team@exeter.gov.uk>
Subject: objection to MERKUR Slots application for 47-48 Sidwell St

I am writing to formally object to the planning application for the establishment of a new gambling premises at 47-48 Sidwell Street. As a resident of Exeter, I have serious concerns about the potential negative impact this development could have on our community.

Gambling establishments often target vulnerable groups, including individuals with addiction problems and those facing financial hardship. The presence of such a premises could exacerbate issues related to problem gambling, potentially leading to financial distress, mental health issues, and social problems.

And the introduction of a gambling premises can negatively affect the local community's wellbeing. There are concerns that such establishments may lead to an increase in anti-social behavior, crime rates, and other social issues. Sidwell Street already has long-standing issues with anti-social behaviour, drug misuse, public intoxication, and a general reputation for feeling 'unsafe', and the addition of yet another gambling venue could make this worse.

In light of these concerns, I urge the planning committee to reject this application. The potential harm to vulnerable individuals and the negative impact on community wellbeing and safety all provide strong grounds for refusal.

Thank you for considering my objections. I hope the council will prioritize the long-term interests and welfare of our community in making its decision.

Yours faithfully,

[REDACTED]

Hi there

I'm writing to place an objection to this application.

There are many studies which support evidence around gambling premises and increased anti-social behaviour. There are obvious links to other addictions such as alcohol and drugs, crime, violent behaviour and poor mental and physical health.

I have attached PHEs gambling report.

https://assets.publishing.service.gov.uk/media/6151b034e90e077a2db2e7f4/Gambling_risk_factors.pdf

Given the serious ongoing issues we face in Sidwell Street with street attached individuals, violent crime and other related anti- social behaviour we should absolutely not be supporting a premises which is likely to cause further challenges and exacerbate the existing problems.

I would be happy to make a representation to the licensing committee to object to this application.

With very best wishes



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BINGO

Mandatory Conditions

Summary of all terms and conditions of the premises licence shall be displayed in a prominent place.

The layout of the premises shall be maintained in accordance with the plan.

The premises shall not be used for the sale of tickets in a private lottery or customer lottery or the sale of tickets in any other lottery in respect of which the sale of tickets in the premises is otherwise prohibited.

A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect, a casino premises licence, an adult gaming centre premises licence or a betting premises licence other than a track premises licence.

Where children and/or young persons are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises, then the gaming machines must be:

- separated from the rest of the premises by a physical barrier to prevent access other than by an entrance designed to be the entrance.
- supervised at all times to ensure children or young persons do not enter the area
- arranged in such a way that ensures all parts of the area can be observed by persons responsible for supervision, or closed circuit television, which is monitored.

The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.

Where there is a charge for admission there must be a notice of the charge displayed in a prominent place at the principal entrance to the premises.

A notice setting out any other charges in respect of the gaming (except prize gaming) shall be displayed at the main point where payment for the charge is to be made. Such a notice must include the cost (in money) of each game card or set of game cards payable by an individual in respect of the game of bingo, and the amount that will be charged by way of a participation fee. There should also be in the notice a statement that all or part of the participation fee may be waived at the discretion of the person charging it. The notice can be displayed in electronic form.

The rules of each type of game that is available (other than gaming machines) shall be made available to customers within the premises by either displaying a sign, making leaflets or other written material available, or running an audio-visual guide prior to any game commencing.

Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Default Condition

No facilities for gambling shall be provided on the premises between midnight and 9am, apart from gaming machines.

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Exeter
City Council

THE GAMBLING ACT 2005

Statement of Gambling Policy 2022 - 2025

Service Lead - Environmental Health and Community Safety
Civic Centre
Paris Street
Exeter
EX1 1RQ

 01392 265702
 licensing@exeter.gov.uk
 www.exeter.gov.uk/licensing

Commencement: 31st January 2022

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Section 1 - Introduction

- 1.1 Exeter City Council (the Council) is the Licensing Authority (the Authority) under the Gambling Act 2005 (the Act). Section 349 of the Act requires that all Licensing Authorities prepare, consult and publish a Statement of Licensing Policy which will be used when exercising its licensing functions in relation to its responsibilities under the Act.
- 1.2 Once published, this Policy Statement will be kept under constant review and in any case, will be re-published after every three years. Before any revision of this Statement of Gambling Policy is published, the Authority will carry out a full consultation exercise on the relevant sections. This version of the Statement has been revised following the fifth triennial review and is for the period 31st January 2022 – 31st January 2025.
- 1.3 Section 25 of the Gambling Act states in the Guidance to local authorities that “*The (Gambling) Commission shall from time to time issue guidance as to*
- a) the manner in which local authorities are to exercise their functions under this Act,*
 - and*
 - b) in particular, the principles to be applied by local authorities in exercising functions under this Act.”*
- 1.4 In producing a Gambling Licensing Policy, the Licensing Authority will have regard to the Licensing Objectives of the Gambling Act 2005, the current guidance issued by the Gambling Commission, any relevant current statutory regulations, codes of practice issued by the Secretary of State and any responses from those consulted on the policy statement.
- 1.5 This Policy, therefore, generally follows the principles laid down in the Gambling Commission’s Guidance to Licensing Authorities.
- The Gambling Act 2005 can be accessed at <http://www.legislation.gov.uk> and the Gambling Commission’s Guidance to Licensing Authorities may be accessed via www.gamblingcommission.gov.uk
- 1.6 The Act also requires this Authority to carry out its various licensing functions to promote the three licensing objectives:
- 1. Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime
 - 2. Ensuring that gambling is conducted in a fair and open way
 - 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.7 The Licensing Authority will expect applicants for premises licenses to assess the impact of their premises on the locality in relation to crime and disorder and will give

