

REPORT TO CABINET

Open	Would any decisions proposed :		
Any especially affected Wards	(a) Be entirely within cabinet's powers to decide NO		
	(b) Need to be recommendations to Council YES		
	(c) Be partly for recommendations to Council NO and partly within Cabinets powers –		
Lead Member: Paul Kunes E-mail: paul.kunes@west-norfolk.gov.uk		Other Cabinet Members consulted:	
		Other Members consulted: Licensing Committee	
Lead Officer: Marie Malt E-mail: marie.malt@west-norfolk.gov.uk Direct Dial: 01553 616786		Other Officers consulted: Stuart Ashworth, Geoff Hall, Licensing Team	
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Risk Management Implications NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)			

Date of meeting: 16th November 2021

TITLE: Gambling Act 2005 - Statement of Principles

Summary

The Gambling Act 2005 requires every local authority to agree a Statement of Principles (previously referred to as 'Statement of Licensing Policy') in accordance with the Statutory Guidance issued under the Act. The policy has been drawn up in accordance with the guidelines issued by the Gambling Commission and has been subject to consultation.

Recommendation

That the Council be invited to adopt the Statement of Principles in accordance with the requirements of the Gambling Act 2005.

Reason for Report

It is a Statutory requirement that the Council adopts a Statement of Principles.

1.0 Background

1.1 The Gambling Act 2005 (the 'Act') requires all local authorities to publish a Statement of Principles each three-year period. Our current policy was approved by Full Council on the 29th November 2018.

1.2 Regulations require that the Council has their new statement of principles in place by the 31st January 2022.

2.0 Consultation

2.1 The Guidance to Licensing Authorities issued by the Gambling Commission advises on how the policy is to be formulated and the consultation process to which it will be subjected. The Act requires that the following parties are consulted:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

2.2 A list of persons we consulted can be found at Annex A to the Draft Statement of Principles (attached). In addition, the consultation has been open to the public on the Borough Council's website.

2.3 The changes proposed are highlighted by tracked changes in the attached document, Appendix 1.

2.4 The proposed changes incorporate amendments to the statutory provisions and the guidance issued by the Gambling Commission. The opportunity has also been taken to provide additional information and update sections in order to provide a policy that will be capable of assisting any one of the wide range of people who may have recourse to it.

2.5 The consultation ended on 19th October 2021 and a summary of comments received can be found at Appendix 2.

3.0 Review

3.1 Regulations issued under the Act require that the statement of principles be formally reviewed every three years although it can be reviewed and changed at any time if required.

4.0 Delegation of Functions

4.1 The Act delegates the Licensing Authority's functions to the same Licensing Committee established under the Licensing Act 2003 with the exception of the Authority's function to publish a three-year statement of principles and the power to resolve not to grant casino licences. These two matters can only be dealt with by Full Council.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no direct financial implications.

6.0 STATUTORY CONSIDERATION

6.1 It is a statutory requirement that we review our statement of principles at least every 3-year period.

7.0 RISK ASSESSMENT

7.1 The risk of not adopting the statement of principles means that the Borough Council will not be able to conduct any of its statutory functions (issue licences and permits and enforcement) under the Gambling Act 2005 after the 31st January 2022.

8.0 EQUALITY IMPLICATIONS

8.1 There are no equality implications.

Attached Papers

Appendix 1 Gambling Act 2005 - Draft Statement of Principles (DRAFT)

Appendix 2 Summary of comments received during consultation period.

Background papers

1. The Gambling Act 2005
2. The Gambling Commission's current Guidance to Licensing Authorities



Gambling Act 2005

Statement of Principles

Approved by Cabinet on: ~~13th November 2018~~2021
Approved by Full Council on: ~~29th November 2018~~2021
Effective from: 31st January ~~2019~~2024

Borough Council of King's Lynn & West Norfolk

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PART A

1.0 The Licensing Objectives

1.1 In exercising their functions under the Gambling Act 2005, (hereafter referred to as the 'Act') the Borough Council of King's Lynn & West Norfolk (hereafter referred to as the 'Borough Council') must have regard to the licensing objectives as set out in section 1 of the Act. These 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

1.2 It should be noted that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

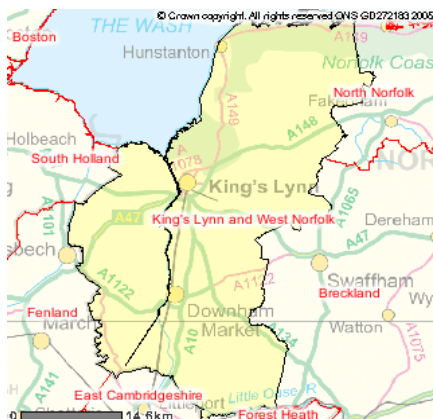
1.3 The Borough Council is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the Borough Council's Statement of Principles.

2.0 Introduction

2.1 The Borough Council is situated in the County of Norfolk and has a population of 151,800 (Norfolk Insight 2016). In terms of area it is the largest, covering 1428.76 square kilometres (551 square miles). The area is mainly rural with urban areas of King's Lynn, Downham Market and Hunstanton. These areas are shown in the map below:

Borough Council of King's Lynn & West Norfolk



2.2 The Borough Council is required by the Act to publish a statement of the principles (policy) which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement may also be reviewed from "time to time" and then any amended parts re-consulted upon. The statement must be then re-published.

