

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

This meeting will be webcast live and the video archive published on our website

Licensing Committee
Thursday, 10th June, 2021 at 6.30 pm
Council Chamber - The Guildhall

PLEASE NOTE DUE TO CAPACITY LIMITS WITHIN THE GUILDHALL THE PUBLIC VIEWING GALLERY IS CURRENTLY SUSPENDED

This Meeting will be available to watch live via: <https://west-lindsey-public-i.tv/core/portal/home>

Members:

- Councillor Mrs Jessie Milne (Chairman)
- Councillor Mrs Angela Lawrence (Vice-Chairman)

- Councillor Liz Clews
- Councillor David Cotton
- Councillor Timothy Davies
- Councillor Mrs Caralyne Grimble
- Councillor Paul Howitt-Cowan
- Councillor Mrs Cordelia McCartney
- Councillor Mrs Judy Rainsforth
- Councillor Jim Snee
- Councillor Jeff Summers

1. **Apologies for Absence**

2. **Public Participation**

Up to 15 minutes are allowed for public participation.
Participants are restricted to 3 minutes each.

3. Minutes of Previous Meeting/s

i) For Approval : -

To confirm as a correct record the Minutes of the Licensing Committee held on 10 September 2020. (PAGES 3 - 5)

ii) For Noting :-

To Note the Minutes of Meetings of the Licensing Sub-Committee held on 17 December 2020 and 10 February 2021. (PAGES 6 - 17)

4. Declarations of Interest

Members may make declarations of Interest at this point or may make them at any point in the meeting.

5. Public Reports for Approval

i) Gambling Act 2005 Statement of Principles (Gambling Policy) - Approval for Consultation (PAGES 18 - 101)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Wednesday, 2 June 2021

Licensing Committee- 10 September 2020
Subject to Call-in. Call-in will expire at 5pm on

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Committee held Virtual - MS Teams on 10 September 2020 commencing at 6.30 pm.

Present: Councillor Mrs Jessie Milne (Chairman)

Councillor Liz Clews
Councillor Timothy Davies
Councillor Mrs Cordelia McCartney
Councillor Mrs Judy Rainsforth
Councillor Jim Snee

In Attendance:

Alan Robinson	Director of Corporate Services and Monitoring Officer
Andy Gray	Housing and Enforcement Manager
Tracy Gavins	Licensing Enforcement Officer
Katie Storr	Senior Democratic & Civic Officer
James Welbourn	Democratic and Civic Officer

Apologies: Councillor Mrs Angela Lawrence
Councillor David Cotton
Councillor Paul Howitt-Cowan
Councillor Jeff Summers

Membership: No substitutes were appointed.

7 WELCOME AND REGISTER OF ATTENDANCE

The Chairman welcomed all Members and Officers to the second meeting of the Licensing Committee to be held virtually. She acknowledged the meeting was being broadcast live and welcomed any members of the public who may have been watching.

The Chairman undertook the register of attendance for Members and each Councillor confirmed their attendance individually.

The Democratic Services Officer completed the register of attendance for Officers and, as with Members, each Officer confirmed their attendance individually.

8 PUBLIC PARTICIPATION

The Democratic and Civic Officer confirmed there was no public participation for the meeting.

9 MINUTES OF PREVIOUS MEETING/S

RESOLVED that the minutes of the meeting of the Licensing Committee held on Thursday, 4 June 2020 be confirmed and signed as an accurate record.

10 DECLARATIONS OF INTEREST

There were no declarations of interest at this point in the meeting.

11 LICENSING POLICY REVIEW - APPROVAL

Members, at their meeting on 4 June, had agreed the amended draft Licensing Policy for consultation. The Consultation had been held during the period of 6 June and 21 August 2020.

The Council had consulted with the following:

- The Chief Officer of Police for the licensing authority's area;
- The Fire Authority for that area;
- Representatives of holders of premises licences, club premises certificates and personal licences;
- Other persons the licensing authority considers to be representative of businesses and residents in its area;
- The Local Authority's Director of Public Health England (DPH).

A total of seven responses to the consultation had been received. Six respondents advised that they had viewed it and had no further comments. The statutory authorities had raised no concerns. One responder had proposed changed wording to the following section ;

'The Licensing Authority expects premises that retail alcohol for consumption on or off the premises will have an effective CCTV system installed that operates in compliance with the requirements of Lincolnshire Police'.

Requesting that expects be replaced to must.

Officers were of the view that the policy position was clear that this was an expectation and not a "must". Officers confirmed that there were no policy amendments being proposed as a result of the consultation and Members were therefore being asked to recommend the Policy to Full Council for final adoption.

The Chairman thanked the Housing and Environment Enforcement Manager and the Licensing Officer Enforcement for their time and enquired of Members whether they wished to comment on the report. Giving due time for questions, the Chairman confirmed no one wished to speak and as such, the recommendations within the report were duly moved and seconded.

On asking Members to indicate their vote, it was unanimously

RESOLVED that:

- a) the responses to-date from the consultation be noted; and.
- b) the draft Licensing Policy be **RECOMMENDED** to Full Council, at its meeting on 2 November 2020, for approval and adoption.

The meeting concluded at 6.38 pm.

Chairman

Agenda Item 3b

Licensing Sub Committee- 17 December 2020

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held virtually on 17 December 2020 commencing at 1.30 pm.

Present: Councillor Mrs Angela Lawrence
Councillor Mrs Jessie Milne
Councillor Timothy Davies

In Attendance:

Tracy Gavins	Licensing Enforcement Officer
Katie Storr	Senior Democratic & Civic Officer
James Welbourn	Democratic and Civic Officer
Martha Rees	Legal Advisor
Andy Gray	Housing and Enforcement Manager

Kim Enderby	Lincolnshire Police
Jonathan Jones	Lincolnshire Police
Simon Harrison	Lincolnshire Police

Ramazan Ozcan	Gainsborough Grill
Durul Gur	Language Line Interpreters

1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

The Democratic and Civic Officer opened the meeting and asked for nominations for Chairman and it was

RESOLVED that Councillor Milne be elected Chairman of the Licensing Sub-Committee for this meeting.

Councillor Milne took the Chair for the remainder of the meeting and round the table introductions were made.

2 MEMBERS' DECLARATIONS OF INTEREST

Councillor Tim Davies declared that he had used the premises previously, but this did not preclude him from voting on, or taking part in the item.

3 PROCEDURE

The legal representative for West Lindsey District Council outlined the procedure to those present, as set out in the agenda pack.

4 LICENCE HEARING

Licence Number: 32UHB01805

Hearing Type: Review of a Premises Licence

Applicant: Lincolnshire Police

Premises: Gainsborough Grill, 168 Trinity Street, Gainsborough DN21 1JW

Premises Licence Holder: Mr Ramazan Ozcan

The Licensing Enforcement Officer outlined that Gainsborough Grill held a premises licence for late night refreshment from 11pm-2am 7 days a week. Details of the review were contained within the report pack and no other representations had been received in the statutory timescale.

Following this introduction, Sgt Kim Enderby from Lincolnshire Police (the applicants), outlined their case. The following points were expressed:

- The UK was in the midst of a global pandemic affecting all businesses;
- Coronavirus restrictions in place had the sole purpose of protecting the public, saving lives and preventing further spread of the virus;
- Following an additional national lockdown in March 2020 takeaway venues such as Gainsborough Grill were classed as essential and allowed to continue trading; however, for this continuation in trading a risk assessment was required and the business had to be operating in a Covid safe way to ensure the safety of customers and the staff employed at the premises;
- The need for this risk assessment was extremely well publicised on a number of different media formats;
- Lincolnshire Police believed it was impossible for a business not to know what it was required to do to be Covid-safe;
- The three month national lockdown initially proved effective but by September 2020 the disease was spreading at an alarming rate, leading to a further intervention being put in place by the Government;
- On Thursday 24 September new regulations came into force. For a takeaway venue the new legislation required that all serving staff and customers where some sort of face covering within the premises and that counter sales cease at 10pm. Takeaways could continue after this time but only by delivery;
- Although this had been the first legal restriction placed on venues of this type since the start of the pandemic, takeaway venues had been operating throughout the month of September so it wasn't anticipated that they would have a problem adapting to the new rules;
- On Saturday September 26, a Gainsborough Police Officer, drove past Gainsborough Grill at approximately 11pm;
- Sgt Enderby then referred to the statement in the pack made by PC Vickers;

- Having driven past Gainsborough Grill at approximately 11pm there were a number of people within the premises. The police vehicle was turned around and drove past again – PC Vickers stated it was the presence of the police vehicle that led to customers being ushered out at this point. The door to the premises had been open on both occasions and the signage at the front of the store was lit;
 - At 1210am the car drove past the premises again; there were two members of the public present within, and approximately six at the front door. PC Vickers again turned the police car around and a male member of staff ushered people out of the premises;
 - On stopping at the premises, a male identifying as the manager confirmed to the police that he was aware of the restrictions, but as the staff didn't speak English they were not aware. Once the manager was informed that breaches would be dealt with the manager then shouted at the members of the public that 'it was their fault'. PC Vickers then drove away to get instructions on a fixed penalty. On speaking a second time to the manager, the male then claimed that he was not the manager and was unwilling to give his details to the police; PC Vickers described this male as being extremely obstructive, and wanted the Police to concentrate their efforts on the customers rather than him;
 - PC Vickers went onto state that false details were submitted, but luckily she had had previous discussions with this male, who was identified as Mr Ozcan, the premises licence holder;
 - Mr Ozcan again stated that his staff were not aware that restrictions had changed, and then offered several explanations as to why the doors were open;
 - PC Vickers then proceeded to issue a Fixed Penalty Notice (FPN), at which point Mr Ozcan swore and said 'take me to court'. PC Vickers advised of the full process to be followed and then stated again that in her opinion Mr Ozcan remained obstructive and was trying to give false details;
 - Mr Ozcan at this point stated he was aware of the new legislation and what should be in place and believed that the fact staff were wearing face masks meant they had some understanding;
- PC Vickers had found Gainsborough Grill open at approximately 11pm and then again after midnight. The licence holder was present in the premises as serious breaches were taking place, and apparently doing nothing to make sure the business was trading safely or legally;
 - The behaviour of the licence holder throughout was not what was expected of someone in charge of the business and promoting the licensing objectives. Lincolnshire Police that this was not a misinterpretation of the legislation, but a takeaway business deliberately trading beyond a 10pm closure time;
 - Mr Ozcan had been issued with a FPN as he had been open and trading. Any reasonable business owner would be expected at this point to make their business Covid compliant and operating within the law;
 - In October 2020 Sgt Enderby and another officer attended Gainsborough Grill to carry out a compliance check, to make sure the business was operating as per its licence.

The below information was contained within Sgt Enderby's statement:

- Sgt Enderby visited the premises on 2 October at 510pm and Mr Ozcan was present;
 - Mr Ozcan could offer no real explanation as to why he had been open in September. It was explained to him that a review of the CCTV system was required. No review could take place because the CCTV was not working, and had not been for approximately a month. There were specific conditions on the licence about the CCTV being in working order, which had been breached with the system not working;
 - Mr Ozcan was advised that the premises should only be used for deliveries beyond 11pm if the CCTV was working; his response was to say it would be fixed as soon as possible.
- After this visit checks were made on the Police crime system, and there were two entries from 9 July 2020 and 8 August 2019. The first of these entries related to criminal damage at Gainsborough Grill, and this entry detailed that there was no working CCTV within the shop. The second entry was regarding a lost credit card, and again the investigating officer detailed that the recording function on the CCTV was not functioning. The lack of functioning CCTV meant that the investigations stalled and no more could be done;
 - The lack of a working CCTV system breaches the conditions of the Licensing Act;
 - Since the initial national lockdown in March 2020 Sgt Enderby and his team were performing patrols across Lincolnshire, and checking that businesses who should be closed, are, and that other businesses were operating lawfully and safely. One of these patrols in November 2020 involved driving past Gainsborough Grill, and there appeared to be a male stood inside the premises eating a takeaway. Mr Ozcan confirmed that this male was his brother. PC Jones informed Mr Ozcan that this was not allowed, who in turn explained that he wasn't aware of the legislation.

Current government restrictions were explained, and PC Jones asked for a risk assessment. It was stated by Mr Ozcan that he did not know where to find a risk assessment, or what one was. It was again noted that the CCTV system wasn't working; however it was explained that the system had been seized as it was subject to a separate investigation.

Note: The hearing was adjourned at 1440, and reconvened at 1441.

- It was the view of the Police that Mr Ozcan should ensure that every time he is open and trading he should be 'Covid-compliant'. The Panel were asked to look at the evidence Mr Ozcan had provided on complying with restrictions and the Licensing Act and question whether he was operating in a safe way and promoting the Licensing objectives. The Police didn't believe that he was doing either of these.

Following the outlining of their case, the licence holder and Members of the Panel asked questions of the applicants. Further information was provided:

- The Police did not agree with Mr Ozcan that the shop was being visited every Friday, but did say that they did pass the shop whilst on patrol;

- Normally the licence holder would be expected to provide any footage required by the Police; however the circumstances related to the seizure of the CCTV hard drive meant that Police officers wanted to examine the footage. However, as the hard drive was not working it was of no help to that particular investigation.

The licence holder, Mr Ozcan then outlined his case and observations to the Panel:

- Times had been difficult, due to Covid-19, and it had been hard to find delivery drivers. It was a scary time for family and friends;
- It was ensured that Mr Ozcan himself and staff wore masks and washed hands regularly. There was also a curtain at the front of the shop to reduce contact with customers;
- Mr Ozcan had previously left another man in charge of the shop, who was no longer working there. When returning from a delivery, he witnessed a group of teenagers in front of the shop enter. Staff were asked why they had been allowed to enter the shop, but they contended that they could not do anything as the teenagers were asking for free chips; these are sometimes issued to protect the shop against vandalism. These teenagers were asked to leave the shop but two remained. 2 to 3 minutes later the Police arrived, and did not believe Mr Ozcan's version of events;
- The teenagers then left the shop and started kicking the door of another business in the immediate area – the Police saw this but did not do anything. Mr Ozcan subsequently received, and paid a fine;
- The CCTV hard drive developed a failure and was unavailable for two weeks. Unfortunately it couldn't be fixed any quicker due to Covid-19. However, one of the drivers for the shop replaced the batteries in the CCTV and it started working. Lincolnshire Police were informed of this but nobody came to check;
- The premises was very busy on a Friday between 5pm and 7pm; when the Police visited for the second time and asked questions inside the shop they were asked to visit later or on another day. They instructed Mr Ozcan to shut the shop and show the CCTV's hard drive and paperwork;
- On Tuesday 15 December an officer from West Lindsey District Council (WLDC) visited the premises and asked for paperwork, which was shared;
- The male referred to by the Police as standing inside the shop when they visited in November 2020 was a relative of Mr Ozcan who has subsequently been fired;
- Mr Ozcan was not currently in possession of the CCTV hard drive as the Police have it. Another hard drive has been purchased but does not work. The Police have been asked to return the seized hard drive;
- There were four drivers for the premises and they would, one by one, enter the shop after 10pm;

- Mr Ozcan can only understand a little English, and asks his wife, a translator or an accountant to explain English documents to himself. All papers are held by him and are in order. The translator would be asked to notify Mr Ozcan if there were any law changes;
- The instance of credit card loss mentioned by the Police occurred because of the cancellation of credit card payments via telephone. Currently money was paid for orders at the door.

Following the outlining of licence holder's case, the Police and Members of the Panel asked questions of him. Further information was provided:

- On the Police's visit on 27 November Mr Ozcan did not have time to talk to the Police. It was unknown when the risk assessment and other documents had been completed as these were completed by Mr Ozcan's wife and his translator, however they were now up to date;
- The Senior Licensing Officer confirmed that the lady helping Mr Ozcan contacted WLDC on 24 November and then supplied a list of items that she had discussed with Mr Ozcan on 3 December. It was believed that the Police had been copied into some of this correspondence;

Note: The hearing was adjourned at 1550, and restarted at 1558.

- The CCTV had been working since July but unfortunately had not worked for two weeks and couldn't be repaired quicker due to Covid;
- Papers were not being surrendered to the Police when they visited as Mr Ozcan was extremely busy and under stress; a visit before 4pm would have been preferable;
- There was now a risk assessment document being displayed within the premises.