consideration to the measures offered by applicants in relation to this licensing objective in their assessment. If an area has high levels of organised crime then the Authority will consider whether or not gambling premises are suitable for that location and whether conditions may be suitable such as the provision of Door Supervisors

- 1.8 The Licensing Authority considers that serious nuisance and anti-social behaviour can sometimes amount to disorder. They will consider factors such as how threatening the behaviour was to those affected and whether police assistance was required in determining whether disorder has been created.
- 1.9 In carrying out its licensing functions under the Act, particularly with regard to premises licences, the Council will generally aim to permit the use of premises for gambling as long as it is considered to be:
- i) In accordance with any relevant code of practice issued by the Gambling Commission,
 - ii) In accordance with any relevant guidance issued by the Commission reasonably consistent with the licensing objectives, and in accordance with the statement published by this Authority under section 349 of the Act
 - iii) Nothing in this Policy will override the right of any person to make an application under this Act and have that application considered on its individual merits. Equally, nothing in this Statement will undermine the right of any person to make representations to an application, or seek a review of a licence where there is a legal power to do so.
- 1.8 This Authority will endeavour to ensure that when considering applications under this legislation it will avoid duplication with other regulatory regimes so far as possible.
- 1.9 Previous gambling legislation required that the grant of certain gambling permissions should take account of whether there was an unfulfilled demand for gambling facilities. However, unfulfilled demand is not a criterion for a Licensing Authority in considering an application for a premises licence under this legislation. Each application will be considered on its merits without regard to demand.

SECTION 2 – PROFILE OF THE CITY OF EXETER

- 2.1 Exeter is the Licensing Authority as defined by the Gambling Act 2005. The term “Licensing Authority” will be used in all future references to Exeter in this Policy.




- 2.2 Exeter is a mainly urban Authority located towards the East of the County of Devon and bordered by the more rural Authorities of East Devon, Mid Devon and Teignbridge. Exeter is the regional capital of Devon comprising 4774 hectares. Long established as a cultural and visitor centre, it attracts large numbers of tourists and holiday makers as well as providing attractions to the surrounding towns and villages of east and mid Devon.
- 2.3 To the south and west of Exeter is Plymouth and Torbay; between them they have three casinos all granted prior to the Gambling Act 2005 coming into force. Exeter lies at the end of the M5 corridor and has a well established airport as well as excellent rail and bus links to London and the rest of the country.
- 2.4 Because of the size of the City and the density of its residential population there are very few areas within its boundaries that could be described as solely commercial or shopping areas. Even those that are commercial or shopping areas have significant numbers of residential dwellings above commercial premises and residential areas in close proximity.
- 2.5 The Council area has a population of approximately 133,333 [2020 Devon County Council]. This figure includes the student population.
- 2.6 There are six Lower Super Output Areas (LSOAs) within the city which represent some of the most deprived areas in England (very low deprivation), affected by unemployment, low

education, skills and training, low income and poor health and disability (Devon County Council Analysis of the Indices of Deprivation 2019).

- 2.7 All six of the above LSOAs fall within the 20% of most deprived areas in England, with the 'Sidwell Street' and 'Burnthouse Lane (Trees)' falling within the 10% of most deprived English regions.
- 2.8 In line with updated guidance, the Licensing Authority has developed local area profiles to help shape the Statement of Licensing Policy. The profiles will be maintained separately from this statement to enable profiles to be updated accordingly.
- 2.9 The local area profile will have regard to:
- Schools, sixth form colleges, youth centres etc, with reference to the potential risk of under-age gambling
 - Hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling amongst these groups
 - Religious buildings
 - Any known issues with problem gambling
 - The surrounding night time economy and any possible interaction with gambling premises
 - The socio-economic makeup of the area, in particular the index of deprivation
 - The density of different types of gambling premises in certain locations
 - Specific types of gambling premises in the local area
- 2.10 The Licensing Authority is aware that nationally recognised studies have shown a close link between deprivation and problem gambling. The National Centre for Social Research British Gambling Prevalence Survey 2010 stated that 'high-time/high-spend gamblers, like high-time only gamblers, displayed the most adverse socio-economic profile. They were more likely to live in areas of greatest deprivation, live in low income households and be unemployed. This group showed a relative preference for betting on horse races, fixed odds betting terminals and playing casino games.'
- 2.11 The report also went on to say that 'compared with the average, those who were unemployed were more likely to gamble on several different activities (exceptions being the National Lottery Draw, other lotteries, football pools, betting on dog races and online betting). For example, 12% of those who were unemployed had played fixed odds betting terminals in the past year compared with 4% of respondents overall. Prevalence of playing fixed odds betting terminals was highest among those with the lowest personal income.'
- 2.12 Residents of the wards listed above are therefore potentially more vulnerable to gambling related harm, and specific consideration should therefore be given to future applications for gambling premises located in these areas in order to effectively mitigate these additional risks.