2.3 The Borough Council will consult widely upon this statement of principles before finalising and publishing. A list of the persons who have been consulted is provided at Annex A.

2.4 The Act requires that the following parties must be consulted:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- 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 Act.

~~2.5 Our consultation took place between the 1st July 2018 and the 1st October 2018 and followed HM Government Consultation Principles (published 2018), which is available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1_.pdf~~

~~2.6 The full list of any comments made and the consideration by the Borough Council of these comments will be available by request to the Senior Licensing Officer at the Borough Council.~~

~~2.5 Following consultation, the policy was approved at a meeting of by the Full Council on the 29th November 2018 and was published via on the Borough Council's website on the 21st December 2018.~~

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~~2.8 Should you have any comments as regards this statement of principles please send them via e-mail or letter to:~~

~~———— The Senior Licensing Officer
———— Environmental Health – Licensing
———— Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX
E-mail: ehlicensing@west-norfolk.gov.uk~~

2.6 It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3.0 Declaration

3.1 In producing the final statement, the Borough Council declares that it has had regard to the licensing objectives of the Act, the Guidance to Local Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4.0 Responsible Authorities

4.1 The Borough Council is required 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.

4.2 The Borough Council designates the Norfolk Safeguarding Children Board for this purpose. (<http://www.norfolkscb.org/>)

4.3 The contact details of all the Responsible Authorities under the Act are attached to this Statement of Principles at Annex B.

5.0 Interested Parties

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in ~~Section 158 of~~ the Act as follows:

“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-

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- a) *lives sufficiently close to the premises to be likely to be affected by the authorised activities,*
- b) *has business interests that might be affected by the authorised activities, or*
- c) *represents persons who satisfy paragraph (a) or (b)”*

5.2 In determining whether someone lives sufficiently close to particular premises so as to be affected, the Borough Council may take into account, amongst other things:

- the size and nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complaint
- the potential impact of the premises.

In determining whether a person has a business interest which could be affected, the Borough Council may consider, amongst other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected.

The Borough Council will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include charities, churches, medical practices, schools and other establishments and institutions.

In determining whether a person is an interested party, the Borough Council will apply the following principles. The first principle is that each case will be decided upon its own merits. The Borough Council will not apply a rigid rule to its decision making and will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities. “Business interests” is given the widest possible interpretation and includes partnerships, charities, faith groups and medical practices.

5.3 A wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants’ associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a Councillor or Member of Parliament.

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further relevant evidence supporting the representation, the Borough Council would not consider this to be a relevant representation because it relates to “demand” or competition.

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It is for the Borough Council to determine, on a case by case basis, whether or not a person making a representation is an "interested party". The Council may ask for evidence to identify who is being represented and show that they have given consent for representations to be made on their behalf. In cases which are not clear-cut, the benefit of the doubt will usually be exercised in favour of the person making the representation.

~~Interested parties can be persons who are democratically elected such as councillors and members of parliament. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.~~

- 5.4 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 Sub-Committee dealing with the licence application. If there are any doubts then please contact the licensing team.

6.0 Exchange of Information

- 6.1 The Borough Council is required to include in ~~our this~~ statement the principles to be applied by the ~~authority~~ Council in exercising the functions under ~~sections 29 and 30 of~~ the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under ~~section 350 of~~ the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

- 6.2 The Borough Council will act in accordance with all the relevant legislation and guidance from the Gambling Commission with regard to data protection and the freedom of information. Additionally, the Borough Council has adopted and will apply the principles of better regulation as detailed in the Regulators' Code.
~~The principle that the Borough Council will apply is that we will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Borough Council will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.~~

7.0 Inspections & Criminal Proceedings

- 7.1 Licensing authorities are required by ~~regulation under~~ the Act to state the principles to be applied by ~~the authority~~ in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers

under ~~section 346 of~~ the Act to institute criminal proceedings in respect of the offences specified.

7.2 The Borough Council's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and its own enforcement ~~police~~ policy and will endeavour to be:

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

7.3 The Borough Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 The Borough Council inspection programme will be ~~risk-based~~ and take into account;

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission, ~~in particular at Part 36~~;
- This statement of principles.

7.5 The main enforcement and compliance role for the Borough Council in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Borough Council but should be notified to the Gambling Commission.

8.0 Licensing Authority Functions

8.1 The Borough Council, as the Licensing Authority is required under the Act to:

- 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 issuing 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 alcohol licensed 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*;
 - receive *Occasional Use Notices*;
 - provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange'); and
 - maintain registers of the permits and licences that are issued under these functions
- 8.2 It should be noted that local licensing authorities are not involved in the licensing of remote gambling, which is regulated by the Gambling Commission via operating licences.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9.0 General Principles

- 9.1 Premises licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which are 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.

10.0 Decision Making

- 10.1 The Borough Council 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 authority's statement of principles.
- 10.2 It is appreciated that, as per-stated in the Gambling Commission's Guidance for local authorities, "moral and ethical objections to gambling are not a valid reason to reject applications for premises licences". ~~except as~~

~~regards any 'no casino resolution'—see section on Casinos at paragraph 24) and, also,~~ that demand is not a ~~criteria-relevant consideration~~ for a licensing authority.