Note: The hearing was adjourned at 1614, and restarted at 1619.

- Mr Ozcan summed up by apologising, and re-stated that he would be more than happy to help with access to documents, and the best time to visit would be before 4pm.

The applicants (Police) summarised as follows:

- The Panel could accept the sworn Police statements over Covid compliance or accept the alternative version of events in which the licence holder appeared to accept no responsibility;
- The date on one piece of documentation was 9 December which was clearly after the Police visit on 27 November. This meant that it had taken over two months to finish a risk assessment that should have been completed in March;

- The risk assessment presented was totally generic and was not tailored for the premises. All evidence presented showed that Mr Ozcan knew the legislation and knew what should be done, but chose to continue operating in an incorrect way;
- Following the issuing of a Fixed Penalty Notice (FPN) by PC Vickers, there had been an opportunity to turn things around, but Mr Ozcan had failed to do so. There was a second opportunity following the visit of Sgt Enderby to address issues, but again this opportunity had not been taken. Finally, someone had been hired to make changes and complete required paperwork, but this person would not be in charge of the premises;
- By breaching conditions Mr Ozcan had breached the licensing objectives and committed offences;
- Other businesses were following this legislation in a responsible manner;
- Revocation of the licence sends the ultimate message; follow the legislation, promote objectives and protect the public otherwise you face the ultimate sanction.

The Chairman of the Panel then drew the hearing to a close.

The licence-holder was subsequently advised in writing that the Sub-Committee had

RESOLVED that having considered all of the representations and information before the Hearing and giving due weight to the evidence presented the Committee were unanimous in their decision that the licence be revoked, for the reasons outlined to the licence holder in his decision notice.

There is a right to appeal which must be made within 21 days of being notified of this decision, under the provisions of sections 52 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting concluded at 4.38 pm.

Chairman

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Virtual - MS Teams on 10 February 2021 commencing at 10.30 am.

Present: Councillor Mrs Caralyne Grimble
Councillor Mrs Jessie Milne
Councillor Mrs Judy Rainsforth

In Attendance:
Kim Robertson Principal Solicitor, Legal Services Lincolnshire
Tracy Gavins Licensing Enforcement Officer
James Welbourn Democratic and Civic Officer
Andy Gray Housing and Enforcement Manager
Ele Snow Democratic and Civic Officer

5 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

The Democratic and Civic Officer opened the meeting and asked for nominations for Chairman and it was

RESOLVED that Councillor Jessie Milne be elected Chairman of the Licensing Sub-Committee for this meeting.

Councillor Milne took the Chair for the remainder of the meeting and round the table introductions were made.

6 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

7 PROCEDURE

The legal representative for West Lindsey District Council outlined the procedure to those present, as set out in the agenda pack.

8 LICENCE HEARING

Licence Number : N/A
Hearing Type : Application for the grant of a premises licence
Applicant : Dr Sreenath Krishnan Nair and Dr Arya Madhavan
Premises : "Indian Curry Pot" Sanderlings, Willingham Road,
Market Rasen, Lincolnshire LN8 3RE

The Licensing Enforcement Officer from West Lindsey District Council (WLDC) highlighted to

the Hearing Panel that this was a new application for the grant of a premises licence, and that the applicants had applied for temporary licences on certain occasions during November and December 2020.

Following this introduction, the applicants outlined their case for the grant of a licence:

- The 'Curry Pot' was a takeaway business. There were certain principles behind the business:
 - Cooking and serving food on the same day;
 - Using authentic ingredients;
 - Encouraging healthy eating for health and wellbeing;
 - Sharing community engagement and healthy living through food.
- The business had been running along the above lines for the previous five months, but there was a wish to expand this experience through small events;
- The proposed events were small, family friendly affairs held in the garden at the property, and would be pre-booked time slots. Previously, small scale events had been held at particular times of year, such as Diwali;
- Recorded music would be played at a low volume, and there was no intention to breach the statutory level of noise. Classical Indian music would be the choice. The applicants were happy to work with WLDC and the Environment Agency on this topic;
- Over the past year the applicants had contributed to the Market Rasen food bank, local children and families as well as the elderly community in conjunction with Market Rasen Town Council;
- During the current lockdown the decision was made by the applicants to deliver food rather than it being collected from their car park;
- The applicants believed they were addressing the licensing objectives as follows – these were prepared in conjunction with Lincolnshire Police:
 - Crime and disorder prevention – CCTV cameras were set up and were working. The premises was a 3000 square foot property within half an acre of land. 8 high resolution cameras were affixed to the house and were working 24 hours a day. Recordings were kept for 28 days within a locked room;
 - Public safety – according to the Police, an incident refusal book would be kept on the premises. All documents would be kept for 12 months;
 - Noise – the applicants were keen to work with Lincolnshire County Council (LCC) and their neighbours on the subject of a safe environment and the prevention of public nuisance. As a precautionary measure a sound level meter would be affixed to record sounds. A telephone number would be given to the public on the day of an event; this number could be called to inform of any noise concerns;
 - Protection of children from harm – the 'Challenge 25' initiative would be operated on the sale of alcohol, and ID would be checked. Alcohol would not be served in isolation, only alongside food. As the events were pre-booked, the applicants would know which guests to expect.

- There had been a number of objections, and the applicants countered these with the following opinions:
 - Difficult to understand the concern about cooking polluting the atmosphere;
 - The footfall at a small-scale gathering would be much different to an event at the racecourse;
 - Public disagreements between neighbours were having a negative impact on the applicant;
 - 5 temporary licences had been granted to date and alcohol had been sold. A similar event had been held on September 5 and Covid regulations were upheld;
 - When moving to the property 4 years ago, the applicants visited their next door neighbour and apologised for the noise.

Following the outlining of the case by the applicants, a witness in support of the licence spoke, and raised the following points:

- The proposal did not breach licensing objectives. The witness suffered health issues, and the applicants had helped with these issues through their cooking;
- The cooking was home-made and authentic, and ayurvedic. The applicants brought diversity and culture to Market Rasen through their educational and informative evenings, and have also helped with home educating the witness's daughter;
- Obesity was an ever growing problem;
- The witness deemed the objections on noise to be invalid as the events were family orientated. Loud and noisy events took place at Festival Hall in Market Rasen already;
- Food odour objections don't seem to take into account that there are already outlets to purchase takeaway food in Market Rasen;
- When horse racing takes place at the Racecourse in Market Rasen there would be so much traffic and parked cars in the town.

The next stage of the hearing saw questions from the objectors present (Mr and Mrs Bibby), directed at the applicants, officers at WLDC and the witness in support. Further information arose from these questions:

- The Indian Curry Pot was a registered business property with HMRC. It had been awarded 5 stars for hygiene following an inspection from officers at WLDC;
- The business operated as a takeaway and there were no plans to open as a restaurant;
- The applicants had applied for a licence every day so as to be able to trade on certain holidays;
- Mr and Mrs Bibby, who were neighbours of the applicants were not aware of the

application. However, it had been advertised on the WLDC website, lamp-posts and in the newspapers;

- Any disruption at the site would be dealt with using a combination of CCTV and the Police;
- The applicants' premises afforded space for around 10 cars. Any events were discussed with the Police, and no concerns were raised provided that people follow traffic conditions. Events would run for no longer than 6-7 hours;
- Deliveries to the site would be at 8am in the morning and 6pm in the evening. Any refuse would be cleared;
- The site was only due to operate on a Saturday.

Note: The hearing was adjourned at 1153 and resumed again at 1158.

Following questions from Mr and Mrs Bibby, Members of the Panel had the opportunity to ask questions of the applicants. However, the only piece of information revealed at this point was a clarification that only small, family based events were due to be held.

Mr and Mrs Bibby, as objectors then outlined their concerns over the application. The following concerns were raised:

- On the prevention of crime and disorder, there were concerns raised on the supply of alcohol from 3pm to midnight, as this would likely lead to inebriated customers. To have 20-30 people meeting to drink can lead to disorderly conduct on the approach to Sanderlings. Although there is CCTV present on site, this did not have the capability to record the neighbouring premises;
- The increased number of motor vehicles impacted on public safety by increasing the likelihood of an accident. The path at the front of Sanderlings was used by schoolchildren;
- Litter in the surrounding areas could increase, as could noise levels. In addition, any activity involving increased numbers of people late at night increased the chance of criminal or disorderly behaviour.

Following these concerns, the applicants wished to amend their application to consider the concerns around pupils. Events on weekdays would start at 4pm, and finish by 11pm. On Bank Holidays and weekends events could start at 3pm. Any amendments to these times would be classed as temporary licence applications. Any provision for late night refreshments would be removed.

The Chairman of the Panel then drew the hearing to a close.

The licence-holder was subsequently advised in writing that the Sub-Committee had

RESOLVED that having considered all of the representations and information before the Hearing and giving due weight to the evidence presented the

Committee were unanimous in their decision that the licence be granted, for the reasons outlined to the licence holder in his decision notice.

All parties would be notified of the decision in writing within five working days of the hearing and there was a right of appeal to the Magistrates' Court within 21 days of receiving such notice.

The meeting concluded at 12.33 pm.

Chairman

Agenda Item 5a



Licensing Committee

10th June 2021

Subject: Gambling Act 2005 Statement of Principles (Gambling Policy) - Approval for Consultation

Report by:

Assistant Director – Change Management & Regulatory Services

Contact Officer:

Andy Gray
Housing and Enforcement Manager

tracy.gavins@west-lindsey.gov.uk,
andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To seek approval from committee for the updated statement of principles for the Gambling Act 2005 to be consulted upon.

RECOMMENDATION(S):

Committee are asked to:

- a) Approve that the statement of principles, Gambling Act 2005 be consulted upon and subsequently brought back to Licensing Committee for determination on the 16th of September 2021**

IMPLICATIONS

Legal:

West Lindsey District Council as the licensing authority is responsible for the licensing of premises and the issue of permits and authorisation under the Gambling Act 2005.

The Council have a number of functions under the Gambling Act 2005, which are referred to in section 1.3 of the Statement of Principles. Alongside this Licensing Authorities are required by the Gambling Act 2005 to publish a Statement of Principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon, the statement must be then re-published

Financial : FIN/20/22/SSc

The consultation will be done electronically and as a result the cost is expected to be less than £250. These costs can be met within the existing Licensing budget.

The activities referred to within the Statement of Principles are all included within the Council's fees and charges policy and are based on recovering the costs associated with the relevant licensable activity.

Staffing :

There are no staffing implications.

Equality and Diversity including Human Rights :

The Statement of Principles sets out how it aligns with the Council's overall policy approach to licensing and the enforcement of licensing related matters.

The consultation will be conducted in a manner which makes it as accessible as possible be conducted for a period of two months.

Data Protection Implications :

There are no data protection implications.

Climate Related Risks and Opportunities :

None noted.

Section 17 Crime and Disorder Considerations :

As per the Council's role as the licensing authority any premises that fall within the remit of the Gambling Act 2005 will be required to ensure that they act accordingly in relation to crime and disorder. The Council retains the right to deal with these matters in its role as the licensing authority.

Health Implications:

As per the Gambling Commissions Licence Conditions licensees are required to assess the local risks to the licensing objectives posed by the provision of any gambling facilities and have appropriate controls in place to manage this. These controls include measures in relation to mental health support, alongside other requirements outlined within the Statement of Principles.

Title and Location of any Background Papers used in the preparation of this report:

Risk Assessment :

Legislative consultation requirement – the Council is required to consult as part of its statutory obligations, failure to do this would mean that these obligations are not then met.

Consultation Response Levels – there is no minimum response level required, however the Council is required to consult with certain parties and will endeavour to ensure that these parties respond to the consultation.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Introduction

1.1. The Council is required to publish a Statement of Licensing Principles in relation to gambling licensing. The policy is intended to guide decision makers, applicants, objectors and others regarding the decision making process. Whilst all applications will be judged and determined on their individual merits, the policy will be the basis of the licensing authority's decisions. It also states how the Authority will work to fulfil the licensing objectives.

2. Context

2.1. The Gambling Act 2005 applies to casinos, bingo clubs, betting shops, track betting, amusement arcades, gaming machines, prize gaming, lotteries and other forms of gambling.

2.2. The Council work with the Gambling Commission and license gambling premises in the West Lindsey district as well as issuing permits in relation to gaming machines and other forms of gambling. The Gambling Commission is responsible for granting operating and personal licences for gambling operators and personnel working in the gambling industry.

2.3. Any person or business that wishes to operate a gambling business in West Lindsey, such as a betting shop or amusement arcade, must first apply for an operating licence and any relevant personal licences from the Gambling Commission. After this they can then apply to us for a premises licence.

2.4. The Council is required to publish a Statement of Licensing Principles in relation to gambling licensing. The policy is intended to guide decision makers, applicants, objectors and others regarding the decision making process. Whilst all applications will be judged and determined on their individual merits, the policy will be the basis of the licensing authority's decisions. It also states how the Authority will work to fulfil the licensing objectives.

3. Consultation

3.1. The Statement of Principles must be published at least every three years, alongside being reviewed as required and any amended parts being re consulted upon.

3.2. The consultation is proposed to take place from the 14th of June 2021 to the 13th of August 2021 and will be published on the Council's website.

3.3. A number of stakeholders are required to be consulted with under the Gambling Act 2005 and these are outlined in section 4.21 of the Statement of Principles.

3.4. Following on from the consultation, the Licensing Committee will consider the final document on the 16th of September 2021 and if approved it will be considered by Full Council on 1st of November 2021 for final approval to be sought.

4. Recommendations

Committee are asked to:

- a) Approve that the statement of principles, Gambling Act 2005 be consulted upon and subsequently brought back to Licensing Committee for determination on the 16th of September 2021

STATEMENT OF PRINCIPLES 2022 - 2024

Gambling Act 2005

- Approved by Licensing Committee DD MM 2021
- Adopted by Full Council DD MM 2021
- Published DD MM 2021
- Effective from 01 January 2022

Prepared April 2021

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Foreword

The Gambling Act 2005 applies to casinos, bingo clubs, betting shops, track betting, amusement arcades, gaming machines, prize gaming, lotteries and other forms of gambling.

We work with the Gambling Commission and license gambling premises in the West Lindsey district as well as issuing permits in relation to gaming machines and other forms of gambling. The Gambling Commission is responsible for granting operating and personal licences for gambling operators and personnel working in the gambling industry.

Any person or business that wishes to operate a gambling business in West Lindsey, such as a betting shop or amusement arcade, must first apply for an operating licence and any relevant personal licences from the Gambling Commission. After this they can then apply to us for a premises licence.

The Council is required to publish a Statement of Licensing Principles in relation to gambling licensing. The policy is intended to guide decision makers, applicants, objectors and others regarding the decision making process. Whilst all applications will be judged and determined on their individual merits, the policy will be the basis of the licensing authority's decisions. It also states how the Authority will work to fulfil the licensing objectives.

The revised document will be presented to Council for formal approval on XX November 2021 and will then be published and effective from 01 January 2022.

West Lindsey District Council Statement of Principles Gambling Act 2005

Part A

1. Introduction

- 1.1 West Lindsey District Council, (hereinafter referred to as the Licensing Authority) is responsible for the licensing of premises and the issue of permits and authorisation under the Gambling Act 2005.
- 1.2 The 2005 Act provides for 3 categories 'Operating Licences', Personal Licences' and Premises Licences'. The Council will be responsible for the issues of Premises Licences. The Gambling Commission will be responsible for the issue of Operator and Personal Licences.
- 1.3 The Authority's main functions under the 2005 Act are:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
 - Issue provisional statements
 - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via the issuing of club gaming permits and/or club machine permits
 - Issue club machine permits to commercial clubs
 - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - Receive notifications from premises licensed for the sale and consumption of alcohol on the premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - 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
 - Register small society lotteries below prescribed thresholds
 - Issue prize gaming permits
 - Receive and endorse temporary use notices (TUNs)
 - Receive occasional use notices (OUNs)
 - Provide information to the Gambling Commission regarding details of licences and permits issued (see section in this Policy Statement on exchange of information)
 - Maintain registers of the permits and licences that are issued under these functions
- 1.4 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

- 1.5 This Policy (Statement of Principles) is intended to provide clarity to applicants, interested parties and responsible authorities on how this Licensing Authority will determine applications. Guidance is available to assist applicants: the aforementioned guidance does not form part of this Policy.