Scale 1:45000  © Crown copyright Exeter City Council 100025458 5 Feb 2004
 Revised ward boundaries

Planning Services, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1NN

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SECTION 3 – CONSULTATION ON THE STATEMENT OF GAMBLING POLICY

- 3.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. A new statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The revised statement must be then re-published.
- 3.1.1 Following a review of all current Gambling Commission Guidance, only minor cosmetic changes have been made to this updated document as the 2019 Statement remained up to date and in-line with current National Guidance and research. As a result a formal consultation has not been undertaken on this occasion but was previously.
- 3.2 Before publishing the 2019 Statement, the Licensing Authority (Exeter City Council) consulted widely upon this statement before finalising and publishing. The consultation included the Police, the Fire Authority, representatives of local residents, representatives of local businesses and representatives of those persons carrying on gambling businesses in this Authority’s area. This Licensing Authority also consulted with relevant departments within the Council.
- 3.3 The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 3.4 Other persons and bodies this authority consulted are:
- Citizens Advice Bureau
 - Crime and Disorder Reduction Partnership [CDRP]
 - Devon and Cornwall Constabulary.
 - Devon County Council Social services /Education dept
 - Devon and Somerset Fire and Rescue Service
 - Environmental Health
 - Gamblers Anonymous
 - Gambling Commission
 - Gamcare
 - Local Business and their representatives
 - Local residents and their representatives
 - Mencap
 - NSPCC
 - Representatives of existing licence holders
 - Voluntary and community organisations working with children

- 3.5 The 2019 Statement consultation took place between 30 May and 22 August 2018 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at: <http://www.bis.gov.uk/files/file47158.pdf>
- 3.6 It should be noted that this policy statement 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 according to the statutory requirements of the Gambling Act 2005.

SECTION 4 – DECLARATION

- 4.1 In producing this Statement of Gambling Policy, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005; the Guidance issued by the Gambling Commission and have considered those responses from those consulted on the Statement.

SECTION 5 – RESPONSIBLE AUTHORITIES AND INTERESTED PARTIES

- 5.1 The Gambling Act 2005 allows for two different types of groups to make representations regarding applications to the Licensing Authority and also to apply having existing licences reviewed by the Authority. These groups are “Responsible Authorities” and “Interested Parties”
- 5.2 The Act defines Responsible Authorities as:
- a. A licensing authority in England and Wales in whose area the premises are wholly or partly situated
 - b. the Gambling Commission
 - c. the chief officer of police for a police area in which the premises are wholly or partly situated
 - d. the fire and rescue authority for an area in which the premises are wholly or partly situated
 - e. the local planning authority, in accordance with Part I of the Town and Country Planning Act 1990 (c. 8), for an area in which the premises are wholly or partly situated
 - f. an authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises are wholly or partly situated
 - g. a body which is designated in writing for the purposes of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm
 - h. Her Majesty's Commissioners of Customs and Excise
 - i. any other person prescribed for the purposes of this section by regulations made by the Secretary of State.
- 5.3 For the purpose of this Licensing Authority the body designated as competent to advise the authority about the protection of children from harm (“g” above) will be the Independent Safeguarding Authority.
- 5.4 Section 158 of the Act states that a person is an “Interested Party” if, in the opinion of the Licensing Authority that person:
- a. lives sufficiently close to the premises to be likely to be affected by the authorised activities
 - b. has business interests that might be affected by the authorised activities, or

- c. represents persons who satisfy paragraph (a) or (b).
- 5.5 The Licensing Authority is required by Legislation to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party.
- 5.6 The principles for this Authority are that each case will be decided upon its own merits and rigid rules will not be applied to its decision making. It will consider the examples provided in the Gambling Commissions Guidance for Licensing Authorities. It will also consider the Commissions Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 5.7 Section 158 of the Gambling Act states that an “interested party” must “live sufficiently close to the premises to be likely to be affected by the authorised activities”, or “has business interests that might be affected by the authorised activities”, or be a body representing persons who satisfy this criteria. The Gambling Commission recommends in its Guidance to Licensing Authorities that Interested Parties could include trade associations and trade unions, and residents and tenants associations. However, it fails to mention that those bodies should represent persons or businesses sufficiently close to be likely to be affected by the operation of the premises. This Authority will follow section 158 of the Act and will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. they live sufficiently close or carry on a business so that they will be likely to be affected by the activities being applied for.