11.0 Definition of “premises”

- 11.1 In the Act, "premises" is defined as including "any place". ~~Section 152 therefore prevents more than one premises licence applying to any place. But a~~ single building could 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, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Borough Council shall pay particular attention if there are issues about subdivisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.
- 11.2 ~~The Act requires applicants to submit plans of the premises with their application to ensure that the Borough Council has the necessary information to make an informed judgment about whether the premises are fit for gambling. As the plan forms part of the premises licence, it will also be used by the Borough Council in connection with premises inspection activity. The plans must comply with requirements contained in the regulations made under the Act. 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. But, that does not mean 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 properly be regarded as different premises."~~
- 11.3 ~~When determining an application for a premises licence or review of a premises licence, regard will be had to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome any concerns, this will be taken into account. This would be expected to be addressed as part of the local risk assessment required to be submitted with all new and variation premises licence applications. The Borough Council takes note of the Gambling Commission's Guidance to Licensing Authorities which states that:~~

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~~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. 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.~~

~~11.4 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?~~

~~11.5 The Borough Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.~~

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

12.1 Casinos

- The principal access entrance to the premises must be from a street;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

12.2 Adult Gaming Centre

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

12.3 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.

12.4 Tracks

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

12.5 Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.

12.6 Family Entertainment Centres

- No customer must be able to access the premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.

~~12.7 The Gambling Commission's Guidance contains further advice on this issue, which the Borough Council will also take into account in its decision-making.~~

13.0 Location

13.1 The Borough Council 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. ~~This authority~~The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

14.0 Local Area Profiling

~~14.1 The Social responsibility Code (10.1.1), came into effect on the 6th April 2016 and requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises, and have policies, procedures and control measures to mitigate those risks.~~

14.12 The Borough Council is aware that there is no mandatory requirement to have a local area profile but recognises that that one may offer a number of benefits. Should evidence be obtained to identify local risk areas then

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these will be reflected in a separate document and made available from Environmental Health – Licensing and on the Borough Council's website.

15.0 Local Area Risk Assessment

15.1 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. Policies, procedures and control measures must be in place to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

15.2 The LCCP, ~~at Section 10 states that requires~~ licensees ~~must to undertake and~~ review (and update as ~~————~~ necessary) ~~their~~ local risk assessments:

- to take account of any significant changes in local circumstances;
- 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; and
- ~~in any case, undertake a local risk assessment~~ when applying for a new premises licence.

15.3 In undertaking a local risk assessment the Borough Council will expect the operator, as a minimum, to take into account:

- 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 ethnic profile of residents in the area
- 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
- health information and data relating to gambling related harm

15.4 ~~A single generic risk assessment covering every premises in an operator's estate will not be considered by the Borough Council to be suitable or sufficient. It is also expected that operators will take full account of the local area when compiling their risk assessments, and to reflect this in the control measures which they will implement. The local risk assessment should also show how vulnerable people, including people with gambling dependencies are protected.~~

Risk assessments should be kept at the individual premises to which they relate. All staff should be fully aware of the risk assessment and where it is kept in order that they can work in accordance with any requirements, and it can easily be provided to the Borough Council should they request to see it at any reasonable time.

15.5 The Borough Council also consider the following matters are of importance for ~~————~~ operators to consider in developing their local risk assessments:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention.
- 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.

Such information may be used to inform the decision the Borough Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

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15.6 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.

16.0 Public Health & Gambling

16.1 The Borough Council is aware that Norfolk County Council Public Health ("Public Health") supports the ~~national~~ position of the Gambling Commission on the prevention of problem gambling³, which the ~~commission-Commission~~ states should be a ~~Public-public Health-health~~ issue that is tackled in a comprehensive way alongside other public health issues like alcohol, drug misuse, or obesity, addressed by a range of organisations and agencies working co-operatively.

16.2 Public Health's role is to focus on the prevention of harm to vulnerable people within Norfolk, and any health harms that can be caused, or exacerbated by gambling. ~~Our-Their~~ aim is to work with ~~Local-local~~ authorities in Norfolk to support a move towards health harms for individuals and communities being considered in the Gambling licensing process.

16.3 ~~We will~~Public Health may provide support to the local authorities in the development and review of ~~the-a~~ Statement of ~~principlesPrinciples~~, and, where appropriate, a ~~Local-local~~ profile that identifies the wider health harms relating to gambling that includes ~~Mental-mental~~ health, ~~Housinghousing~~, community welfare, and debt. All these areas are connected to poor health

³ <https://www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf>

outcomes, not only for an individual, but for the surrounding family and the community.