2. Authorised Activities

- 2.1 'Gambling' is defined in the 2005 Act as either gaming, betting or taking part in a lottery:
- 'Gaming' means playing a game of chance for a prize
 - 'Betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true
 - A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process, which relies wholly on chance

3. The Licensing Objectives

- 3.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- 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
- 3.2 In practice, the objective of protecting children from being harmed or exploited by gambling usually means preventing them from taking part in, or being in close proximity to gambling.
- 3.3 The 2005 Act promotes safe practice at premises where gambling activities take place and this means that licensees and operators have a legal responsibility to 'protect children and other vulnerable persons from being harmed or exploited by gambling'. More information about the signs of problem gambling can be found on the GambleAware <https://www.begambleaware.org/understanding-someone-who-gambles> and GamCare <https://www.gamcare.org.uk/understanding-gambling-problems/how-can-gambling-affect-your-life/> websites. These websites also provide general information about gambling, including how to gamble safely and where to get help if somebody or someone you know has problems with their gambling. This Authority would expect licensees and operators to acquaint themselves with the contents of the aforementioned websites.
- 3.4 Further specific information on this Authority's recommendations and expectations, in relation to the protection of children and other vulnerable

persons, can be found at Appendices 4 and 5 of this policy document.

3.5 The Licensing Authority is especially mindful that it must always consider the need to protect children from sexual exploitation.

3.6 The Licensing Authority will consider the following when taking protecting of children and other vulnerable persons from being harmed or exploited by gambling licensing objective into account:

- Whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
- If the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme to ensure no one under the age of 18 is admitted to the premises or restricted areas;
- Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
- Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
- Whether any promotional material associated with the premises could encourage the use of the premises by children or young people;
- Whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems.

3.7 The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance define the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to include 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.

3.8 This Licensing Authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it

- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority's statement of licensing Statement of Principles
- In accordance with any relevant code of practice issued by the Gambling Commission

4. General Matters

The Council's Vision

- 4.1 The Council's vision is for West Lindsey to be seen as a place where people, businesses and communities can thrive and reach their potential. Underpinning three key themes have been identified in our Corporate Plan leading up to 2023:

Our People

- 4.2 The wellbeing and success of our residents and communities is of utmost importance to the Council. Our residents have varied and complex needs. We must ensure that we work with partner organisations, communities and residents themselves to address their issues and have a positive impact on their lives. We recognise that managing expectations in relation to time and resources available is essential.

Our Place

- 4.3 West Lindsey is a predominantly rural district and it is imperative that we aim to protect what is important to current and future residents. We will achieve this by meeting the need for homes and infrastructure and diversifying the economic and employment opportunities available in the district.

Our Council

- 4.4 It is the Council's strategic aim to be a well-managed and well-governed Council, delivering high quality services that demonstrate improvement and meet public aspirations. The Council is aware that, despite the challenge of reduced budgets, it has a key role to play in the current and future wellbeing of West Lindsey residents through the efficient delivery of excellent services and joint working with partners.

Our District

- 4.5 West Lindsey is one of the largest districts in England and one of the most rural in the County of Lincolnshire, which is comprised of seven district areas.
- 4.6 Our district covers 1,157km² (447 square miles), with the administrative centre in Gainsborough on the River Trent to the west, and the market towns of Caistor and Market Rasen to the east.
- 4.7 The population of the district is spread across a large area. The mid-year estimates for 2019 give the district a population of 95,667 at a density of 82.69 people/km².
- 4.8 There were 42,369 households in the district as of 2020 with Gainsborough comprising the largest number of households at 9,200.

- 4.9 There are great differences in the characteristics and levels of need across the district, with some wards experiencing the highest levels of deprivation in the country, and others being amongst the most affluent.
- 4.10 This range of characteristics, such as wealth, accessibility, infrastructure and deprivation factors have a varied effect on the needs and aspirations of local people and the delivery of services in the district.
- 4.11 Much more detailed information relating to demography, crime and disorder, deprivation, education, employment, health and wellbeing can be found in our State of the District Report, which is updated annually. <https://www.west-lindsey.gov.uk/my-business/growth-and-regeneration/state-of-the-district/>

West Lindsey District



4.12 At the time of compiling this policy the Licensing Authority was responsible for the following number of premises licences and permits:

Betting Premises (including tracks)	5
Bingo Premises	0
Adult Gaming Centres (AGC)	1
Family Entertainment Centres (FEC)	0
Unlicensed FEC Permit (UFEC)	0
Small Society Lotteries	96
Alcohol Licensed Premises with 2 Machines or Less	136
Alcohol Licensed Premises with 3 Machines or More	10
Club Gaming Permits	0
Club Machine Permits	4
Prize Gaming Permits	0

- 4.13 The Licensing Authority has worked in partnership with the other councils in the county in preparing this Statement of Principles, which is based on the Statement of Principles guidance issued by the Gambling Commission.
- 4.14 The Licensing Authority recognises its duties to consider the impact of all its' functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998 in adopting this Statement of Principles. The Licensing Authority acknowledges the benefits to the community of properly regulating gambling in the district.
- 4.15 The Licensing Act 2003 provides the delegated and procedural arrangements for the establishment of licensing authorities.
- 4.16 Licensing committees which were established under Section 6 of the Licensing Act 2003 are also the relevant committees for the purpose of gambling functions. Therefore, the same committee that deals with applications and other issues in relation to the Licensing Act 2003 will also be responsible for premises licence applications and other issues (i.e. permits) in relation to gambling.
- 4.17 The proceedings of the licensing committee are regulated by section 9 of the 2003 Act (and regulations made under that section). Particular provision can be made for proceedings in relation to just the 2003 Act functions or just the 2005 Act functions.
- 4.18 The functions of the Licensing Authority under the Act may be carried out by the licensing committee, by a sub-committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1 of this document.
- 4.19 Licensing Authorities are required by the Gambling Act 2005 to publish a

Statement of Principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon, the statement must be then re-published.

- 4.20 The Licensing Authority consulted widely upon this Statement of Principles before finalising and publishing.
- 4.21 The Gambling Act requires that the following parties be consulted by licensing authorities:

- The Chief Officer of Police
- The Director of Public Health
- 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

4.22 The consultation will take place between 14 June and 13 August 2021 and will be published on the council's website.

4.23 The Statement of Principles will be submitted for approval at a meeting of the Council on XX November 2021 and will be published via the council's website shortly after that meeting. Copies will be available from the council offices at Guildhall, Marshall's Yard, Gainsborough, Lincolnshire DN21 2NA.

4.24 Should you have any comments regarding this Statement of Principles document please send them via one of the following methods:

E-mail: licensing@west-lindsey.gov.uk

Letter: Licensing
West Lindsey District Council
Guildhall
Marshall's Yard
Gainsborough
Lincolnshire
DN21 2NA

4.25 It should be noted that this Statement of Principles does not override the right of any person to make an application, or to make representations about an application, or to 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.

4.26 Planning Permission - The Licensing Authority will only take into account relevant representations related to gambling and the three licensing objectives. The existence of a planning permission or building regulation approval for a premises or activity associated with gambling shall not be taken into account by the Licensing Authority in determining an application for a

premises licence. Similarly, the existence of a gambling licence shall not prejudice the consideration of any planning or building regulation application related to a gambling activity or premises.

4.27 In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention (by way of relevant representations), which undermine the licensing objectives. Non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to ensure compliance with the licensing objectives.

4.28 Further information is available on West Lindsey's website <https://www.west-lindsey.gov.uk/my-business/licensing/business-licences/gambling/> or The Gambling Commission's website <https://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/General-compliance/Premises-licence.aspx>

5. Declaration

5.1 In producing the statement, the 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 any responses from those consulted on the Statement of Principles statement.

6. Responsible Authorities

6.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group and
- That this body is experienced in dealing with the protection of children

6.2 The body considered competent by this Licensing Authority for this purpose is Lincolnshire Safeguarding Children Partnership.

7. Interested Parties

7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

7.2 "For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications is

made, the 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) e.g. members of parliament and ward councillors

Principles of determining Interested Parties:

- 7.3 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.
- 7.4 The Licensing Authority, in determining whether a person is an Interested Party, will consider each case on its merits. The Authority will not apply a rigid rule to its decision making. In reaching its decision, the Licensing Authority will consider factors such as
 - the size of the premises
 - the nature of the premises
 - the distance of the premises from the home or workplace of the person making the representation
 - the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
 - the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises
- 7.5 “Business interests” will be given its widest possible interpretation and may include partnerships, charities, faith groups and medical practices.
- 7.6 Interested parties can be people who are democratically elected such as councillors and MPs. This will include county, district and parish councillors providing they represent the ward likely to be affected. Other than these persons, the Licensing Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activity/activities and/or business interest that might be affected by the authorised activity/activities. A letter from one of these persons requesting the representation is sufficient.
- 7.7 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the licensing committee dealing with the licence application. If there are any doubts then please contact the Committee Admin team via customer services on 01427 676676 or by emailing committeeadmin@west-lindsey.gov.uk.

8. Exchange of Information

8.1 In accordance with Section 350 and Schedule 6 of the Gambling Act 2005, the Council may exchange information with the following statutory bodies or individuals:

- A constable or police force
- An enforcement officer
- A licensing authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal First Tier Tribunal
- The Secretary of State
- Scottish Ministers
- Any other person or body designated by the Secretary of State in accordance with the Act

8.2 The Council may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

8.3 The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities as well as any relevant regulations issued by the Secretary of State under powers provided in the Gambling Act 2005.

8.4 The Licensing Authority will inform the Gambling Commission without delay if:

- Information that causes the Licensing Authority to question the suitability of a person or business holding or applying to hold an operating licence is received.
- There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an Operating Licence.
- It comes to the Licensing Authority's attention that alcohol-licensed premises, clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes that that make it possible that £2,000 in seven days is being exceeded.
- Any other reasonable and relevant information that the Licensing Authority is of the opinion the Gambling Commission should be made aware of.

8.5 Should any protocols be established as regards information exchange with other bodies then they will be made available.

8.6 The council is a signatory to the joint protocol on information exchange under the provisions of Section 115 of the Crime and Disorder Act 1998 with the Lincolnshire Police and Lincolnshire County Council. The council will seek to

use that provision as appropriate.

- 8.7 There is an expectation that all operators share information with the Licensing Authority.

9. Enforcement and Inspection

- 9.1 Licensing authorities are required by regulation under the Gambling Act 2005 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.

- 9.2 The Licensing Authority's principles are that:

It will be guided by the Gambling Commission's guidance for local authorities and, as per the Gambling Commission's guidance for local authorities, it will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be consistent and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects

- 9.3 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

- 9.4 As per the Gambling Commission's guidance for local authorities the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 9.5 The Licensing Authority has implemented a risk-based inspection programme based on:

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission

- The principles set out in this Statement of Principles
- 9.6 This Licensing Authority may carry out risk based regular operations with other agencies including the Gambling Commission and the Police to ensure the objectives are being promoted. This includes test purchasing operations to ensure children and the vulnerable are being protected where required.
- 9.7 As a general rule the Licensing Authority will consider formal action where there is evidence that the Licensing Objectives are being adversely affected. Premises licence holders are advised that where following the receipt of a warning or warnings in relation to a Premises Licence breach or breaches, an operator subsequently breaches the licence conditions, the Licensing Authority will seek to review the premises licence.
- 9.8 The Licensing Authority keeps itself informed of developments as regards the work of the better regulation executive in its consideration of the regulatory functions of local authorities.
- 9.9 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:
- Article 1, Protocol 1 – peaceful enjoyment of possessions
 - Article 6 – right to a fair hearing
 - Article 8 – respect for private and family life
 - Article 10 – right to freedom of expression

Part B – Premises Licences

1. General Principles

- 1.1 The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons and persons who may become aggressive.
- 1.2 Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
- 1.3 Arrangements must be made for how staff will deal with customers who become aggressive and ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
- 1.4 Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.
- 1.5 Where access to premises is age restricted, the Licensing Authority expects applicants to have a Challenge 21 or 25 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.
- 1.6 All applicants should keep an Incident Book in which details are recorded of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been excluded by the operator, and any crime or disorder that occurs on, or in association with, the licensed premises.
- 1.7 Applicants should demonstrate how they will identify self-excluded persons.
- 1.8 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.9 The 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:
 - 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 and
- In accordance with the Licensing Authority's Statement of Principles

1.10 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a Licensing Authority.

1.11 Premises Licences authorise the provision of gambling facilities on the following:

- Casino premises
- Bingo premises
- Betting premises (including race tracks used by betting intermediaries)
- Adult Gaming Centres (AGCs)
- Family Entertainment Centres (FECs)

1.12 **Definition of "premises"** - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a 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. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete Premises Licences, where appropriate safeguards are in place. However, the Licensing Authority will pay particular attention if there are issues about sub-division of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed. Each case will be judged on its individual merits.

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

1.14 This Licensing Authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:

1.15 Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes.

1.16 In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

1.17 The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

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

1.18 The Licensing Authority will consider these and other relevant factors in making its decision depending on all the circumstances of the case.

1.19 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

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

Tracks

- No customer should be able to access the premises directly from:
 - A casino
 - An adult gaming centre

Bingo Premises

- No customer should be able to access the premises directly from:
 - A casino
 - An adult gaming centre
 - A betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - A casino
 - An adult gaming centre
 - A betting premises, other than a track

1.20 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision making.

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

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

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

1.23 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement can be made instead.

1.24 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to condition, but it is not obliged to grant such a licence.

1.25 More detailed examples of the circumstances in which such a licence may be granted can be found in the Gambling Commissions Guidance.

1.26 **Location** - The 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 are relevant to its decision making. As per the Gambling Commission's guidance for local 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 Statement of Principles be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such statement does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

- 1.27 **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 take into consideration any irrelevant matter. I.e. those not related to gambling and the licensing objectives. One example of an irrelevant factor would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 1.28 This authority will not take into account any irrelevant matters as per the above Guidance. In addition this authority notes the following excerpt from the Guidance.
- 1.29 “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. Those matters should be dealt with under the relevant planning control and building regulation powers and 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.
- 1.30 **Duplication with other regulatory regimes** - The Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.
- 1.31 Fire or health and safety risks will not be taken into account, as these matters are dealt by other regulations and must not form part of the consideration for the premises licence.
- 1.32 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission’s guidance to local authorities and some comments are made below.
- 1.33 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - 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. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

1.34 **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. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks section'.

1.35 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - As children and young persons are prohibited from the great majority of gambling they must be prevented from entering adult only gaming environments. This Licensing Objective intends to prevent children and young persons from taking part in, or being in close proximity to, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at children or advertised in such a way that makes them attractive to children. The Licensing Authority will therefore consider whether or not specific measures are needed to protect children at particular premises. Such measures may include:

- Staff training (to include training on how to deal with suspected truants and vulnerable persons).
- Provision of CCTV (with images retained for a minimum period of 28 days).
- Additional requirements to provide supervision at entrances
- Steps taken to segregate gambling from non-gambling areas frequented by children
- The supervision of gaming machines in non-adult gambling specific premises in order to prevent children or vulnerable young persons from being harmed or exploited by gambling.
- Minimum staffing levels in adult only gambling premises
- Induction training for new staff and refresher training for existing staff
- Maintenance of a refusals register
- Proof of age schemes (e.g. Think 21)
- Third party test purchasing
- Location of entry to adult only gambling premises

- Infra-Red Beam positioned across the entrance to the adult only gambling premises
- 1.36 These measures will be particularly relevant on mixed use premises, and on tracks where children have freedom of movement in betting areas on race days. Other such measures may include:
- appropriate signage
 - location of machines
 - numbers of staff on duty
 - not siting child orientated machines or facilities close to the entrance to adult gaming / betting facilities
 - ensuring there is no accidental access to premises used for adult gambling
 - ensuring that all staff are suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines
- 1.37 As regards 'vulnerable persons', it is noted that the Gambling Commission has not defined a 'vulnerable person' but states that it will assume that this group will include 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. Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as Gamcare, should be deemed particularly appropriate. Further specific information on this Authority's recommendations and expectations, in relation to the protection of children and other vulnerable persons, can be found at Appendices 4 and 5 of this policy document. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling, with each application being treated on its own merits.
- 1.38 **Conditions** - 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 and type of premises: and
 - Reasonable in all other respects.
- 1.39 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, Child Protection Policies and Awareness Training etc.