SECTION 6 – EXCHANGE OF INFORMATION

- 6.1 Licensing Authorities are required to include in their Statement of Policy the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the General Data Protection Regulation will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information with other bodies, then they will be made available.

SECTION 7 – ENFORCEMENT

- 7.1 Licensing Authorities are required by regulation under the Act to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This Licensing Authority's principles are that it will be guided by the Gambling Commissions Guidance for Local Authorities and will endeavour to be:
- a. Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - b. Accountable: regulators must be able to justify decisions and be subject to public scrutiny;
 - c. Consistent: rules and standards must be joined up and implemented fairly;
 - d. Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - e. Targeted: regulation should be focused on the problem, and minimise side effects.
- 7.3 As per the Gambling Commission's Guidance for Licensing Authorities, this Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This Authority will also, as recommended by the Gambling Commission's Guidance for Licensing Authorities, adopt a risk-based inspection programme. As part of the inspection programme, areas that will be covered include:
- Layout is maintained in accordance with the plan
 - Looking at details of training policies
 - Local risk assessment documentation
 - Training undertaken by staff
 - Entries in the refusal book
 - Records of any relevant incidents in or outside the premises
 - Signage displayed
 - Approach to customer self exclusion and multi operator self exclusion
 - Involvement in local and national schemes
 - Customer interaction records
- 7.5 The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with the premises licences and other permissions that it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It should be noted that any issues relating to the manufacture, supply or repair of gaming machines will also be dealt with by the Gambling Commission.
- 7.6 This Licensing Authority embraces the Department for Business Innovation and Skills' "Regulators Code." The authority embraces the principles of better regulation to promote efficient and effective approaches to regulatory activity without imposing unnecessary burdens on business.

7.7 The Licensing Authority shall have regard to any inspection plan agreed between a company and primary authority.

SECTION 8 – LICENSING AUTHORITY FUNCTIONS

- 8.1 Licensing Authorities are required under the Act to undertake various regulatory functions in relation to a number of gambling activities. They are required to:
- a) Issue Premises Licences
 - b) Issue Provisional Statements where premises are intended to provide gambling activities
 - c) Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - d) Issue Club Machine Permits to Commercial Clubs
 - e) Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - f) Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - g) Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - h) Register small society lotteries below prescribed thresholds
 - i) Issue Prize Gaming Permits
 - j) Receive and Endorse Temporary Use Notices
 - k) Receive Occasional Use Notices
 - l) Provide information to the Gambling Commission regarding details of licences issued (detailed in Section 6 – Information Exchange)
 - m) Maintain registers of the permits and licences that are issued under these functions
 - n) Issue notices and other documentation required under the Act and the Regulations made
- 8.2 It should be noted that Licensing Authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

SECTION 9 – PREMISES LICENCES

- 9.1 A Premises licence is required for the following categories of gambling premises:
- Betting (other than track)
 - Betting (track)
 - Bingo
 - Adult Gaming Centre
 - Family Entertainment Centre
- 9.2 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations made under the Act, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State (The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007). Licensing Authorities are able to exclude default conditions where appropriate and also attach additional conditions where relevant.
- 9.2 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives
 - In accordance with the Authority's statement of licensing policy (this document).
- 9.3 The Licensing Authority takes particular note of the Gambling Commission's Guidance for Licensing Authorities, which states that Authorities should take particular care in considering applications for multiple licences for a building, and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that 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. The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed)
- 9.4 Clearly, there will be specific issues that the Licensing Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

- 9.5 This Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities relating to the artificial sub-division of premises. It also takes note of section 152 (1) of the Act and will look very carefully at any application that may appear to breach any of these provisions.
- 9.6 This Authority also takes particular note of the "Licence Conditions and Code of Practice" published by the Gambling Commission. For example, where a premise is licensed to provide bingo facilities then the primary activity must be the provision of bingo, with gaming machines being an ancillary offering in the premises. This Authority also notes the Gambling Commission's Code of Practice for the Primary Gambling Activity of licensed premises.
- 9.9 When an application is made for a premises licence for a premises that is in the course of construction or alteration, or are still to be constructed or altered, the Licensing Authority will take into account the current Guidance issued by the Gambling Commission. The Licensing Authority will also consider:
- Whether the premises ought to be permitted for gambling
 - Whether the appropriate conditions can be put in place to cater for the situation that the premises are not yet in a state in which they ought to be before gambling takes place
 - When the premises intends to start operating under the licence
- 9.10 In considering licensing applications, the Licensing Authority will take into account the following:
- The design and layout of the premises (in the form of a scaled plan)
 - Staffing arrangements on the premises
 - Training given to staff in crime prevention measures appropriate to those premises
 - Physical security features installed in the premises. This may include matters such as the positioning of cash registers and the standard of any CCTV system
 - Where premises are subject to age restrictions, the procedures in place to conduct age verification checks
 - The likelihood of any crime, public order and anti-social behaviour issues if the licence is granted
 - Details of any intended participation in local business schemes (such as Exeter Business Against Crime, Business Improvement District, Chamber of Commerce, Best Bar None)
 - Details of intended national voluntary codes or schemes
 - The operators premises risk assessment to include
 - Identification of schools, sixth form colleges, youth centres etc, with reference to the potential risk of under-age gambling
 - Identification of hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling amongst these groups
 - Identification of Religious buildings
 - Any known issues with problem gambling in the area of the proposed premises
 - The surrounding night time economy and any possible interaction with gambling premises
 - The socio-economic makeup of the area