17.0 Planning Permission & Building Regulations

17.1 In determining applications, the Borough Council will not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

~~17.2 The Borough Council is aware that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, 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 building or alterations required before the premises are brought into use. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence).~~

18.0 Duplication with other Regulatory Regimes

18.1 ~~The Borough Council will not seek to use the Act to resolve matters more readily dealt with under other legislation and will seek to avoid any duplication with other regulatory systems where possible. For example, the Borough Council will not take into account whether the appropriate planning permission or building regulations approval are likely to be granted, nor will it take into account fire or health and safety risks without justification in a particular case. It will, however, carefully consider any concerns about conditions which are not able to be met by applicants or licensees due to planning restrictions, should such a situation arise. The Borough Council will aim to avoid any duplication with other statutory/ regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.~~

19.0 Licensing Objectives

19.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to this, the Borough Council has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

19.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.** The Borough Council is aware that the Gambling Commission takes 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. The Borough Council is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

19.3 Ensuring that gambling is conducted in a fair and open way. The Borough Council has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. ~~The only exception to this is for tracks which is covered in paragraph 24 below.~~

19.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling. The Borough Council has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Borough Council will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

~~The use of CCTV (in accordance with data protection regulations and any relevant codes of practice) may be insufficient on its own as a measure to prevent access to gaming facilities by children or vulnerable persons (including those who have registered in a self-exclusion scheme).~~

~~At premises such as adult gaming centres, betting shops, bingo halls and family entertainment centres where category B or C gaming machines are operated, the Borough Council will expect that an appropriate number of staff will be present throughout opening hours to ensure that children are not permitted to enter the premises or use age-restricted gaming facilities, as the case may be, and that self-excluded persons are not permitted to gamble.~~

~~The Borough Council is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises such as pubs.~~

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As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and

people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” ~~This licensing authority~~ The Borough Council will consider this licensing objective on a case by case basis.

20.0 Conditions

20.1 Any conditions attached to licences will be proportionate and will be:

- ~~relevant to the aim to permit the use of the premises for need to make the proposed building suitable as a gambling facility;~~
- necessary to promote the licensing objectives;
- 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.

20.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Borough Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Borough Council will also expect the licence applicant to offer ~~his/her~~ their own suggestions as to way in which the licensing objectives can be met effectively.

20.3 The Borough Council 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.

20.4 It is noted that the Borough Council cannot attach conditions to premises licences which:

- makes it impossible to comply with an operating licence condition;
- relate to gaming machine categories, numbers, or method of operation;
- provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); ~~and/or~~
- relate to stakes, fees, winnings or prizes.

20.5 Door Supervisors

If the Borough Council is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor.

~~The Act provides that where a person employed as a door supervisor is required to hold a licence issued by the Security Industry Authority (SIA).~~

that requirement will have force as though it were a condition on the premises licence.

The majority of persons employed to work as door supervisors at premises licensed for gambling will need to be licensed by the SIA. There are, however, exceptions to this requirement.

This requirement is relaxed when applied to door supervisors at casino and bingo premises. Where contract staff are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by the SIA. However, in-house employees working as door supervisors at casino and bingo premises are exempt from this requirement.

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21.0 Adult Gaming Centres

- 21.1 Persons operating an adult gaming centre (AGC) are able to make category B, C and D gaming machines available. No-one under the age of 18 is permitted to enter an AGC

The Borough Council will 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~~ Council that there will be sufficient measures to, for example, ensure that children and young persons do not have access to the premises.

- 21.2 The Borough Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

22.0 (Licensed) Family Entertainment Centres (FEC):

- 22.1 Persons operating a licensed Family Entertainment Centre (FEC) must hold a relevant operating licence issued by the Gambling Commission. They will be able to make category C and D gaming machines available.

Children and young persons are permitted to enter an FEC and may use category D machines. They are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machine, so that under-18s do not have access to them.

The Borough Council 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~~Council, for example, that there will be sufficient measures to ensure that under children and young persons do not have access to the adult only gaming machine areas.

22.2 The Borough Council may consider measures to meet the licensing objectives such as:

- CCTV;
- Supervision of entrances / machine areas;
- 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; and
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

23.0 Casinos

23.1 There are currently no casinos operating within the ~~borough~~Borough Council's area.

23.2 Casinos are only permitted in certain areas within Great Britain. New casinos under the Gambling Act 2005 are restricted to 16 specific local licensing authority areas. The Borough Council's area is not one of those areas.

Casinos that operated under the Gaming Act 1968 should already have a premises licence from their local licensing authority. The regions in which those casinos operate are based on a historical division that was established under the previous licensing regime by the Gaming Board for Great Britain. The Borough Council's area is not one of those regions. The Borough Council has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Borough Council decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution.

24.0 Bingo premises

24.1 Cash bingo is the main type of bingo played in commercial bingo premises. They can also offer prize bingo, largely as games played in the intervals between main stage games. Premises with a bingo premises licence will be able to offer bingo in all its forms.

The Borough Council will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is sought.

The Act provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available.

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Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

The Borough Council will need to be satisfied that any premises licensed for bingo will operate in a manner which a customer would reasonably be expected to recognise as premises licensed for the purposes of providing facilities for bingo.

The Borough Council may consider measures to meet the licensing objectives such as:

- CCTV
- Proof of age schemes
- Supervision of entrances/machine areas
- Physical separation of areas (if not adult-only)
- Entry control system (if not adult-only)
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with children on the premises (if not adult-only)

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

25.0 Betting premises

25.1 Betting premises provide off-course betting which is betting that takes place other than at a track in what was previously known as a licensed betting office. Tracks are considered below.

Children and young persons are not permitted to enter betting premises. The Borough Council will expect applicants and licence holders to take account of the structure and layout of their gambling premises in order to prevent underage gambling.

The holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D.

Betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These self-service betting terminals (SSBTs) are not gaming machines.