There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

- 1.40 This Licensing 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.
- 1.41 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.
- 1.42 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 1.43 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.44 It is noted that 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); and

- conditions in relation to stakes, fees, winning or prizes.

1.45 **Door Supervisors** - If there are concerns that premises may attract disorder or be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.

1.46 Where door supervisors are imposed as a condition on a Premises Licence (except casino or bingo premises), Section 178 of the 2005 Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority (SIA).

2. **Adult Gaming Centres (AGC's)**

2.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 The Licensing Authority may expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas (e.g. Use of door supervisors)
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

2.4 The Licensing Authority will expect applicants to adopt an approved proof of age scheme (such as Challenge 21), for staff to be suitably trained and aware of the gambling laws, social responsibility and statutory requirements relating to age restrictions.

3. Licensed Family Entertainment Centres (FEC's)

- 3.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 3.2 Therefore, all Category C machines must be located in an area of the premises separate from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance.
- 3.3 The Licensing authority will seek to ensure that access to the area where machines are located is supervised, the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 3.4 This authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage (including the statutory requirement for Gamcare Stickers)
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
 - Measures/training for staff on how to deal with suspected truant school children on the premises
 - Appropriately trained floor walking staff with regard to the protection of children and vulnerable adults.
- 3.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 3.6 The Licensing Authority will, as per the Gambling Commission's guidance, refer to the commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated.

4. Casinos

- 4.1 **No Casinos resolution** - Full council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution. Any such resolution will be made by the Full Council.

5. Bingo

- 5.1 This Licensing Authority notes that the Gambling Commission's Guidance states:
- 5.2 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence or multiple licence, for that or those excluded areas.
- 5.3 This authority also notes that regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 5.4 Children and young persons are allowed into bingo premises; however they are not permitted to participate in the bingo and if Category B and C machines are made available for use these must be separated from areas where children and young people are allowed.
- 5.5 In accordance with the Gambling Commission's Guidance, the Licensing Authority recognises that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on Category D machines. Where Category C or above machines are available in the bingo premises to which children are admitted, the Licensing Authority will seek to ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where the machines are located;
 - access to the area where the machines are located is supervised;
 - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
 - At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 5.6 Where bingo is permitted in alcohol-licensed premises, this must be low

turnover bingo only and applicants are expected to comply with any Codes of Practice and advice issued by the Gambling Commission. High turnover bingo will require a Bingo Operating Licence. Definitions of low and high turnover bingo are available by referring to the Gambling Commission's website.

- 5.7 With regard to turnover, where the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will inform the Gambling Commission accordingly.
- 5.8 The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

6. Betting Premises Licence (in respect of a track)

- 6.1 The district contains a well-known and prestigious horseracing racetrack at Market Rasen.
- 6.2 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 6.3 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 6.4 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage (including the statutory requirement for GamCare Stickers)
 - Specific opening hours
 - Self-barring schemes

- Provision of information leaflets/helpline numbers for organisations such as GamCare
- 6.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 6.6 Gaming machines – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 6.7 Betting machines – This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 6.8 Applications and plans – The Gambling Act (section 151) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity.
- 6.9 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 6.10 Where appropriate, in order for the Licensing Authority to gain a proper understanding of what it is being asked to licence, applicants will be required to:
- Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the race track
 - In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track operator as well as any other proposed gambling facilities
 - Evidence measures taken to ensure the third Licensing Objective will be complied with
 - Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for, that purpose
 - Define the areas of the track that will be used by on course operators visiting the track on race days
 - Define any temporary structures erected on the track for providing facilities for betting

- Define the location of any gaming machines (if any)
- 6.11 Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- 6.12 The Licensing Authority recommends an applicant seek further advice from the Gambling Commission prior to submission of their application.
- 6.13 With regard to gaming machines on tracks, the Licensing Authority will consider carefully the location of any adult gaming machines at tracks to ensure that these machines are in areas which children are excluded, though it is recognised that children and young persons are not prohibited from playing Category D machines on a track.
- 6.14 Betting and Gaming Machines on Tracks - The Licensing Authority recognises the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines. It is the responsibility of the track operator to ensure compliance with the law in preventing children from using these machines. It is for this reason the Licensing Authority may consider restricting the number and location of machines, however, each application will be considered on its own merit.
- 6.15 Self-contained betting offices on Tracks - In general, the rules that apply to betting premises away from tracks will apply to self-contained betting premises on tracks and the Licensing Authority will consider future guidance from the Gambling Commission about how such premises should be delineated, both to make it clear to the public that they are entering a 'betting office' and to prevent the entry of children and young persons. Applicants are recommended to consider the Gambling Commission's view that it would be preferable for all self-contained premises operated by off course betting operators on track to be the subjects of separate premises licences. This would thus ensure that there was clarity between the respective responsibilities of the track operator and the off course-betting operator running a self-contained unit on the premises.
- 6.16 On advice from the Gambling Commission, the Licensing Authority may attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office. The Licensing Authority would welcome other suitable methods.
- 6.17 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such circumstances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 6.18 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better

provided through occasional use notices where the boundary premises do not need to be defined.

- 6.19 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting area subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

7. Betting Premises (in respect of premises other than a track)

- 7.1 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Children and young persons are not permitted entry to a premises with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. The Licensing Authority recommends that an applicant for gaming machines in betting premises considers carefully the location of betting machines to ensure that they are not in sight of the entrance of the premises.
- 7.2 The Licensing Authority expect applicants to comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. The Licensing Authority may expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may cover issues such as:
- Minimum staffing levels
 - Induction training for new staff and refresher training for existing staff
 - Refusals register
 - Proof of age schemes
 - Provision of CCTV
 - Entry control system
 - Supervision of entrances/ machine areas
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not exhaustive and is merely indicative of examples measures.

8. Split Premises

- 8.1 The Gambling Commission’s Guidance states that a building can, in principle, be divided into more than one premises and 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 reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

- 8.2 The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.
- 8.3 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.
- 8.4 In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- whether there are separate registrations for business rates in place for the premises;
 - whether the premises are owned or operated by the same person, and
 - whether the premises are operated independently of each other.
- 8.5 When considering proposals to divide a building into separate premises, the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
- 8.6 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.
- 8.7 It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.
- 8.8 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.
- 8.9 The relevant provisions of the regulations relating to access are set out in the Gambling Commission's Guidance to Licensing Authorities. There are a number of provisions on access to prevent customers from being able to enter the premises directly from other licensed premises.

- 8.10 The Guidance states “There is no definition of ‘direct access’ in the Act or Regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”
- 8.11 It is the Licensing Authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 8.12 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.
- 8.13 Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:
- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part
 - entrances and exits from parts of a building covered by one or more Premises Licences are separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit
 - customers should be able to participate in the activity named on the Premises Licence

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

9. Plans

- 9.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:
- the extent of the boundary or perimeter of the premises
 - where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
 - where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
 - where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises

- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.

9.2 The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives, Gambling Commission Guidance, Codes of Practice or its own Statement of Licensing Policy. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to discharge its duties effectively.

9.3 If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

10. Credit and ATMs

10.1 Section 177 of the 2005 Act requires, in relation to casino and bingo premises licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with the provision of credit.

10.2 Section 177 does not, however, prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection with the machine provider in relation to gambling (aside from the agreement to site the machines) and does not profit from the arrangement, nor make any payment in connection with the machines

11 Gaming Machines

11.1 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.

11.2 Where the Licensing Authority has concerns about the manufacture, supply or repair of a gaming machine it will bring this to the attention of the Gambling Commission.

11.3 The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Commission on the

location of, and access to, Category D machines by children and young persons and their separation from Category C and B machines where those are also located on the same premises.

- 11.4 The Licensing Authority seeks to discourage applications for Premises Licences for the sole purpose of obtaining the ancillary provision of additional gaming machines where the principal activity either does not take place or is minimal. The Licensing Authority believes that the Gambling Act 2005 intended to set restrictions on the number of gaming machines for certain premises and considers that the fact that the licence authorised the holder to provide facilities for betting or bingo means that the operator must provide those facilities to qualify for the ancillary entitlement to gaming machines. Whilst this has not yet been legally contested, the Licensing Authority fully supports this view. The Licensing Authority is aware that the Gambling Commission has amended its operator licence conditions to address the issue of the primary gambling activity.

12. Travelling Fairs

- 12.1 This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit are 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.
- 12.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 12.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, applies on a calendar year basis 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.
- 12.4 The 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.

13. Provisional Statements

- 13.1 Developers may wish to apply to this authority for a Provisional Statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 13.2 Section 204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:
- Expects to be constructed;

- Expects to be altered; or
- Expects to acquire a right to occupy

13.3 The process for considering an application for a Provisional Statement is the same as that for a Premises Licence application. The applicant is obliged to give notice of the application in the same way as applying for a Premises Licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.

13.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

13.5 The holder of the provisional statement may then apply for a Premises Licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the Premises Licence application, and in terms of representations about Premises Licence applications that follow 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.

13.6 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:

- Which could not have been raised by objectors at the provisional statement stage;
- Which in the authority's opinion reflect a change in the operator's circumstances; or
- Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

14. Reviews

14.1 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.

14.2 This will be on the basis of whether the request for the review is relevant to the matters listed below:

- 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; and
- in accordance with the authority's statement of licensing principles.

14.3 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representation(s) or request(s) for review.

14.4 The Licensing Authority can also initiate a review of a particular Premises Licence, or a particular class of Premises Licence on the basis of any reason which it thinks appropriate.

14.5 Once a valid application for review has been received by the Licensing Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

14.6 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

14.7 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:

- Add, remove or amend a licence condition imposed by the Licensing Authority;
- Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such a condition;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the licence.

14.8 In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representation.

14.9 In particular, the Licensing Authority may also initiate a review of a Premises Licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

14.10 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- The licence holder

- The applicant for review (if any)
- The Gambling Commission
- Any person who made a representation
- The Chief Officer of Police or Chief Constable
- Her Majesty's Commissioners for Revenue and Customs.

15. Appeals

- 15.1 There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to Lincoln Magistrates' Court.

DRAFT

Part C – Other Consents

1. **Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on permits – schedule 10 paragraph 7)**

1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. 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.

1.2 **This Licensing Authority notes that:**

- The Gambling Act 2005 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.
- The Gambling Commission's guidance for local authorities also states: "In their three year licensing Statement of Principles statement, licensing authorities may include a Statement of Principles that they propose to apply when exercising their functions in considering applications for permits licensing authorities will want to give weight to child protection issues.

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

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and the applicant to do this by producing a Basic Disclosure and Barring Service (DBS) Certificate dated within one calendar month of the date of the application being submitted to the Licensing Authority; and
- that staff are trained to have a full understanding of the maximum stakes and prizes."

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

1.4 **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 truant 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/around the premises.

- 1.5 N.B. Applicants and permit holders are reminded that there is no provision within the Gambling Act 2005 and associated regulations which enable the transfer of a permit from one person to another, therefore the new operator will need to apply for the permit.

2. Alcohol Licensed Premises Gaming Machine Permits and Notifications

- 2.1 **Notifications of 2 or less machines** - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, from a bar 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

- 2.2 **Permits for 3 or more machines** - 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 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 and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

- 2.3 A plan must accompany applications indicating where and what type, of

gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.

- 2.4 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.5 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.
- 2.6 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 machine.

3. Prize Gaming Permits

- 3.1 This Licensing Authority notes that 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 propose to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has prepared a Statement of Principles which is 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;
 - and that the gaming offered is within the law
 - clear policies that outline steps to be taken to protect children from harm
- 3.3 In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
 - The limits on participation fees, as set out in regulations, must be complied with;
 - All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - The prize for which the game is played must not exceed the amount set

out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and

- Participation in the gaming must not entitle the player to take part in any other gambling.

- 3.5 The permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.
- 3.6 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. A permit will be still valid pending renewal including an appeal against a decision not to renew. The permit must be kept on the premises and it is an offence not to produce it when requested to do so by a constable, an enforcement officer, or an authorised local authority officer. There is a right of appeal against a decision not to grant or renew a permit.

4. Club Gaming and Club Machines Permits

- 4.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (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).
- 4.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 4.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members' or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - d) a permit held by the applicant has been cancelled in the previous ten years; or

e) an objection has been lodged by the Commission or the police.

4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

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

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

4.6 Licensing 2003: Review of a Club Premises Certificate or a Premises Licence for a Commercial Club – Where the Licensing Authority is considering the review of a Club Premises Certificate or a Premises Licence, and that club holds a Club Gaming or Club Machine Permit, the Licensing Authority may, where appropriate, at the same time decide to review the status of the permit.

4.7 N.B. - Gaming in Commercial Clubs - A commercial club is a club that is established as a commercial enterprise and differs from a members' club that is conducted for the benefit of its members. Commercial Clubs may only apply for Club Machine Permits, not Club Gaming Permits. The Licensing Authority expects Commercial Club licence holders to comply with the Gambling Commission's Codes of Practice and the Secretary of State's statutory stakes and prizes limits.

5. Temporary Use Notices (TUN)

5.1 Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2 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.

5.3 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.

- 5.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission’s Guidance to Local Authorities. 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” the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.5 The 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, as recommended in the Gambling Commission’s Guidance to Licensing Authorities.

6. Occasional Use Notices

- 6.1 It is noted that 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.

7. Lotteries

- 7.1 The Licensing Authority registers and deals with Small Society Lotteries. Promoting or facilitating a lottery falls within one of the following categories:
- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
 - Small Society Lotteries (registered with the Licensing Authority); and
 - Exempt Lotteries
- 7.2 Lotteries permitted to be conducted without a licence from the Gambling Commission and these are:
- Small Society Lotteries (registered with the Licensing Authority);
 - Incidental Non-Commercial Lotteries;
 - Private Lotteries: (Private Society Lottery, Work Lottery, Residents’ Lottery);
 - Customer Lotteries
- 7.3 Societies may organise lotteries if they are licensed by the Gambling

Commission, registered with the Licensing Authority 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. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits is available by contacting the Licensing Authority.

- 7.4 Applicants for lottery licences 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.
- 7.5 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 registration.
- 7.6 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 seek further information from the Society and in particular may require a copy of the society's constitution.
- 7.7 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.
- 7.8 The Licensing Authority may revoke the registered status of a society if it thinks that they 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.
- 7.9 With regards to where Small Society Lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all Small Society Lotteries it registers:
 - Tickets should not be sold in a street. (Street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls))
 - Tickets may be sold from a kiosk, in a shop or door-to-door.
- 7.10 This approach is consistent with the operating licence conditions imposed by the Gambling Commission upon operators of large lotteries.

8 Poker

Poker in alcohol-licensed premises

- 8.1 The Commission actively engages with the larger national and regional organisers of poker leagues to remind them of the limited exemptions that apply to poker being offered in pubs. This authority conducts appropriate enforcement to detect and prevent infringements of such localised requirements as stake and prize limits, because the Council issued the alcohol premises licence in the first place.
- 8.2 In some poker tournaments the organisers offer 'prizes' at the end of a series of weekly games for the players with the most points. It is likely that the association of a prize with a monetary value with a game or series of games constitutes gaming. Therefore, if the eventual prize is worth more than the maximum prize set out in regulations then it could be unlawful gaming. For example, if a tournament simply involves a series of straightforward 'knockout' qualifying rounds, culminating in a 'final' game, then the winner's prize in the final – whether it comprises the stakes laid in that game, a separate prize provided by the organiser, or a combination of the two – must not exceed £100, which is the limit set by the regulations.