- The density of different types of gambling premises in certain locations
 - How any risks identified will be mitigated for example the provision SIA doorstaff in areas identified as having high levels of crime and disorder, or assessing staffing levels when a local college closes. These controls should reflect the level of risk within your particular area, which will be determined by local circumstances
 - What monitoring arrangements will be put in place where risks are identified
- 9.11 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for Licensing Authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon regarding areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how potential concerns can be overcome.
- 9.12 This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems including planning, where possible, This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it.
- 9.13 Planning: The Gambling Commission Guidance to Licensing Authorities states: In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...

This Authority will not take into account irrelevant matters as per the above guidance. In addition this Authority notes the following excerpt from the Guidance:

When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 9.14 Premises licences granted must be reasonably consistent with the licensing objectives. This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of crime this Authority will consider carefully whether

- gambling premises are suitable to be located there and whether conditions, such as the provision of door supervisors, may be relevant.
- 9.15 Where gambling premises are located in sensitive areas, e.g. near schools, this Licensing Authority will consider imposing restrictions on advertising gambling facilities on such premises where it is felt relevant and reasonably consistent with the Licensing Objectives.
- 9.16 **Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 9.16 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted that the Gambling Commission's Guidance for Licensing Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, clear segregation of areas (for example physical segregation via walls or barriers), appropriate signage etc.
- 9.19 As regards the term "**vulnerable persons**" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 9.20 Any conditions attached to licences will be proportionate and will be:
- Relevant to the need to make the proposed building suitable as a gambling facility
 - Directly related to the premises and the type of licence applied for
 - Fairly and reasonably related to the scale, neighbourhood and type of premises
 - Reasonable in all other respects.
- 9.21 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. This Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult

gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

- 9.22 This Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted, all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located
 - Access to the area where the machines are located is supervised
 - The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
 - These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 9.23 It is noted that because of restrictions imposed by the Gambling Act there are conditions which the Licensing Authority cannot attach to premises licences, which are:
- Any condition on the premises licence which makes it impossible to comply with an operating licence condition
 - Conditions relating to gaming machine categories, numbers, or method of operation
 - Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
 - Conditions in relation to stakes, fees, winning or prizes.
- 9.24 The Gambling Commission advises in its Guidance for Licensing Authorities that they may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that there is no requirement for "in house" door supervisors at casinos or bingo premises to be licensed by the Security Industry Authority (SIA) through a specific exemption contained in Paragraph 17 of Schedule 16 to the Act. However, following clarification from the Department for Digital, Culture, Media and Sport (DCMS) and the Security Industry Authority (SIA), any contract staff employed in a Door Supervisor role will still require to be licensed by the SIA.
- 9.25 For premises other than "in house" staff employed at casinos and bingo premises, operators and Licensing Authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

- 9.26 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This Licensing Authority will make a door supervisor requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 9.27 In relation to Adult Gaming Centres this Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It is recommended that applicants provide means to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises. Such measures may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
- 9.28 In relation to (licensed) Family Entertainment Centres this Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The following list is not mandatory, nor exhaustive, and is merely indicative of example measures that may be appropriate to adopt. It is recommended that applicants are able to satisfy the Authority that, for example, there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machine areas. Such measures may include:
- CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entrance
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare.
 - Measures/training for staff on how to deal with suspected truanting school children on the premises, and awareness of safeguarding/ child sexual exploitation
- 9.29 *No Casinos resolution* – At this time this Licensing Authority has passed a no casino/no additional casinos” resolution under Section 166 of the Act, but should the Licensing Authority decide in the future to review this resolution, this Statement of Gambling Policy will be updated with details of that resolution. Any such decision will be made by the Full Council after a full consultation has taken place.
- 9.30 Management of areas where category B and C gaming machines are located in gambling premises that admit children and young people.
- 9.31 This Authority notes that the Gambling Commission’s Guidance states in that:
According to mandatory and default conditions relating to premises that admit under 18s, any area where category B and C gaming machines are located must be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- supervised (see below) at all times to ensure that under-18s do not enter the area
- arranged in a way that ensures that all parts of the area can be observed; and
- supervised either by:
 - one or more persons whose responsibilities include ensuring that under-18s do not enter the areas; or
 - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas and a notice stating that no person under the age of 18 is permitted to enter the area must be displayed in a prominent place at the entrance to the area.