The Borough Council may restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the Borough Council, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

The Borough Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- 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

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. Betting machines — A 'betting machine' is not a gaming machine and the Borough Council is aware that it can attach a condition to restrict the number of betting machines. The Borough Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of these machines when considering the number/nature/circumstances of betting machines an operator wants to offer.

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26.0 Tracks

- 26.1 The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Examples of other tracks include (this is not an exhaustive list):

- a point-to-point horserace meeting
- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event

There are differences between track premises licences and other premises licences. Tracks admit third-party operators to provide betting facilities, whereas other premises licence holders – for example, betting shops, bingo clubs and casinos – provide the gambling facilities themselves and are subject to the conditions of the operating licence as well as the premises licence.

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Borough Council will especially consider the impact upon the licensing objective "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.

~~The Borough Council 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.~~

- 26.2 Persons under 18 years old are not permitted to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the 'betting ring', where betting takes place.

The exemption allowing children access to betting areas on tracks does not extend to areas within a track where category C or above machines are provided, or other premises to which under 18 year olds are specifically not permitted access. For example, where betting facilities are provided through a self-contained betting office on a track which has a separate betting premises licence, the betting operator of the self-contained premises is required to exclude under-18s from their premises.

The Act creates offences relating to gambling by children and young people and operating licence conditions require operators to have policies and

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procedures in place to prevent betting from persons who are under 18 years old. As under-18s are permitted to enter betting areas on tracks on event days, this needs to include policies and procedures to mitigate the likelihood of underage betting occurring. The track premises licence holder is also required to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

The Act prohibits the employment of anyone under 18 years old on tracks. The Borough Council expects a 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.

26.3 The Borough Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

26.4 The Borough Council will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use their entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

~~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.~~

26.5 Betting operators may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet with a member of staff. These self-service betting terminals (SSBTs) are not gaming machines; they automate the process that can be conducted in person and therefore are not regulated as gaming machines. There is no restriction on

~~the number of SSBTs that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by persons under 18 years of age.~~

~~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 proposes to offer.~~

27.0 Track Applications and plans

- 27.1 ~~Section 51 of the~~The Act requires applicants to submit plans of the premises with their application, ~~in order~~ to ensure that the ~~licensing authority~~Borough Council has the necessary information to make an informed judgement about whether the premises are fit for gambling.
- 27.2 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.
- 27.3 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 instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 27.4 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 defining the extent of boundaries may be assisted by reference to existing plans already submitted to obtain other permissions.~~betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.~~
- 27.5 The Borough Council 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 ~~that this authority can~~to enable the Borough Council to satisfy itself that the plan indicates the main areas where betting might take place. ~~For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.~~

28.0 Travelling Fairs

- 28.1 The Act defines a "fair" as wholly or principally providing amusements on a site that has been used for a fair for no more than 27 days in a calendar

year. In addition, the fair must be provided wholly or principally by persons who travel from place to place for the purpose of providing fairs.

Travelling fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machines operate.

Travelling fairs are also able to offer equal chance prize gaming without a permit, provided that, taken together, the facilities for gambling are an ancillary amusement at the fair.

The Borough Council is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

28.2 The Borough Council will also consider whether the applicant falls within the statutory definition of a travelling fair.

28.3 ~~It is noted that the~~The 27-day statutory maximum for the land being used as a fair ~~applies on a per 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. The Borough Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

29.0 Provisional Statements

29.1 Developers and others may wish to apply for provisional statements 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.

29.2 ~~Section 204 of the~~The Act provides for a person to make an application to the ~~licensing authority~~Borough Council for a provisional statement in respect of premises that ~~he or she~~they:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

29.3 The process for considering an application for a provisional statement is the same as that for a premises licence application in that 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.

29.4 In contrast to the premises licence application ~~(except in the case of a track)~~, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission ~~(except in the case of a track)~~ and they do not ~~have need~~ to have a right to occupy the premises in respect of which their provisional ~~statement~~ application is made.

29.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The ~~licensing authority~~ Borough Council will be constrained in the matters it can consider when determining the premises licence application, ~~and in~~ 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.

29.6 In addition, the ~~authority~~ Borough Council may only 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 ~~has~~ 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.~~

30.0 Licence Reviews:

30.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, ~~however,~~ it is for the Borough Council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to 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 Borough Council's statement of principles.

30.2 The request for the review ~~will~~ may also be ~~subject to the consideration by~~ rejected if the Borough Council ~~as to whether~~ considers that 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 representations or requests for review.

30.3 The Borough Council can also initiate a review of a particular premises licence, or a particular class of premises licence in the following circumstances:

- in relation to particular premises, the Borough Council may review any matter connected with the use made of the premises if:
 - it has reason to suspect that premises licence conditions are not being observed, or
 - for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

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- in relation to a class of premises, the Borough Council may review the use made of premises and in particular, the arrangements that premises licence holders have made to comply with licence conditions.

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~~The Borough Council, as 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 is appropriate.~~

30.4 Once a valid application for a review has been received by the ~~licensing authority~~Borough Council, representations can be made by responsible authorities and interested parties during a 28 day consultation period. This period begins 7 days after the application was received by the Borough Council, who will publish notice of the application within 7 days of receipt.

30.5 The Borough Council must carry out the review as soon as ~~possible~~ reasonably practicable after the 28 day period for making representations has passed.