Poker under a club gaming permit

- 8.3 A club gaming permit can only be granted to a members' club (including a miners' welfare institute), but cannot be granted to a commercial club or other alcohol-licensed premises. Other than in the case of clubs established to provide facilities for gaming of a prescribed kind (currently bridge and whist), clubs seeking club gaming permits must be established 'wholly or mainly' for purposes other than gaming. When a club gaming permit is granted there are no limits on the stakes and prizes associated with poker.
- 8.4 If a club established to provide facilities for gaming of a prescribed kind (currently bridge and whist) has a club gaming permit, it may not offer any other gaming besides bridge and whist. If such a club does not have a permit, it may provide exempt gaming provided it is not established to function for a limited period of time and it has at least 25 members. If it wishes to offer other non-exempt gaming it will require a Commission casino operating licence and any relevant personal licences.
- 8.5 The poker which a club gaming permit allows is subject to the following conditions:
- (a) In respect of equal chance gaming:
 - (i) the club must not deduct money from sums staked or won the participation fee must not exceed the amount prescribed in regulations; and
 - (ii) the game takes place on the premises and must not be linked with a game on another set of premises.
 - (b) Two games are linked if:

- the result of one game is, or may be, wholly or partly determined by reference to the result of the other game;
- the amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game;
- a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
- only club members and their genuine guests participate.

(c) In respect of other games of chance:

- the games must be pontoon and chemin de fer only;
- no participation fee may be charged otherwise than in accordance with the regulations;
- no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

8.6 All three types of gaming are subject to the 48 hour rule, meaning that the games may only be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

Poker as non-commercial gaming

8.7 This is allowed if it takes place at a non-commercial event, that is to say, if no part of the proceeds is for private profit or gain. One or more persons may benefit from the proceeds of such events if the activity is organised by or on behalf of a charity or for charitable purposes; or to enable participation in or support of athletic or cultural activities.

8.8 It would be possible to raise funds for an individual providing the proceeds were for example a wheelchair or to support a sporting endeavour. Events such as poker nights or casino nights are also permitted if they comply with the regulations and are run on a non-commercial basis.

Poker as private gaming

8.9 Poker offered as private gaming can take place anywhere to which the public do not have access, including a workplace. Domestic and residential gaming are two subsets where non-equal chance gaming is allowed.

- Domestic gaming is permitted without the need for permissions if it takes place in a private dwelling or it is on a domestic occasion and no charge or levy is made for playing.
- Residential gaming is permitted when it takes place in a hall of residence or hostel not administered in the course of a trade or business, and more than 50% of the participants are residents.

8.10 Private gaming can potentially take place on commercial premises in circumstances where a members' club hires a room in, for example, a pub or

hotel for a private function where equal chance gaming only is played. However, organisers would need to scrutinise very carefully the arrangements put in place to make sure that the particular area of the pub, hotel or other venue in which the gaming takes place is not, on the occasion of the private function, a place to which the public have access and that those participating are not selected by a process which means that, in fact, they are members of the public rather than members of the club.

- 8.11 The law in this area is complex. It is contained in SI No 3157/2007: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007. Organisers should be advised to seek their own legal advice before proceeding with the event. 29.48 It is a condition of private gaming that no charge (by whatever name called) is made for participation and Schedule 15 to the Act makes it clear that a deduction from or levy on sums staked or won by participants in gaming is a charge for participation in the gaming. It is irrelevant whether the charge is expressed to be voluntary or compulsory, particularly if customers are prevented from playing if they do not make the 'voluntary' donation, or there is strong peer pressure to make the donation.

9. Local Risk Assessments

- 9.1 It is a requirement of the Gambling Commission's 'Licence Conditions and Codes of Practice' (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy document.
- 9.2 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstance, including those identified in this policy;
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - when applying for a variation of a premises licence.
- 9.3 In addition, operators must undertake a local risk assessment when applying for a new premises licence.
- 9.4 The Local Risk Assessment should indicate the provision of gambling facilities at each individual premises, and set out the policies, procedures and control measures that the operator has in place to mitigate those risks.
- 9.5 This Authority will expect that the manager of the gambling premises in question (and wherever possible the local staff) are involved in the formulation of the local risk assessment. It is also expected that a copy of the finalised local risk assessment will be kept at the gambling premises in question and be made available to staff (and inspecting officers) at all times.

9.6 This Authority will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation;
- whether the premises is in an area subject to high levels of crime and/or disorder;
- the demographics of the area in relation to vulnerable groups;
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;
- significant presence of young children, both residents and visitors;
- high unemployment area;
- nearby homeless hostels;
- nearby gambling, alcohol, drug or mental health support facility;
- the area has a high number of rough sleepers/homeless people;
- the area has a specific ethnic population;
- pawn broker/pay day loan businesses in the vicinity;
- other gambling premises in the vicinity.

9.7 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

9.8 Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self- exclusion schemes, window displays and advertisements not to entice passers-by, etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

- 9.9 Such information may be used to inform the decision the Licensing Authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.
- 9.10 This 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 the concerns can be overcome.
- 9.11 A copy of the Local Risk Assessment should be submitted to the Licensing Authority when an operator applies for a new gambling premises licence or a variation to an existing premises licence. The Local Risk Assessment should also be presented at such other time as the Licensing Authority may require (e.g. during the annual premises compliance check).
- 9.12 Other than at the time of applications and annual compliance checks, this Authority may also require risk assessments to be submitted (or revisited) when there has been a significant change in local circumstances or at a particular premises that might affect the mitigation of local risk.

N.B. The Licensing Authority accept that racecourses do not need to complete a local area risk assessment, as it is for those standing on the track and the operating betting premises to do this.

Local Area

- 9.13 Operators may wish to make themselves aware of the demographics of the local area before submitting an application. A better knowledge of the local area will increase the awareness of local risks to operators which will need to be addressed in their risk assessments. This may prove useful when submitting a new application, or in an application to vary a licence by helping mitigate any concerns highlighted.
- 9.14 Local Area Information has now been compiled, please see Appendix 2 for further information which is intended to make Operators aware of local risks.

10. Review

- 10.1 This Statement of Principles will remain in existence for a period of three years and will be subject to review and further consultation before December 2024. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

11. Glossary

- 11.1 A glossary of terms is attached at Appendix 3

Appendix 1: Summary of Licensing Authority Delegations Permitted under the Gambling Act

Gambling Act 2005 – Proposed Scheme of Delegation

1. The power of the Licensing Authority
 - a) as a responsible authority, to make representations in respect of premises licences under Part 8 of the Act;
 - b) to propose to attach a condition to a premises licence in accordance with section 169(1)(a) of the Act in addition to the mandatory or default conditions;
 - c) to propose the exclusion of a default condition from a premises licence under S169(1)(b) of the Act;
 - d) as a responsible authority, to request a review of a premises licence under sections 197 or 200 of the Act;
 - e) to give a notice of objection to a temporary use notice under S221 of the Act;
 - f) to serve notification of intended refusal of any of the following:-
 - i. Family Entertainment Centre Gaming Machine Permit (Sch 10 Para 10)
 - ii. Prize gaming Permits (Sch 14 Para 11)
 - iii. Licensed Premises Gaming Machine Permits (Sch 13 Para 6) And also, in the latter case, notice of intention to grant the application but for a smaller number of machines than specified and/or a different category of machines from that specified in the application.
 - g) Serve notification of lapse of a Family Entertainment Centre Gaming Machine Permit (Sch 10 Para 14 and 15 (1)(b));
 - h) Serve notice of intention to cancel or vary any of the following:-
 - i. Club Gaming permit or Club Gaming Machine permit (Sch 12 Para 21)
 - ii. Licensed Premises Gaming Machine permits (Sch 13 Para 16)
 - i) Create and amend the Authority's application procedures in relation to applications for the following in accordance with any relevant legislation:-
 - i. Family Entertainment Centre Gaming Machine Permits (sch10 paras 5 and 7)
 - ii. Licensed Premises gaming Machine Permits (Sch 13 Para 2)
 - iii. Prize Gaming Permits (Sch 14 paras 6 and 8); and
 - j) To appoint authorised persons under s 304 of the Act Determine that any representations received under Part 8 of the Act are vexatious, frivolous, or certainly will not influence the Authority's determination of an application; and
 - k) Reject all or part of any application for a review of a premises licence in accordance with Section 198 of the Act - **shall be delegated to the Head of Paid Service.**

2. In relation to the following matters in the attached table the Authority will, in the majority of cases, adhere to the table of delegated functions set out below. This table indicates the lowest level of the Authority which will normally exercise the delegation though the Authority reserves the right, where appropriate, for any particular matter to be dealt with at a higher level whilst having due regard to statutory requirements. For example, an Officer may choose not to exercise their delegated power and refer the matter to the Sub-Committee or the Sub-Committee itself may choose to refer the matter to the Full Committee.

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Head of Paid Service
Final approval of three year licensing statement of principles	All Cases		
Statement of principles not to permit casinos	All Cases		
Fee setting (when appropriate)	All Cases		
Application for premises licence (including applications for re-instatement under S195)		Representation made and not withdrawn (S154 (4)(a))and/or where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary	No representation made or representations have been withdrawn. The only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application.
Application to vary premises licence		Representation made and not withdrawn (S154 (4)(b)) and/or where the Licensing Authority considers that a condition should be default condition	No representation made or representations have been withdrawn

		<p>added to the licence under S169(1)(a) or a should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary (S187(3))</p> <p>If the application for variation is to remove a default condition and there are no reps and there are no proposals by the Authority to otherwise alter the conditions this could be dealt with at officer level without a hearing</p>	<p>The only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application</p>
Application for transfer of premises licence		<p>Representation made by the Commission S154 (4) (c)</p> <p>Representations made and not withdrawn under S161</p>	<p>All other cases where no representation made by the Commission, including cases where the only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application</p>
Application for a provisional statement		<p>Representation made and not withdrawn S154 (4)(d) and/or where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a</p>	<p>No representation made or representations have been withdrawn</p>

		default condition should be excluded under section 169(1)(b)	
Revocation of a premises licence due to non-payment of an annual fee. S193			All Cases
Review of a premises Licence		All cases go to Licensing Sub Committee S154 (4)(e)	
Application for Club Gaming/Club machine permits, renewals and variations (including those leading to cancellation of permit) under Sch12 Para 15		<p>Objection made and not withdrawn (Sch 12 Para 28 (2))</p> <p>Refusal of permit proposed on the grounds listed in Sch 12 paragraph 6(1)(a)-(d) , or paragraph 10(3) as applicable unless Authority and all relevant parties agree that a hearing is unnecessary (Sch 12 Para 7)</p>	<p>No objection made or objections have been withdrawn</p> <p>Refusal of permit proposed on the grounds listed in Sch 12 paragraph 6(1)(a)-(d) or paragraph 10(3) as applicable, where Authority and all relevant parties agree a hearing is unnecessary (Sch 12 Para 7)</p>
Cancellation of Club Gaming /Club Machine Permits under Schedule 12 Paragraph 21		All Cases	
Consideration of Temporary Use Notices (including notices modified under section 223)		<p>All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary.</p> <p>All cases where a counter notice may be required (S232(3))</p>	All other cases
Decision to give a counter notice to a temporary use notice		All Cases	

Applications for other permits registrations. and notifications		All cases where the officer serves notice of intention of refusal and representations are received or proposes to grant for lesser number of machines.	All cases except where the officer serves notice of intention of refusal and representations are received or proposes to grant for lesser number of machines.
Cancellation of licensed premises gaming machine permits. Sch 13 paragraph 16		All Cases	
Cancellation of licensed premises gaming machine permits for non-payment of fee			All Cases
Registration of small society lotteries		Where officers believe there is a reason to refuse the application for registration	All other cases
Cancellation of a small society lottery due to non-payment of annual fee			All cases

N.B. - The summary of Licensing Authority delegations permitted under the Gambling Act 2005, contained within Appendix 1 above, is for information purposes only and does not form part of the Statement of Principles. The delegations may be amended at any time without further consultation.

Appendix 2: West Lindsey Area Profile

Introduction

This report provides a summary of the latest available information on the demographic and socio-economic make-up of the 20 wards in West Lindsey. It looks at the population structure and provides information on the economy, housing, employment, crime and deprivation. Where possible, the information is presented at ward level. The report is to be used in conjunction with the Council's Gambling Policy to aid stakeholders in their decision making.

West Lindsey District Council's Vision

The Council's vision is for West Lindsey to be seen as a place where people, businesses and communities can thrive and reach their potential. Underpinning three key themes have been identified in our Corporate Plan leading up to 2023:

1. Our People

The wellbeing and success of our residents and communities is of utmost importance to the Council. Our residents have varied and complex needs. We must ensure that we work with partner organisations, communities and residents themselves to address their issues and have a positive impact on their lives. We recognise that managing expectations in relation to time and resources available is essential.

2. Our Place

West Lindsey is a predominantly rural district and it is imperative that we aim to protect what is important to current and future residents. We will achieve this by meeting the need for homes and infrastructure and diversifying the economic and employment opportunities available in the district.

3. Our Council

It is the Council's strategic aim to be a well-managed and well-governed Council, delivering high quality services that demonstrate improvement and meet public aspirations. The Council is aware that, despite the challenge of reduced budgets, it has a key role to play in the current and future wellbeing of West Lindsey residents through the efficient delivery of excellent services and joint working with partners.

Our District

West Lindsey is one of the largest districts in England and one of the most rural in the County of Lincolnshire, which is comprised of seven district areas.

The District covers 1,157km² (447 square miles), with the administrative centre in Gainsborough on the River Trent to the west, and the market towns of Caistor and Market Rasen to the east.

The population of the District is spread across a large area. The mid-year estimates for 2019 give the district a population of 95,667 at a density of 82.69 people/km². There were 42,369 households in the district as of 2020 with Gainsborough comprising the largest number of households at 9,200.

There are great differences in the characteristics and levels of need across the district, with some wards experiencing the highest levels of deprivation in the country, and others being amongst the most affluent.

This range of characteristics, such as wealth, accessibility, infrastructure and deprivation factors have a varied effect on the needs and aspirations of local people and the delivery of services in the District.

There are currently six gambling venues in the District and these are listed in the table below:

Name	Address
Ladbrokes Betting Shop	Market Street, Gainsborough
William Hill Betting Shop	Market Street, Gainsborough
Betfred Betting Shop	Silver Street, Gainsborough
Cashino Gaming - Adult Gaming Centre	Silver Street, Gainsborough
Market Rasen Racecourse	Legsby Road, Market Rasen
Don Noble Betting Shop	Market Place, Market Rasen

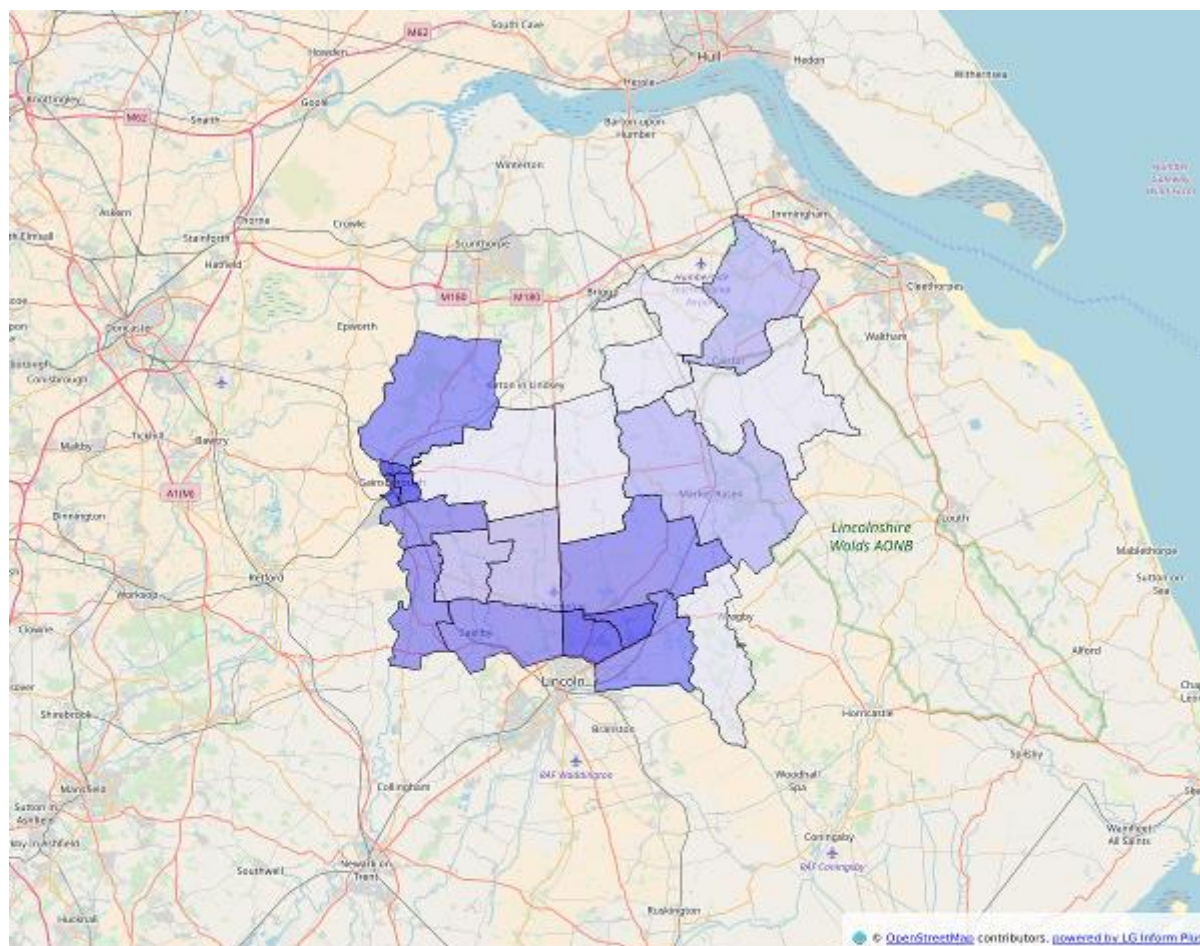
Much more detailed information relating to demography, crime and disorder, deprivation, education, employment, health and wellbeing can be found in the Council's State of the District Report, which is updated annually.