9.32 *Betting machines in Betting Premises* – the Licensing Authority, may when appropriate, use its powers under Section 181 of the Act to restrict the number of betting machines (also known as bet receipt terminals), their nature and the circumstances in which they are made available at betting premises by imposing a licensing condition. When considering whether such a condition should be imposed, the Licensing Authority will take into account:

- The size of the premises
- The number and location of the machines
- The number of counter position available for person-to-person transactions, and
- The number and ability of staff to monitor the licensed premises and prevent persons under the age of 18 from entering the premises.

9.33 *Betting Offices* – This Licensing Authority will look closely at applications to re-site betting offices in the same locality or to extend premises in order to enhance the quality of facilities offered to the public who may wish to use them. In particular, The Authority will expect any application proposing the use of customer privacy screens, to clearly identify how these areas can be adequately supervised. The Authority will look at those applications sympathetically where there are no concerns that the Licensing Objectives will be adversely affected. However, where proposed changes have the potential to adversely affect any of the licensing objectives, then the Authority may view the amendments as a material change which warrants a variation application under S187 of the Gambling Act.

9.34 This Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.

9.35 *Travelling Fairs* - It will fall to this Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount

to no more than an ancillary amusement at the fair is met. The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

- 9.36 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.
- 9.37 **Provisional Statements** - This Licensing Authority notes the Guidance from the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".
- 9.38 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations requires applications for Provisional Statements to be advertised in the same way as applications for Premises Licences. In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a. which could not have been raised by objectors at the provisional licence stage; or
 - b. which in the authority's opinion reflect a change in the operator's circumstances.
- 9.39 This Authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."
- 9.40 **Reviews** - Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to one or more of the matters listed below, as well as consideration as to whether the request is frivolous, vexatious or will certainly not cause this Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review unless there is a material change in circumstances. Representations should be made in accordance with any relevant code of practice issued by the Gambling Commission;
- Made in accordance with any relevant guidance issued by the Gambling Commission;
 - Are reasonably consistent with the licensing objectives; and are made in accordance with the authority's statement of licensing policy.

- This Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

SECTION 10 – PERMITS, TEMPORARY AND OCCASIONAL USE NOTICES

- 10.1 This part relates to Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7 to the Gambling Act 2005). Where an operator does not hold a premises licence but wishes to provide gaming machines, an applicant may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 10.2 The Act states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives, and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for Licensing Authorities also states: "In its Licensing Authority Statement of Policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. ..., licensing authorities may want to give weight to matters relating to child protection issues."
- 10.3 An application for an unlicensed Family Entertainment Centre (FEC) permit may be granted only if the licensing authority is satisfied that the premises will be an area wholly or mainly for making gaming machines available for use, and if the chief officer of police has been consulted on the application The Licensing Authority will require applicants to demonstrate:
- a. a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.
 - b. It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 10.4 Statement of Principles – This Licensing Authority will expect the applicant to show that there are 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. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truanting school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises, and awareness of safeguarding/ child sexual exploitation. This Licensing Authority will also expect that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 10.5 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1) to the Gambling Act 2005). There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular

premises if:

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

- 10.6 If a premises wishes to have more than 2 machines then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. This Authority will also expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 10.7 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.
- 10.8 Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3) to the Gambling Act 2005)
- 10.9 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 10.10 This Licensing Authority has prepared this Statement of Principles which expects that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law;
 - clear policies that outline the steps to be taken to protect children from harm;

- that they meet the objective of carrying out gambling openly and fairly; and,
- that the premises are mainly or wholly used for gambling purposes.

10.11 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

10.12 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the Licensing Authority cannot attach any further conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated;
- the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

10.13 Club Gaming and Club Machines Permits

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit 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. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

10.14 The Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account of a number of matters which include the constitution of the club, the frequency of gaming and ensuring that there are more than 25 members. The club must be conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

10.15 The Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members or commercial club or miners welfare institute and therefore is not entitled to receive the type of

permit for which it has applied;

- the applicants premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

10.16 There is also a fast-track application procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). It should be noted that commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

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

10.18 Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. It is noted that the Gambling Commission Guidance states that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of a set of premises will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including any place. In considering whether a place falls within the definition of a set of premises, Licensing Authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. Restrictions on temporary use notices include:

- it can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both
- gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises

- it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
- gaming machines may not be made available under a TUN.

10.19 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

10.20 Occasional Use Notices

This notice allows for betting on a track without the need for a premises licence on 8 days or less in a calendar year (for example point to point races). The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will though consider the definition of a “track” and whether the applicant is permitted to avail him/herself of the notice. The Gambling Commission have provided further advice on the use of occasional use notices:

http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Part-15-Occasional-use-notices.aspx#DynamicJumpMenuManager_1_Anchor_1

SECTION 11 – SMALL SOCIETY LOTTERIES

- 11.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:
- licensed lotteries (requiring an operating licence from the Gambling Commission); and
 - exempt lotteries (including small society lotteries registered by the Licensing Authority)
- 11.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:
- small society lotteries
 - incidental non-commercial lotteries
 - private lotteries
 - private society lotteries
 - work lotteries
 - residents' lotteries
 - customer lotteries
- 11.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on the Council's web-site at: www.exeter.gov.uk/licensing
- 11.4 Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 11.5 Lotteries will be regulated through; a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, codes of practice and any guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's guidance.
- 11.6 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of his registration. In addition, the Licensing Authority will make available for inspection by the public the financial statements or returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each

society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned. The Licensing Authority will accept return information either manually but preferably electronically by emailing: licensing.team@exeter.gov.uk Returns should be submitted no later than 3 months from the draw date.