30.6 The purpose of the review will be to determine whether the Borough Council should take any action in relation to the licence. If action is justified, the options open to the Licensing Sub-Committee are:-

- add, remove or amend a licence condition imposed by the ~~licensing authority~~Borough Council;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

30.7 In determining what action, if any, should be taken following a review, the Borough Council must have regard to the principles set out in section 153 of the Act (see 1.3 above), as well as any relevant representations.

30.8 In particular, the Borough Council ~~may take action, acting as the licensing authority may also initiate a review of a premises licence~~ on the grounds that a premises licence holder has not used the licence 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.

- 30.9 ~~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 Commission;~~
 - ~~• any person who made representations;~~
 - ~~• the chief officer of police or chief constable; and~~
 - ~~• Her Majesty's Commissioners for Revenue and Customs.~~

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PART C PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

31.0 Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 ~~paragraph 7~~)

- 31.1 Where a proprietor of an FEC premise does not hold a premises licence but wishes to provide only category D gaming machines, ~~it~~ they may apply to the ~~licensing authority~~ Borough Council for a ~~Family family Entertainment entertainment Centre-centre gaming machine~~ permit.

This category of permit provides an alternative to the family entertainment centre premises licence available under the Act (which allows the operation of higher-value gaming machines (Category C) but is subject to more rigorous application procedures).

It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use ~~(Section 238)~~.

- 31.2 The Act states that ~~a licensing authority may prepare a statement of principles that they propose to consider~~ in determining the suitability of an applicant for a permit ~~and in preparing this statement, and/or considering applications, it~~ the Borough Council need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 31.3 The Borough Council is aware that it cannot add conditions to this type of permit. There is no limit on the number of category D gaming machines that may be made available at the premises.
- 31.4 An application for a permit may be granted only if the Borough Council is satisfied that the premises will be used as an unlicensed FEC, and the chief officer of police has been consulted on the application.

A permit will remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act. The Borough Council has adopted the following Statement of Principles, in respect of unlicensed FECs:

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- 31.5 The Borough Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Such policies/procedures will be considered on their merits; ~~h~~However, they may include appropriate measures on staff training on how to deal with suspected truancy, how to deal with unsupervised ~~very~~ young children being on the premises and children causing problems around the premises.
- 31.6 The Borough Council will also expect the applicant to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 31.7 The Borough Council will require the following to be submitted in addition to the application form and fee:
- (1) (Where the applicant is an individual) PPproof of the applicant's identity and age. Holders of operating licences issued by the Gambling Commission are exempt from this requirement;
 - (2) Proof of the applicant's right to occupy the premises for which the permit is sought;
 - (3) (Where the applicant is an individual) A 'basic' Disclosure & Barring Service (BDS) disclosure dated no earlier than one calendar month on the day the application is received by the Borough Council. Holders of operating licences issued by the Gambling Commission are exempt from this requirement; ~~;~~
 - (4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity; ~~;~~
 - (5) A plan drawn to an appropriate scale ~~4:100~~ of the premises showing:
 - a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
 - b. The location of any fixed structures.
 - c. ~~an indication of the~~The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
 - d. The location of any public-customer toilets within the boundary of the premises.
 - e. The location of CCTV cameras.
 - ~~f. The location of any ATM or other cash/change machines.~~
 - ~~g. An indication of the location of the Category 'D' machines.~~
 - ~~h. Details of non-category 'D' machines (e.g. skill with prizes machines).~~

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**32.0 (Alcohol) Licensed premises gaming machine permits –
(Schedule 13-paragraph 4(1))**

32.1 Automatic entitlement: 2 machines

There is provision in the Act for some premises licensed to sell alcohol for consumption on the premises to have an automatic entitlement to provide no more than two gaming machines, of categories C and/or D. The premises must satisfy the conditions contained in the Act, notify the Borough Council of their intention to make the gaming machines available for use and pay the fee. The conditions restrict the entitlement to premises:

- with an on-premises alcohol licence,
- that have a bar at which alcohol is served, and
- without a requirement that alcohol is only served with food.

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D.

32.2 The Borough Council 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 Act (i.e. that written notice has been provided to the ~~licensing authority~~ Borough Council, 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 Act has been committed on the premises.

32.3 Permit: 3 or more machines

If ~~a premises~~ relevant alcohol licensed premises wishes to have more than 2 machines, then the alcohol premises licence holder ~~needs to~~ must apply for a licensed premises gaming machine permit for any number of category C and/or D machines. This would replace any automatic entitlement under the Act. and the The Borough Council must consider ~~that the~~ application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act and ~~such matters as they~~ the Borough Council consider ~~think~~ relevant."

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32.4 The Borough Council 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 harmed or being exploited by gambling. ~~The Borough Council and~~ will expect the applicant to satisfy the ~~authority-Council~~ that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines (category 'C' machines).

Measures which will satisfy the ~~authority-Borough Council~~ that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

32.5 It should be noted that the Borough Council 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.

32.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission. A permit may be varied or transferred. An annual fee is payable, but a permit does not require renewal. The permit will lapse if the alcohol premises licence ceases to have effect.

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33.0 Prize Gaming Permits

33.1 Gaming is "prize gaming" if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes are determined by the operator before play commences.

Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

A prize gaming permit is a permit issued by the Borough Council to authorise the provision of facilities for prize gaming on specified premises. The Act states that a licensing authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit".

33.2 ~~The Borough Council has prepared a Statement of Principles, in respect of prize gaming permits which is that~~In any application for a prize gaming permit the applicant should set out the types of gaming that ~~he or she is~~they

are intending to offer and ~~that the applicant~~ should also be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in ~~Regulations~~regulations;
- that the gaming offered is within the law; and
- ~~clear policies that outline the steps to~~that appropriate measures will be taken to protect children from harm.

33.3 The Borough Council ~~shall~~will also require (where the applicant is an individual) a 'basic' Disclosure & Barring Service (BDS) disclosure dated no earlier than one calendar month ~~on from~~ the day the application is received by the Borough Council. Holders of operating licences issued by the Gambling Commission are exempt from this requirement.

33.4 In making its decision on an application for this permit the ~~licensing authority~~Borough Council does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. ~~(Gambling Act 2005, Schedule 14 paragraph 8(3))~~

A permit will remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act.

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33.5 It should be noted that there are conditions in the Act which the permit holder must comply, but that the Borough Council 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.

34.0 Club Gaming and Club Machines Permits

34.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines three types of club for the purposes of gaming:

- members' clubs
- commercial clubs

- miners' welfare institutes

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (a maximum of three gaming machines of category B, C or D), equal chance gaming and games of chance as set out in the regulations.

Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (a maximum of three gaming machines of category B, C or D).

A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. The Act states that 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 restricted to that of a prescribed kind (currently bridge or whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.

Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

~~Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club 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 Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).~~

34.2 The Borough Council may only refuse an application for a permit on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or

- an objection has been lodged by the Commission or the police.

If the Borough Council is satisfied that the first or second ground applies, it must refuse the application. In exercising its functions in relation to club permits the Council will have regard to any relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives

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34.3 There is 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~~). "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. Grounds on which an application under this process may be refused are:

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

34.4 There are statutory conditions on club gaming permits that no child or young person 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.

The Borough Council may grant or refuse a permit, but it may not attach conditions to a permit.

A permit will normally remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act. However, a permit granted under the "fast track" process does not require renewal, but it will lapse if the club premises certificate ceases to have effect.

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35.0 Temporary Use Notices

35.1 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.

35.2 A temporary use notice can only be given by a person or company holding a relevant operating licence issued by the Gambling Commission (i.e., an operating licence that authorises the type of gambling to be offered)

The types of gambling activities that may be authorised by a temporary use notice are set out in regulations made under the Act. Currently, the only

permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include gaming tournaments with such games as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

Temporary use notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. 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 considering whether a place falls within the definition of "a set of premises", the Borough Council will look at, amongst other things, the ownership/occupation and control of the premises.

The holder of an operating licence must give notice to the Licensing Authority in whose area the premises are situated. A temporary event notice must be given to the Borough Council not less than three months and one day before the day on which the gambling event will begin.

The application must be copied to:

- the Gambling Commission,
- the chief officer of police for the area in which the premises are situated,
- HM Revenue and Customs, and
- if applicable, any other licensing authority in whose area the premises are also situated.

Gaming machines may not be made available under a temporary use notice.

The Borough Council will carry out its functions in relation to temporary use notices by applying the same principles as those applied in determining premises licence applications (see 1.3 above).~~The Borough Council is aware that it 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.~~

36.0 Occasional Use Notices:

- 36.1 Occasional use notices may be used to authorise infrequent betting at tracks (see section 26.1 above), on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g., gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by the Borough Council.

The definition of track premises is not restricted to permanent premises, but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the

notice is an occupier of the track, or is responsible for the administration of events at the track.

The notice must be given to the Borough Council and the chief officer of police, in writing, before the event starts. No fee is payable.

Occasional use notices allow the giver of the notice to invite operators who hold a General Betting Operating Licence to accept bets on the premises. Such persons must hold a relevant betting operating licence, and comply with the requirements of any conditions attached to that licence. The Borough Council has little discretion as regards occasional use notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

37.0 Small Society Lotteries

- 37.1 Small society lotteries are required to be registered with the local authority in the area where their principal office is located. The Borough council is the licensing authority.

The Act defines a small society lottery by reference to two areas:

- society status - the society in question must be 'non-commercial'
- lottery size - the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values, then they may need to be licensed with the Commission to operate large lotteries instead.

The Borough Council will register and administer smaller non-commercial lotteries and applicants for lottery licences must apply to the licensing authority in the area where their principal office is located.

- 37.2 The Borough Council must be satisfied that the 'society' is established and conducted:

- for charitable purposes (as defined in S2 of the Charities Act 2006);
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural nature activity; or
- for any other non-commercial purpose other than private gain.

In determining whether the Society is non-commercial the Borough Council may require applicants to provide copies of the society's constitution or terms of reference.

- 37.3 For new applications or change of promoter, the Borough Council shall require the promoter of the lottery to produce a statement declaring that they have no relevant convictions that would prevent them from running a lottery. A list of 'relevant' offences is listed at Schedule 7 of the Act.