<https://www.west-lindsey.gov.uk/my-business/growth-and-regeneration/state-of-the-district/>

Population

West Lindsey has a total population of 95,667 (2020 mid-year estimate). The ward with the largest population is Market Rasen, representing 9.47% of the total resident population of the district.

The most densely populated ward is Gainsborough North with 30.17 persons per hectare, the least densely populated ward is Wold View with 0.23 persons per hectare.



Population density (2016)

- $\geq 1.75 \leq 30.17$ persons per hectare
- $\geq 0.74 < 1.75$ persons per hectare
- $\geq 0.53 < 0.74$ persons per hectare
- $\geq 0.23 < 0.53$ persons per hectare

Age

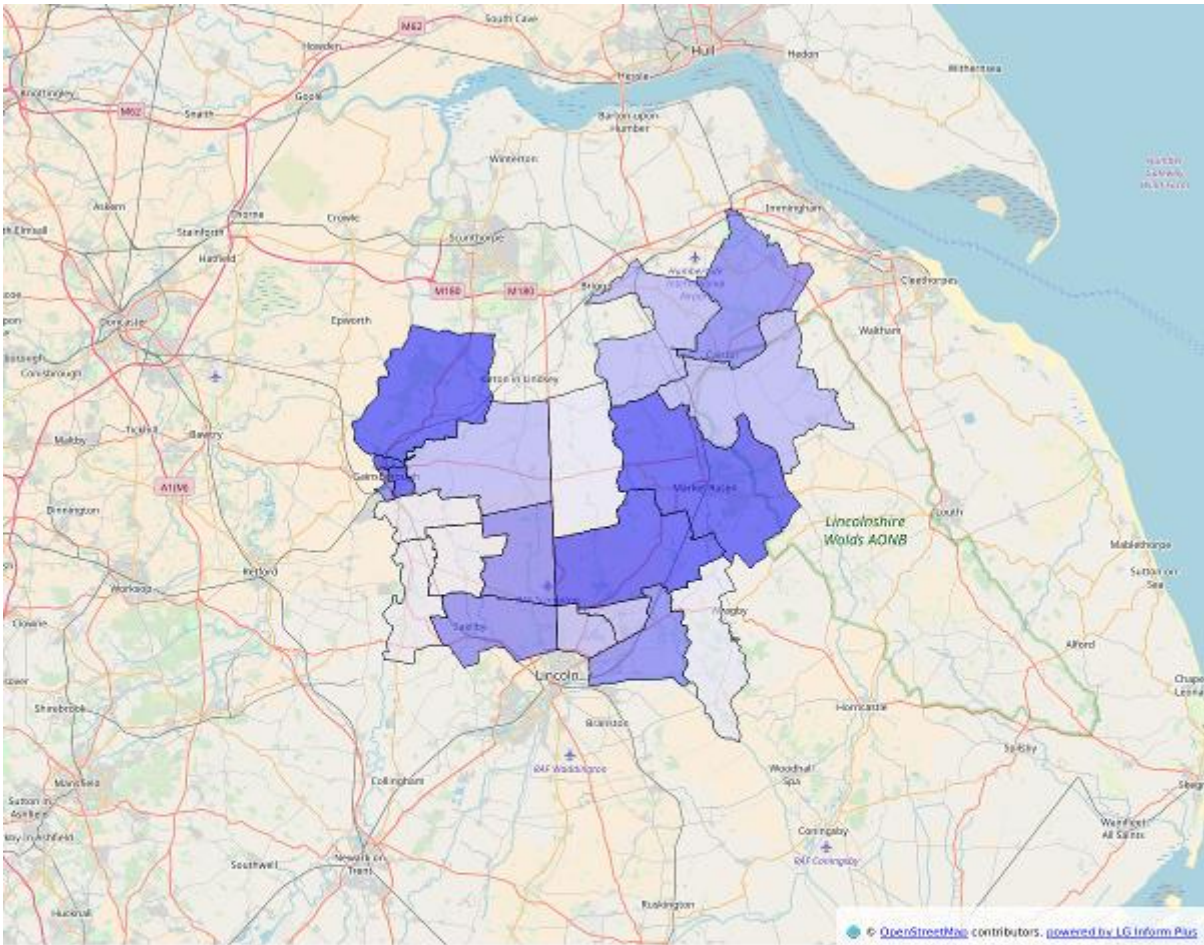
The following table provides a breakdown of age groups at ward level. Gainsborough East ward has the highest number of 0-17 year olds representing 10.49% of the population of the ward.

Market Rasen ward has the highest number of people aged 65 and over representing 10.54% of the total population of the ward.

	Geographical area, land only measurements	Total population	Total female population	Total male population
	2018	2018	2018	2018
	Hectares	People	People	People
Bardney	6,255.72	2,636	1,337	1,299
Caistor and Yarborough	6,930.63	5,425	2,830	2,595
Cherry Willingham	4,561.18	7,542	3,953	3,689
Dunholme and Welton	9,535.60	8,479	4,364	4,115
Gainsborough East	293.81	7,807	4,080	3,727
Gainsborough North	239.45	7,380	3,801	3,579
Gainsborough South-West	437.10	5,488	2,734	2,754
Hemswell	9,593.48	2,852	1,377	1,475
Kelsey Wold	7,926.32	2,746	1,373	1,373
Lea	2,818.09	2,112	1,127	985
Market Rasen	15,310.58	8,935	4,559	4,376
Nettleham	1,945.98	4,093	2,135	1,958

	Geographical area, land only measurements	Total population	Total female population	Total male population
	2018	2018	2018	2018
	Hectares	People	People	People
Saxilby	5,111.49	5,572	2,838	2,734
Scampton	5,092.64	2,867	1,390	1,477
Scotter and Blyton	10,245.62	7,774	4,000	3,774
Stow	3,328.55	2,329	1,192	1,137
Sudbrooke	1,348.34	2,681	1,374	1,307
Torksey	4,349.78	2,967	1,469	1,498
Waddingham and Spital	7,816.05	2,505	1,219	1,286
Wold View	12,431.32	2,579	1,292	1,287
Total	-	94,869	48,444	46,425

The map below shows the number of households with dependent children for all wards in West Lindsey. The Dunholme and Welton Ward has the highest number of households with dependent children (1,071) whilst Lea has the lowest number (217).



Dependent children: All ages (2011)

- $\geq 759 \leq 1,071$
- $\geq 408 < 759$
- $\geq 287 < 408$
- $\geq 217 < 287$

Ethnicity

The following table shows the ethnicity groupings for each ward in the District. Gainsborough South-West ward has the highest number of Asian / Asian British residents in the District, as well as the highest number of Black / African / Caribbean / Black British residents.

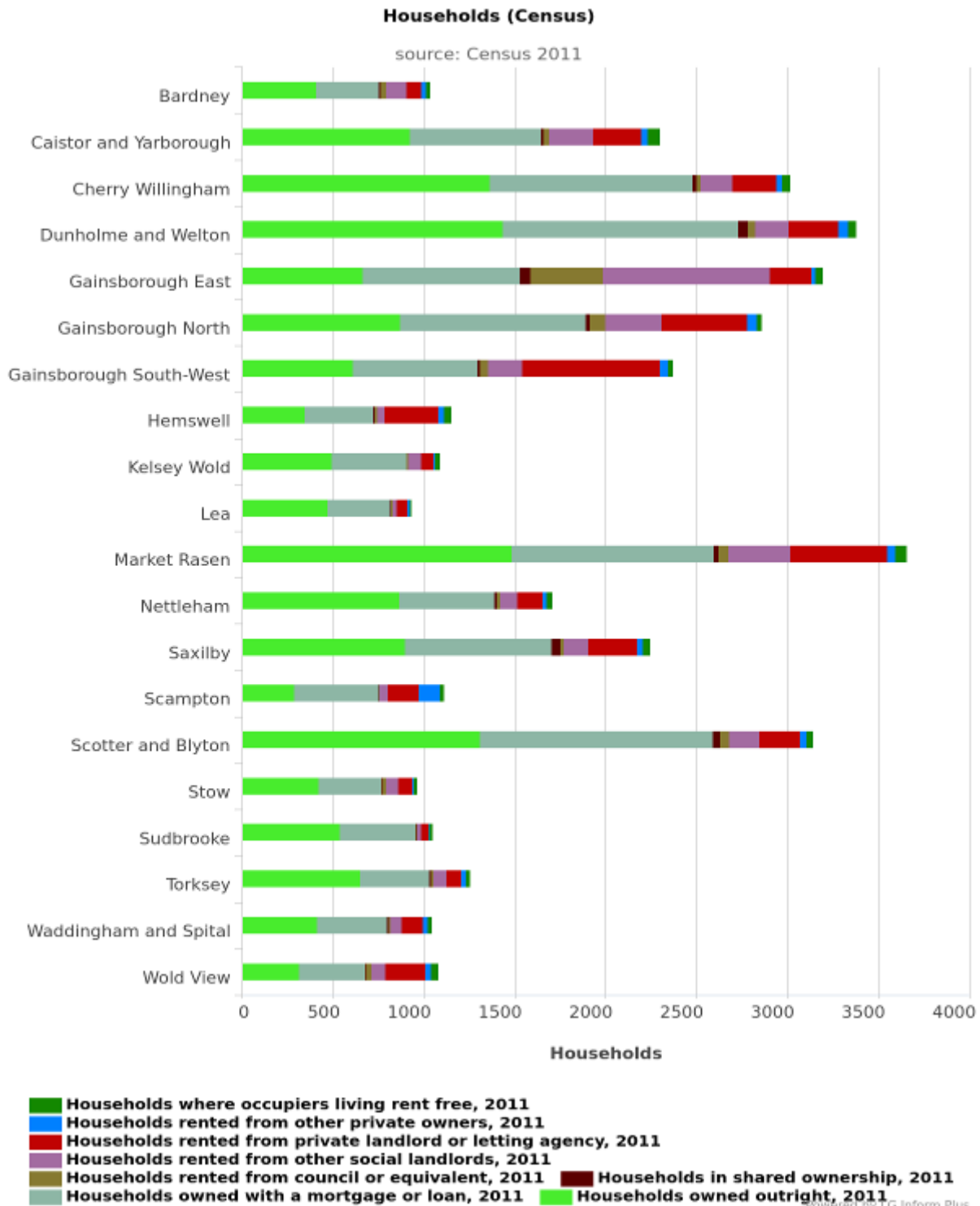
	Residents who are White	Residents who are Mixed / Multiple ethnic groups	Residents who are Asian / Asian British	Residents who are Black / African / Caribbean / Black British	Residents who are Other ethnic group
	2011	2011	2011	2011	2011
	People	People	People	People	People
Bardney	2,328	14	4	3	1
Caistor and Yarborough	5,118	26	13	9	0
Cherry Willingham	6,901	47	57	30	2
Dunholme and Welton	8,070	67	67	10	8
Gainsborough East	7,341	70	45	34	0
Gainsborough North	6,484	51	75	11	4
Gainsborough South-West	4,653	65	83	40	11
Hemswell	2,797	17	31	3	2
Kelsey Wold	2,613	19	22	6	4
Lea	2,116	12	9	2	1

	Residents who are White	Residents who are Mixed / Multiple ethnic groups	Residents who are Asian / Asian British	Residents who are Black / African / Caribbean / Black British	Residents who are Other ethnic group
	2011	2011	2011	2011	2011
	People	People	People	People	People
Market Rasen	8,102	48	49	38	4
Nettleham	3,810	24	48	5	0
Saxilby	4,993	32	33	10	8
Scampton	2,835	19	14	4	1
Scotter and Blyton	7,364	23	76	6	3
Stow	2,210	6	5	0	1
Sudbrooke	2,503	44	74	12	15
Torksey	2,765	17	6	1	1
Waddingham and Spital	2,433	16	2	1	0
Wold View	2,610	22	16	2	2
Total	88,046	639	729	227	69

Housing

In total, there are 42,369 households in West Lindsey. The following chart shows households for each ward in the District broken down by tenure. Gainsborough East ward has 400 households rented from the council, which is the highest number for any ward in the district.

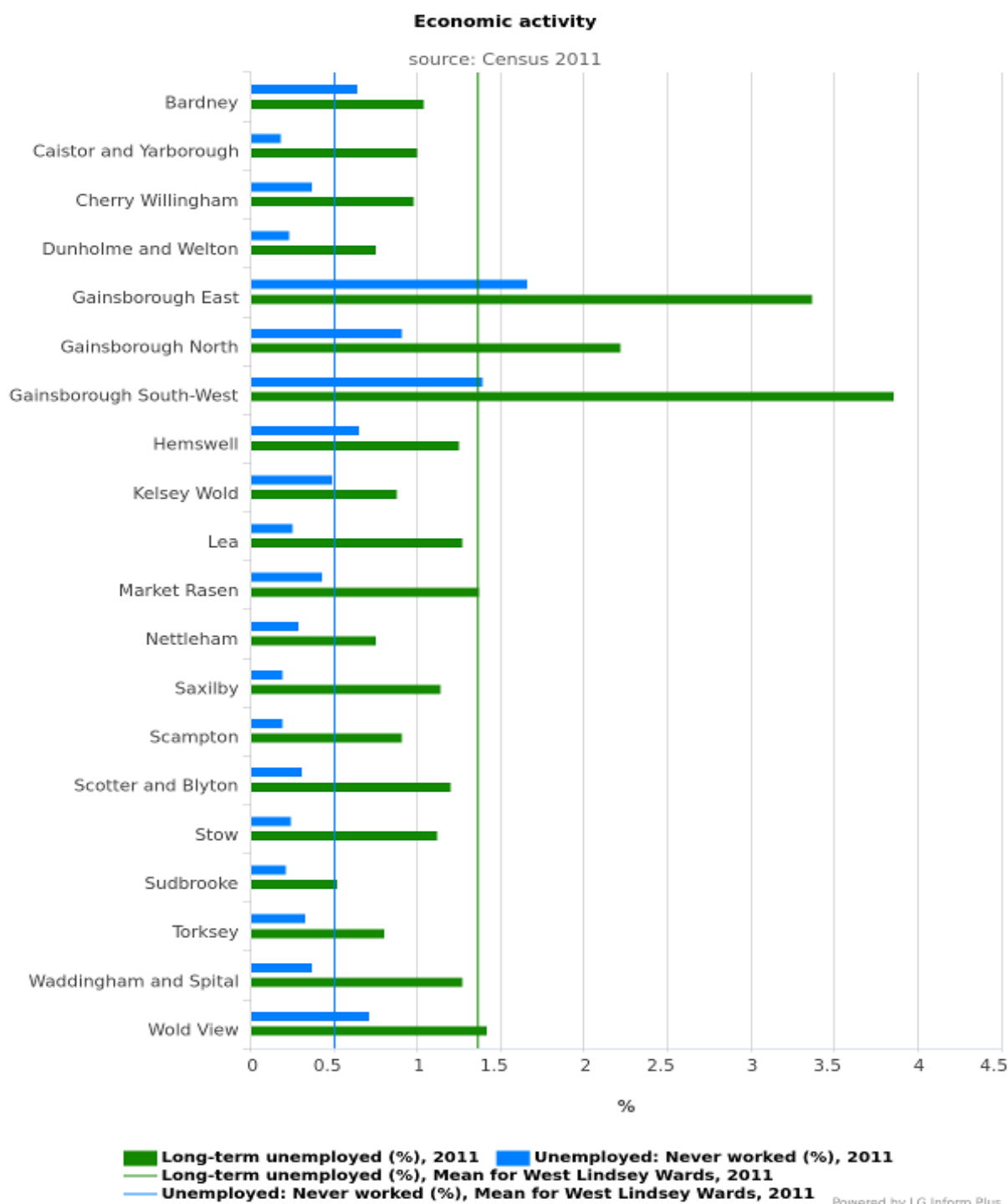
Gainsborough East ward has 918 households of other types of social renting, which is the highest number for any ward in West Lindsey.