- 11.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an operating licence held by the applicant for registration has been revoked, or an application for an operating licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 11.8 The Licensing Authority may refuse an application for registration if in their opinion:
- the applicant is not a non-commercial society;
 - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
 - information provided in or with the application for registration is false or misleading.
- 11.9 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may also seek further information from the Society.
- 11.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration, and supply evidence on which it has reached that preliminary conclusion.
- 11.11 The Licensing Authority may revoke the registered status of a Society if it thinks that it would have had to, or would be entitled to refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 11.12 Where a Society employs an external lottery manager, it will need to satisfy itself that the manager holds an operator's licence issued by the Gambling Commission, and the Licensing Authority will expect this to be verified by the Society.

APPENDIX A – GLOSSARY OF TERMS

Adult Gaming Centre	Person operating an adult gaming centre (AGC) must hold a gaming machines general operating licence from the Commission and have an AGC premises licence from the Licensing Authority. They will be able to make category B, C and D gaming machines available to their customers.
Alcohol licensed premises gaming machine permits	The Licensing Authority can issue such permits for a number of category C or D machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category C or D for use in alcohol licensed premises.
Betting Machines	A machine designed or adapted for the use to bet on future real events (not Gaming Machines).
Bingo	<p>A game of equal chance.</p> <p>Whilst there is no statutory definition of Bingo, generally there are 2 different types of bingo:</p> <ul style="list-style-type: none">• Cash Bingo, where the stakes paid made up the cash prizes that were won; or• Prize Bingo, where various forms of prizes were won, not directly related to the stake paid. <p>Premises with a bingo premises licence, or a casino premises licence will be able to offer bingo in all its forms.</p> <p>Adult Gaming Centres, both licensed and unlicensed family entertainment centres, travelling fairs and any premises with a prize gaming permit, will be able to offer prize gaming which includes prize bingo.</p>
Default Conditions	Conditions that will apply through Statute unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances
Casino Premises Licence Categories	<ol style="list-style-type: none">a) Regional Casino Premises Licenceb) Large Casino Premises Licencec) Small Casino Premises Licenced) Casinos permitted under transitional arrangements.
Code of Practice	Means any relevant code of practice under section 24 of the Gambling Act 2005.
Club Gaming Machine Permit	Permit to enable commercial and non-commercial clubs to provide at their premises the number of gaming machines (Category B, C or D) as set out in the regulations.

Default Conditions	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all premises licences, to a class of premises licence or licences for specified circumstances.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:</p> <ul style="list-style-type: none"> • Small Society Lottery (required to register with Licensing Authorities) • Incidental Non Commercial Lotteries e.g. Raffle at a dance/church fair • Private Lotteries e.g. Raffle at a student hall of residence • Customer Lotteries e.g. Supermarket holding a hamper raffle
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
Large Lottery	Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.
Licensing Committee	A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority in Gambling matters.
Licensing Sub Committee	A sub-committee of members appointed from the Licensing Committee to whom the functions of the licensing committee can be delegated under the Act to determine applications.
Lottery	An arrangement where 1) persons are required to pay to participate in the arrangement 2) in the course of the arrangement, one or more prizes are allocated to one or more members of a class 3) the prizes are allocated by a series of processes, and 4) the first of those processes relies wholly on chance.
Mandatory Conditions	Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances
Occasional use notices	Where there is betting on a track on up to 8 days in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. A track includes a horse racing venue, dog track and temporary tracks used for races or sporting events.
Operating Licences	Licences to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.

Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and some family entertainment centres
Premises	Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises
Private Lotteries	<p>3 Types of Private Lotteries:</p> <ul style="list-style-type: none"> • Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society • Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises • Residents” Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises; • Prize Gaming - Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Small Lottery	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Provisional Statement	<p>Where an applicant can make an application to the Licensing Authority in respect of premises that he:</p> <ul style="list-style-type: none"> • Expects to be constructed • Expects to be altered • Expects to acquire a right to occupy.
Temporary Use Notice	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

Vehicles

Defined as trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted

APPENDIX B – DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Council	Licensing Sub-Committee	Officers
Approval of Gambling Policy	x		
Policy not to permit casino	x		
Fee Setting (Where appropriate)	x		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations have been received or have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations have been received or have been withdrawn
Application for the transfer of a licence		Where representations have been received and not withdrawn	Where no representations have been received or have been withdrawn
Application for a Provisional Statement		Where representations have been received and not withdrawn	Where no representations have been received or have been withdrawn
Review of premises licence		x	
Application for club gaming/club machine permit		Where representations have been received and not withdrawn	Where no representations have been received or have been withdrawn
Cancellation of club gaming /club machine permit		x	
Application for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of a Temporary Use Notice			X
Decision to give counter notice to Temporary Use Notice		X	