Employment

As of December 2019, there were 46,000 economically active people resident in West Lindsey. Of these, 45,400 (or 81.8%) were in employment, up from 74.9% the previous year. This is significantly higher than the regional (76.9%) and national average (75.8%).

The bar chart below shows a breakdown of economic activity by ward in comparison to the average for the district as a whole. This is based on Census data from 2011, which is the most recent available.



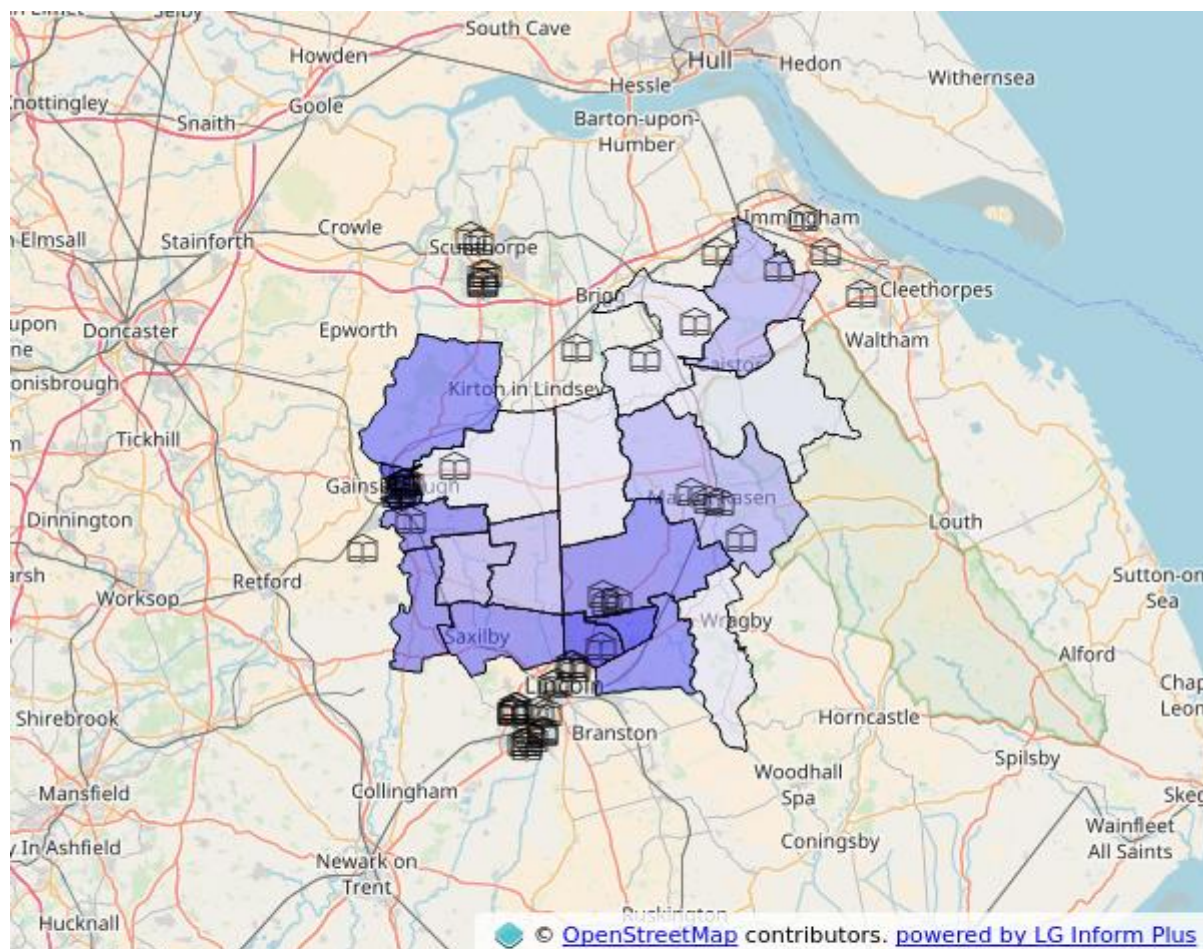
Education

For the first time, the gap between the skills profile for West Lindsey and the rest of the country has narrowed. In 2019, 40,600 people (76.3%) gained at least a level 2 qualification (equivalent to 5 good GCSEs), which is higher than both the regional (74.4%) and national average (75.6%) for the first time. The gap that exists for post-16 education has narrowed with 28,300 people (53.1%) gaining a Level 3 qualification (equivalent to A Level) compared to 56.4% for the East Midlands and 58.5% for the country as a whole.

Over the past decade, the proportion of the population with a level 4 qualification (equivalent to HND, degree level or higher) has fluctuated although it has declined for the first time since 2012; down by 3.7% on the previous year. There are currently 17,600 people in the district that hold at least a level 4 qualification.

Educational attainment as a % of people aged 16-64 (2019)				
	West Lindsey	% change from previous year	East Midlands	England
No qualifications	Suppressed	N/A	7.0%	6.7%
Level 1 and above	90.9%	+ 8.4%	85.5%	85.6%
Level 2 and above	76.3%	+ 6.4%	74.4%	75.6%
Level 3 and above	53.1%	+ 6.1%	56.4%	58.5%
Level 4 and above	36.7%	- 3.7%	32.1%	38.6%
Other qualifications	Suppressed	N/A	7.8%	6.8%

The map below shows the location of all schools in West Lindsey.



Population density (2016)

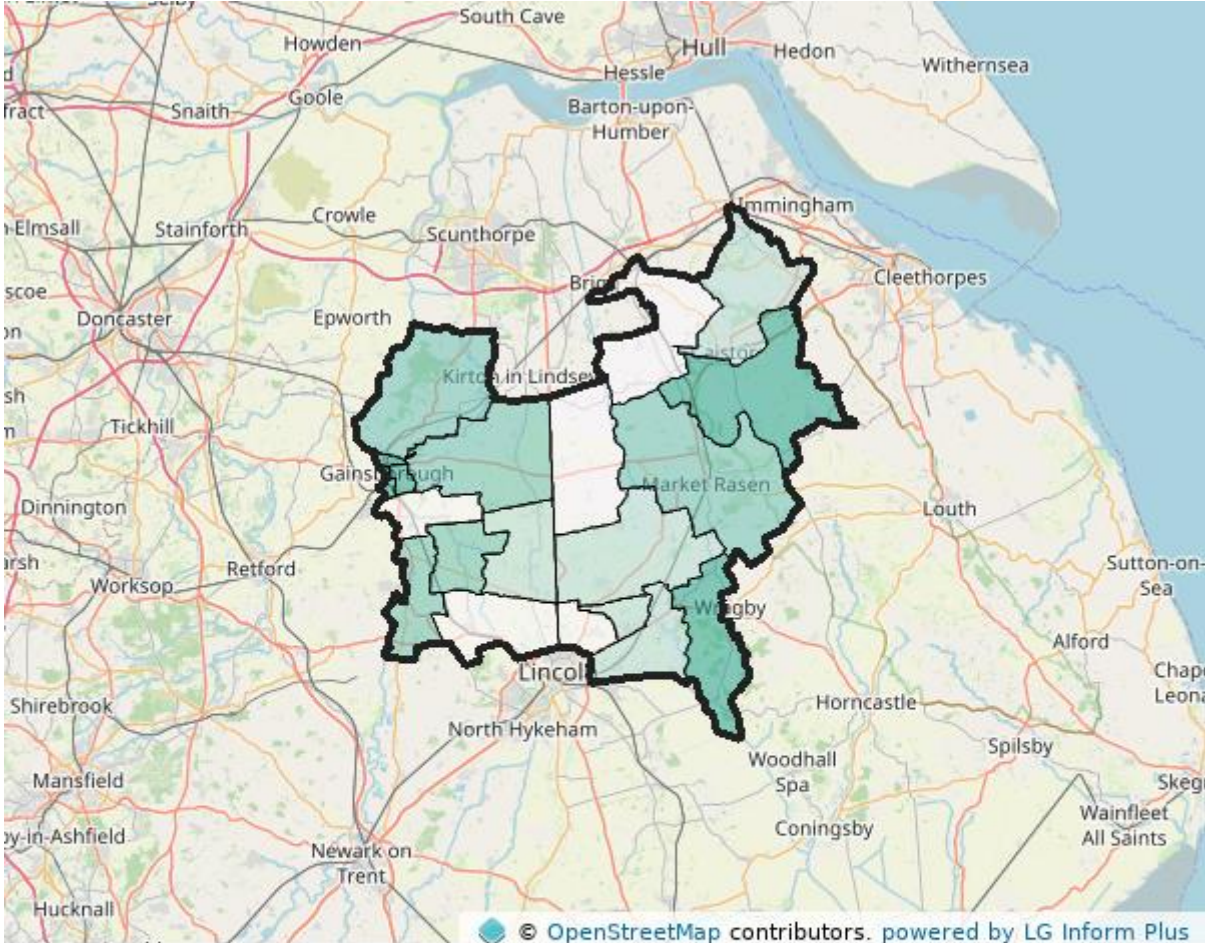
- $\geq 1.75 \leq 30.17$ persons per hectare
- $\geq 0.74 < 1.75$ persons per hectare
- $\geq 0.53 < 0.74$ persons per hectare
- $\geq 0.23 < 0.53$ persons per hectare

Amenities

- 🏫 School

Health

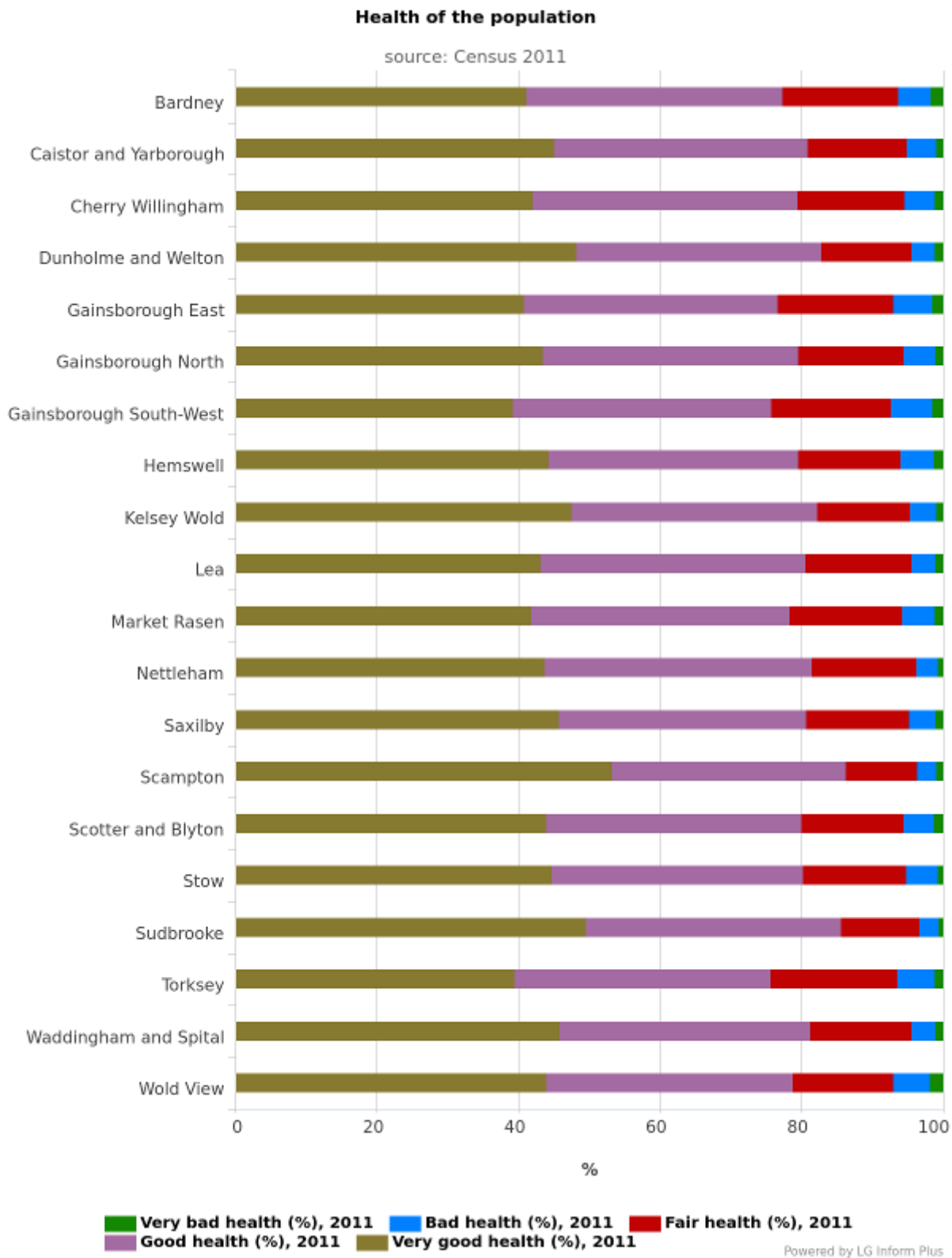
The chart below shows the general health of residents by each ward in West Lindsey, as self-reported in the 2011 Census. Wold View ward has the highest percentage of residents in West Lindsey who report they are in very bad health (1.8%). The map below shows the most recent (2019) health and disability deprivation score in West Lindsey broken down by ward.



IMD: Health Deprivation and Disability - score (2019)

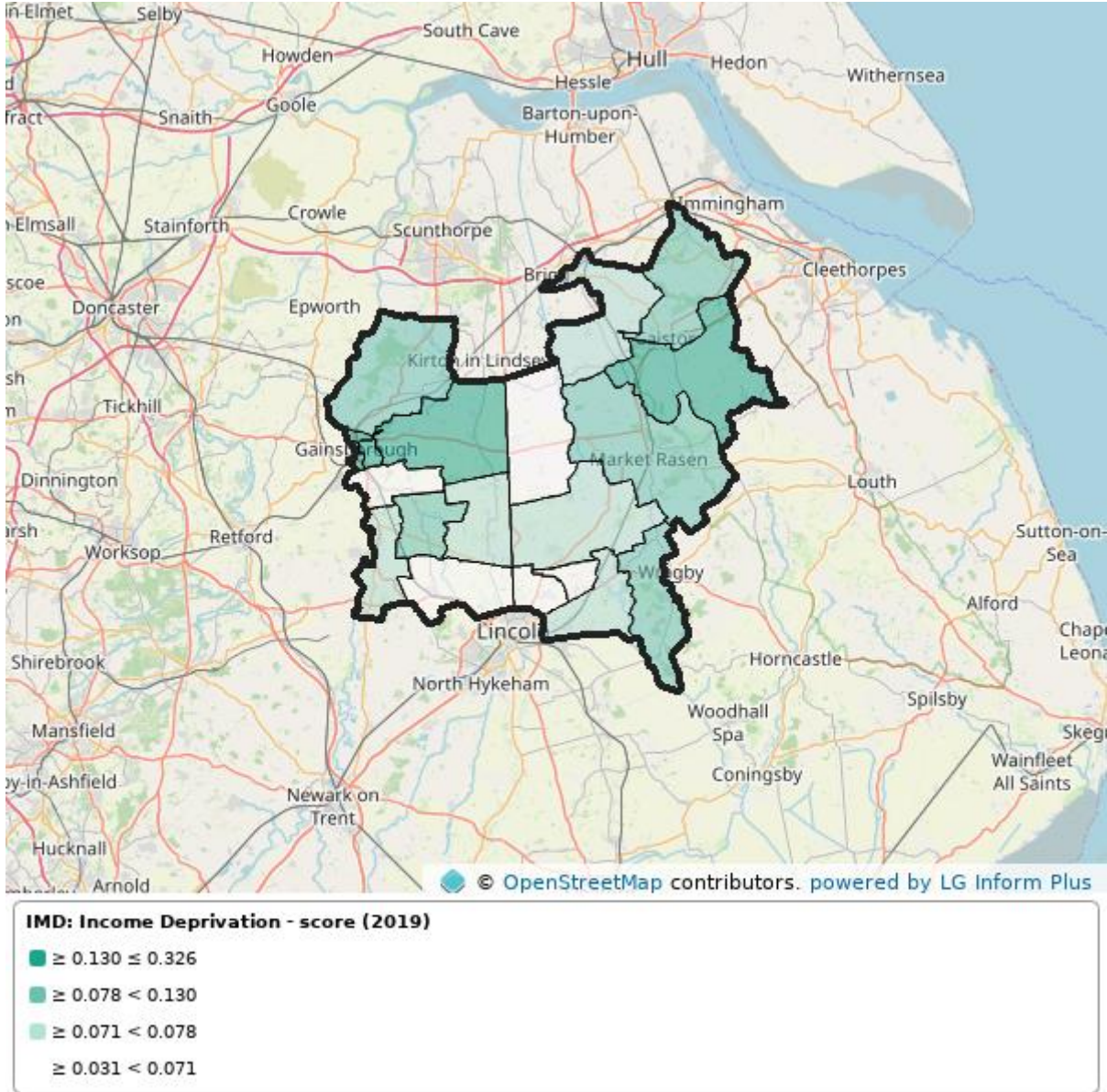
- $\geq 0.074 \leq 1.129$
- $\geq -0.196 < 0.074$
- $\geq -0.380 < -0.196$
- $\geq -0.685 < -0.380$

Health and disability deprivation score in West Lindsey by ward



Deprivation

The Index of Multiple Deprivation 2019 (IMD) is the official measure of relative deprivation for small area in England. The IMD ranks every small area in England from 1 (most deprived area) to 32,844 (least deprived area). The score combines information from seven areas of income deprivation, employment deprivation, health deprivation and disability, education, skills and training deprivation, barriers to housing and services, living environment deprivation and crime. The higher the score, the more deprived an area is. Information in the map below is broken down to ward level. The higher the score, the more deprived the area.



Crime

Crime rates continue to increase in West Lindsey and Lincolnshire Police recorded the overall crime rate for the district as 55.67 per 1,000 of the population in 2019, an increase from 50.89 in 2017; 45.7 per 1,000 in 2016; 40.0 during 2015 and 39.5 in 2014. Overall, West Lindsey has the third lowest crime rate in the County. There were 5,737 recorded crimes in the 12 months to December 2019, an increase of 778 on 2018.

Amongst individual crimes, major types include theft offences and burglary, criminal damage and arson, shoplifting and violent crime.

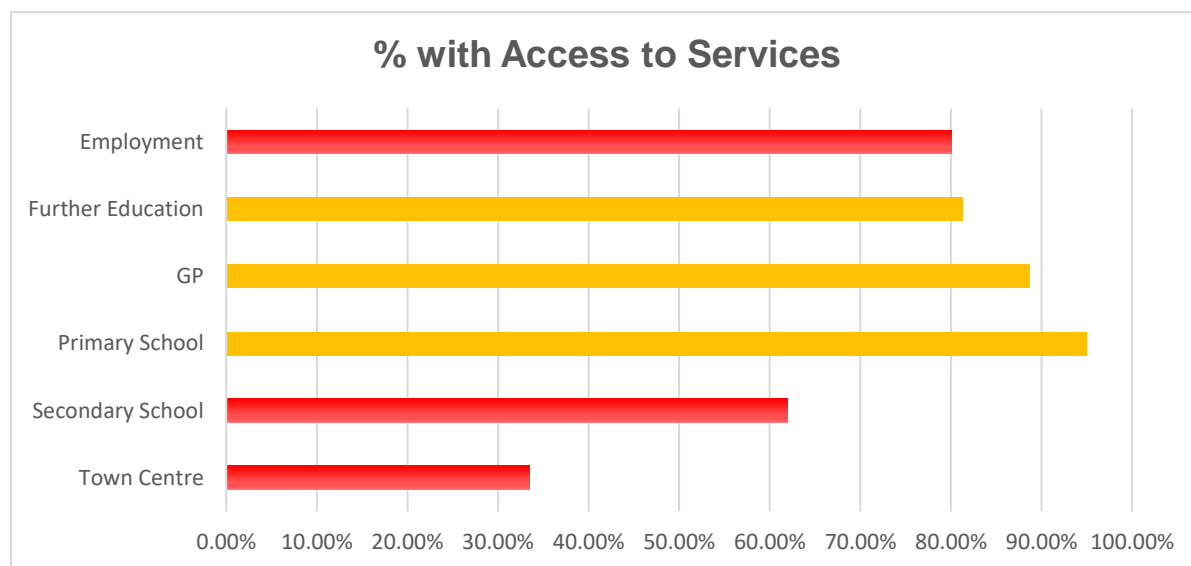
The table below shows a breakdown of crime by type. With the exception of bicycle theft and homicide, all categories of crime have experienced an increase over the last twelve months with stalking and harassment offences seeing the biggest increase, up from 26 in 2018 to 407 in 2019.

Category	Dec 2015	Dec 2016	Dec 2017	Dec 2018	Dec 2019
All other theft offences	594	566	703	695	710
Bicycle theft	45	55	77	50	45
Criminal damage and arson	568	704	781	810	832
Death and serious injury caused by illegal driving	0	0	1	1	3
Domestic burglary	269	322	507	471	489
Drug offences	107	101	135	120	131
Homicide	0	2	0	1	1
Miscellaneous crimes against society	65	63	88	107	115
Non-domestic burglary	519	553	316	176	191
Possession of weapons offences	32	29	29	50	62
Public order offences	103	77	102	265	304
Robbery	34	16	32	26	34
Sex offences	95	136	147	212	237
Shoplifting	367	364	584	437	485
Stalking and harassment offences	50	94	98	26	407
Theft from the person	16	19	16	16	19
Vehicle offences	333	532	465	328	342
Violence with injury	332	386	433	562	607
Violence without injury	172	232	256	606	723
West Lindsey Total	3,369	4,251	4,770	4,959	5,737

Access to Services

With the exception of Gainsborough and Market Rasen, access to services such as local shops, schools and urban amenities is generally moderate to poor compared to the rest of the County, as detailed in the chart below.

However, car ownership is higher than the regional or national average. Overall, access to public transport is good.



References

This report was generated using data from:

[Nomis; mid-year population estimates](#)

[Office for National Statistics; Census 2011](#)

[Office for National Statistics; UK Standard Area Measurements \(SAM\)](#)

[Lincolnshire Research Observatory](#)

[LG Inform Plus](#)

N.B. The data contained within the Local Area Profile is provided as supporting information in relation to the review of the Gambling Policy (Statement of Principles) and is the most up to date information at the time that the Gambling Policy (Statement of Principles) was under the review process. The document is an appendix to the Gambling Policy (Statement of Principles) and therefore does not form part of the actual policy and from time to time the information will be updated accordingly, without the need to carry out further consultation.

Appendix 3: Glossary of Terms under the Gambling Act 2005

Council	West Lindsey District Council
Applications	Applications for licences and permits as stated in the Statement of Principles
Notifications	Notifications of temporary and occasional use notices
Act	The Gambling Act 2005
Regulations	Regulations made under the Gambling Act 2005
Premises	Any place, including a vehicle, vessel or moveable structure
Premises Licence	Issued by the Licensing Authority to authorise premises to be used for the activities as defined by Section 150 of the Gambling Act
Operator Licence	Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Gambling Act
Personal Licence	Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Gambling Act
Family Entertainment Centre	<p>The Act creates two classes of Family Entertainment Centres</p> <ul style="list-style-type: none"> • Licensed: which provide category C and D gaming machines and require a premises licence • Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit
Adult Gaming Centre	Premises which provide category B, C and D gaming machines and require an operating licence and a premises licence
Gaming Machine	A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act
Betting Machine	A machine designed or adapted for use to bet on future real events as defined by Section 235(2)(c) of the Gambling Act
Remote Gambling	Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act

Remote Communication	<p>Communication using:</p> <ul style="list-style-type: none"> • The internet • Telephone • Television Radio, or • any other type of electronic or other technology as defined by Section 4(2) of the Gambling Act
Travelling Fair	<p>A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and on a site used for fairs for no more than 27 days per calendar year as defined by Section 286 of the Gambling Act</p>
Money Prize Machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009</p>
Non- Money Prize Machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009. For non-money prize machines in general, the maximum stake (charge for use) must be no more than 30 pence, and the maximum prize value must be no more than £8</p>
Crane Grab Machine	<p>A crane grab machine is defined as a non-money prize machine in respect of which two conditions are satisfied. The first is that every prize which can be won as a result of using the machine consists of an individual physical object (such as a stuffed toy). The second is that whether or not a person using the machine wins a prize is determined by the person's success or failure in manipulating a device forming part of the machine so as to separate and keep separate one or more physical objects from a group of such objects. The maximum stake may be anything up to and including £1, and the maximum prize value may be anything up to and including £50</p>
Coin Pusher or Penny Fall Machine	<p>These machines are commonly found in seaside arcades and are defined in regulation 2(3) of the Categories of Gaming Machine Regulations 2007 with the additional requirement that the machine be neither a money-prize nor a non-money prize machine. The maximum stake may be anything up to and including 10 pence, and the maximum prize value may be anything up to and including £15</p>

<p>Other Categories of Gaming Machines</p>	<p>With effect from July 2011:</p> <p>A – No category A gaming machines are currently permitted</p> <p>B1 – Maximum Stake: £5, Maximum Prize: £10,000</p> <p>B2 – Maximum Stake: £100 (in multiples of £10) Maximum Prize: £500 subject to change</p> <p>B3A – Maximum Stake: £2 Maximum Prize: £500</p> <p>B3 – Maximum Stake: £2, Maximum Prize: £500</p> <p>B4 – Maximum Stake: £2, Maximum Prize: £400</p> <p>C – Maximum Stake: £1, Maximum Prize: £100</p> <p>D – (money prize, other than a coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize:£5</p> <p>D – combined money and non – money prize (other than a coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize:£8 (of which no more than £5 may be a money prize)</p> <p>D – combined money and non – money prize (coin pusher or penny falls machine) Maximum Stake: 20p Maximum Prize:£20 (of which no more than £10 may be a money prize)</p>
<p>Code of Practice</p>	<p>Means any relevant code of practice under section 24 of the Gambling Act 2005</p>
<p>Responsible Authority</p>	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated (the District of West Lindsey); 2. The Gambling Commission; 3. Lincolnshire Police; 4. Lincolnshire Fire and Rescue Service; 5. Planning Department, West Lindsey District Council; 6. Environmental Protection Team, West Lindsey District Council 7. Lincolnshire Safe Guarding Children’s Board, Lincolnshire County Council; 8. HM Customs and Excise
<p>Interested Party</p>	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</p> <ol style="list-style-type: none"> a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; b) Has business interests that might be affected by the authorised activities; c) Represents persons who d) satisfy a) or b) above

Appendix 4: Safeguarding of Children

What are the risks to children?

The risks will vary, depending on the type of gambling activities taking place at the premises. For example, at Adult Gaming Centres, Off-Course (High Street) Betting Premises or Casinos, safeguarding systems should be in place to prevent young people gaining access to the premises.

If children are permitted access to adult gambling activities, they may be at risk of being:

- exposed to information or advertisements encouraging them to gamble
- allowed, or invited to, gamble or bet in a commercial setting
- allowed to purchase and consume alcohol (casino premises)
- financially exploited

They may also witness, or be involved in, other dangerous or threatening behaviour.

Managing the risks

To prevent children and young people accessing adult gambling activities, stringent safeguarding measures should be in place, examples of such measures could include:

- the Challenge 25 scheme operated by all door and bar staff and only recognised proof of age accepted (for example photo driving licence or passport; PASS cards)
- all points of entry monitored by security staff/CCTV
- signage prominently displayed at all points of entry regarding the prohibition of under 18's
- signage displayed on machines highlighting age restrictions
- signage prominently displayed in bar areas regarding the law and the sale of alcohol
- operating a membership scheme
- all staff being trained to be vigilant and respond if a child gains illegal access to premises

If a premises offers a range of gambling activities (for example, a licensed Family Entertainment Centre or Bingo Premises) premises must operate systems to ensure that under 18's are prevented from accessing areas where adult activities (such as betting or high stakes gambling) take place; or where adult gaming machines are located.

The measures set out above should be used to help the public clearly identify from which areas children are prohibited.

If a premises offers a variety of activities, it may be necessary to operate the following systems:

- designated family-friendly areas using physical barriers/cordons to segregate these from restricted areas
- points of access/egress located for easy supervision by staff and regularly monitored
- signage displayed to indicate access rules

- signage to remind parents/adults of their responsibilities
- use of screens
- use of the Challenge 25 scheme
- assigning at least one member of staff as a 'Children's Safeguarding Lead'

Premises should ensure that the environment to which they allow children access is safe and suitable.

Action should be taken if adults demonstrate irresponsible behaviour, such as showing signs of intoxication, using strong or offensive language, threatening behaviour, or violence towards others or towards machinery.

Adults accompanying children should be encouraged to supervise them, to minimise the risk of children being exposed to inappropriate or dangerous behaviour or gaining access to prohibited areas of the premises.

The employment of children and young people

The Gambling Act 2005 does not prohibit the employment of children and young people at some premises.

However, it does restrict the type of tasks and areas to which children and young people may have access and it is important that premises comply with these restrictions, as failure to do so may result in committing an offence; for example, it is an offence to employ children and young people to provide facilities for gambling, or to perform a function in relation to a gaming machine, at any time.

Children should not be exposed to gambling as they carry out their employment functions.

Appendix 5: Safeguarding of Vulnerable Adults

The Gambling Commission puts a high priority on the social responsibilities operators have to protect vulnerable adults from the harm associated with gambling; and policies must be in place to support the protection of vulnerable adults.

Who is a vulnerable adult?

Adults may be vulnerable if, for example, they are taking certain types of prescribed medication which may impair their judgement or prevent them making informed, balanced decisions about gambling; or if they are intoxicated from misusing drugs or alcohol.

If an adult has mental health issues, a mental impairment or problems with addiction, they may also be vulnerable as they may have difficulty controlling their activities or behaviour, or understanding the players' guides to games.

What are the risks to vulnerable adults?

If vulnerable adults are not supported within the gambling environment they may be at risk of:

- gambling beyond their financial means
- problems with addiction
- financial exploitation
- causing, or being a victim of dangerous, abusive or threatening behaviour
- physical, emotional or accidental harm.

These difficulties may have a serious impact upon the person's relationships, home life or employment.

Managing the risks and being socially responsible

Premises should consider the following steps:

- Designate a member of staff to lead on problem gambling issues.
- Train staff on how to recognise and respond to indicators of concern.
- Staff should be trained to recognise the signs of persons becoming aggressive and how to deal with such situations whilst maintaining their own safety.
- Information should be made readily/discreetly available to customers on how to gamble responsibly and seek help in respect of problem gambling.
- Offer a self-exclusion, or self limit scheme, enabling individuals to restrict the amount of time or money they spend.
- When offering membership schemes, the details of a contactable person should be required in the event of an emergency.

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