APPENDIX C – CATEGORIES OF GAMING MACHINES

The Gambling Commission have provided details of gaming machine categories and stakes/ prices and a link is provided below:

[Appendix B: Summary of gaming machine categories and entitlements - Gambling Commission](#)

APPENDIX D – USEFUL CONTACTS

If you wish to make any comments on the Gambling Policy of Exeter City Council or if you want further information regarding the Gambling Act 2005 please contact:

Service Lead Environmental Health and Community Safety
Exeter City Council
Civic Centre
Paris Street
Exeter
EX1 1RQ

Telephone: 01392 265702
Email: licensing.team@exeter.gov.uk

Information is also available from:

The Department for Digital, Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Telephone: 020 7211 6200
Internet: www.culture.gov.uk
Email: gambling@culture.gov.uk

The Gambling Commission's Guidance can be viewed at: www.gamblingcommission.gov.uk

APPENDIX E – RESPONSIBLE AUTHORITY CONTACTS

Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666

Devon & Cornwall Police

The Chief Constable
Devon & Cornwall Police Headquarters
Licensing Department (East)
Middlemoor
Exeter
EX2 7HQ

Tel: 01392 452225

Devon & Somerset Fire & Rescue Service

Divisional Commander
Central Command (Exeter Group)
Exeter Fire Station
Danes Castle
Howell Road
EXETER
EX4 4LP

Tel: 01392 872354

HMRC

Excise Processing Team
HM Revenue & Customs
BX9 1GL
United Kingdom

Tel: 0300 322 7072 Option 7.

Environmental Health

(For Environmental Protection/Health & Safety)

Service Lead - Environmental Health and Community Safety
Exeter City Council
Civic Centre
Paris Street
EXETER
EX1 1RQ

Tel: 01392 265147

Exeter City Council Planning & Development Service

Director City Development
Exeter City Council
Civic Centre
Paris Street
EXETER
EX1 1NN

Devon County Council Child Protection

Head of Safeguarding,
Child Protection Manager
Children's Services Division
Devon County Council
Parker's Barn,
Parker's Way
TOTNES
TQ9 5UF

Tel: 01392 386091

Devon Trading Standards Service

Chief Trading Standards Officer
Devon County Council
County Hall
Topsham Road
EXETER

Tel: 01392 382818

APPENDIX F – POOL OF CONDITIONS

- F1 The premises shall be fitted out and operational within 6 months of the issue of the licence
- F2 The Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence
- F3 There shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that it is open, whose duties are to include the age verification of persons entering the premises who appear under the age of 21 years.
- F4 The Licensee shall have a 'Challenge 21' policy whereby all customers who appear to be under the age of 21 are asked for proof of their age
- F5 The Licensee shall prominently display notices advising customers of the 'challenge 21' policy
- F6 The following proofs of age are the only ones to be accepted:
- Proof of age cards bearing the 'PASS' hologram symbol
 - UK Photo Driving Licence
 - Passport
- F7 The Licensee shall keep written records of all staff authorised to verify the age of customers has received adequate training on the law with regard to under age gambling and the procedure if an underage person enters the premises and that this is properly documented and training records kept. The record should be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police.
- F8 The Licensee is to keep a register (Refusals Book) to contain details of the date and time, description of under age persons entering the premises and the name of the employee who verified that the person was under age.
- F9 The Refusals Book is to be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police.
- F10 A CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public.
- F11 The medium on which CCTV images are recorded will be clearly visible, stored securely and shall be retained for a period of 28 days. Recordings shall be made available for inspection by the Police or Licensing Authority upon request.

- F12 A copy of the local risk assessment shall be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police. All staff authorised to verify the age of customers should be made aware of the contents of the local risk assessment, including any additional control measures identified in the assessment.
- F13 Test purchase results shall be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police.
- F14 All staff shall wear ID badges or other measures so that customers can easily identify them for assistance, guidance or gambling advice.
- F15 Officers shall expect to be able to interview employees who can confidently define and clearly understand which are 'Gaming Machines' and which are not (e.g. only 'Skill Machines'). Employees need to be fully conversant with the Gambling Act 2005 and familiar with their own 'Local Risk Assessment'.
- F16 Staff training records shall be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police.
- F17 Staff training shall include various topics including a section on 'truanting youngsters'.
- F18 Social Responsibility Stickers/notices shall be clearly displayed in a prominent position on all gaming machines at the point of play, to include category stickers/notices and also 'gamcare' stickers/notices.
- F19 A book shall be kept at the premises, which is maintained with the following records
- The name of the door supervisor deployed
 - The SIA registration number of the door supervisor deployed
 - The time they commenced and finished duty
 - All incidents that the door supervisor dealt with.

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