37.4 The Licensing Authority must refuse an application for registration if, within the past five years, either of the following applies:

- an operating licence held by the applicant for registration has been revoked, or
- an application for an operating licence made by the applicant for registration has been refused

In addition, the Borough Council may refuse an application for registration if, within the past five years, either of the following applies:

- the applicant is not a non-commercial society,
- a person who is or may be connected with the promotion of the lottery has been convicted of a relevant offence (listed in Schedule 7 of the Act) or
- information provided in or with the application for registration is false or misleading.

~~The Borough Council may refuse an application for registration if in their opinion:~~

- ~~• The applicant is not a non-commercial society;~~
- ~~• A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or~~
- ~~• Information provided in or with the application for registration is false or misleading.~~

37.5 Where the Borough Council 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. It will also supply evidence on which it has reached that preliminary conclusion.

37.6 The Borough Council 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 Borough Council 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.

PART D COMMITTEE, OFFICER DELEGATION AND CONTACTS

38.0 Committee Decisions & Scheme of Delegation

38.1 The Borough Council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

38.2 Licensing Sub-Committees made up of three Councillors from the main Licensing Committee will sit to hear applications where representations

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have been received from interested parties and/or responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

- 38.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding an an application or a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the application or licence in question.
- 38.4 The Borough Council's Licensing Officers will deal with all other licensing applications where ~~either no representation have has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.~~
- 38.5 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Borough Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons ~~as to why that is the case for the decision.~~ There is no right of appeal against a determination that representations are not ~~admissible~~accepted.
- 38.6 The table shown at Annex C sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.
- 38.7 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

39.0 Contacts

- 39.1 Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Environmental Health – Licensing
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX

Tel: 01553 616200
E-mail: ehicensing@west-norfolk.gov.uk
www: www.west-norfolk.gov.uk

- 39.2 Information is also available from:-

Gambling Commission

Borough Council of King's Lynn & West Norfolk

4th floor
Victoria Square House
Birmingham
B2 4BP

Tel: 01212 331096

Website: www.gamblingcommission.gov.uk

List of Persons Consulted

Borough Council of King's Lynn & West Norfolk
Gambling Commission
Norfolk Constabulary
Norfolk Fire Service
Norfolk Safeguarding Children Board
Norfolk County Council
HM Revenue & Customs
Norfolk Trading Standards
Association of British Bookmakers
Public Health, Norfolk County Council
Gamcare
British Amusement Catering Trade Association (BACTA)
NORCAS
Housing Associations:
 ◆ Broadland Housing Association
 ◆ Co-Op Homes
 ◆ Cotman Housing Association
 ◆ Freebridge House
 ◆ Granta Housing
 ◆ Guinness Trust
 ◆ Hastoe Housing Association
 ◆ Housing 21
 ◆ Longhurst Housing Association Limited
 ◆ Minster General Housing Association Limited
 ◆ Orbit Housing Association
 ◆ Peddars Way Housing Association
 ◆ Sanctuary Housing Association
 ◆ Victory Housing Trust
 ◆ Wherry Housing Association
Vancouver Quarter Manager
Fairstead Area Neighbourhood Group
Norfolk Chamber of Commerce & Industry
Association of Licensed Multiple Retailers
Gambling Therapy, Gordon Moody Association, Dudley
Parish Clerks / Town Councils
Popleston Allen Solicitors, Nottingham
All holders of Gambling Act 2005 Premises Licences issued by the BCKLWN
All holders of Gambling Act 2005 permits issued by the BCKLWN
All promoters of Small Society Lottery Registrations issued by the BCKLWN

Annex B to the
Borough Council of King's Lynn & West Norfolk
Gambling Act 2005 - Statement of Principles

Responsible Authorities	
<p>The Licensing Authority: Environmental Health - Licensing Borough Council of King's Lynn & West Norfolk King's Court Chapel Street King's Lynn PE30 1EX Tel: 01553 616200 E-mail: EHHlicensing@west-norfolk.gov.uk</p>	<p>The Gambling Commission: 4th floor Victoria Square House Birmingham B2 4BP Telephone: 01212 306576 Fax: 01212 331096</p>
<p>The Chief Officer of Police: Norfolk Constabulary Licensing Team Bethel Street Norwich Norfolk NR2 1NN Tel: 01603 275729 Email: licensingteam@norfolk.pnn.police.uk</p>	<p>The Fire Authority: Fire Safety Office Norfolk Fire Service – Western Area Kilhams Way King's Lynn PE30 2HY Tel: 01603 812261</p>
<p>Planning Authority: Development Services Borough Council of King's Lynn & West Norfolk King's Court Chapel Street King's Lynn PE30 1EX Tel: 01553 616200</p>	<p>Environmental Health: Environmental Health Borough Council of King's Lynn & West Norfolk King's Court Chapel Street King's Lynn PE30 1EX Tel: 01553 616200</p>
<p>Norfolk Safeguarding Children Board: Room 60 Lower Ground Floor County Hall Martineau Lane Norwich NR1 2UG</p>	<p>HM Revenue and Customs: HM Revenue and Customs Excise Processing Teams BX9 1GL HM Revenue and Customs Excise Processing Teams BX9 1GL Email: NRUBetting&Gaming@hmrc.gsi.gov.uk</p>

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Annex C to the
Borough Council of King's Lynn & West Norfolk
Gambling Act 2005 - Statement of Principles

Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee/ Sub-Committee	Officers
Final approval of Statement of Principles	X		
Policy to permit casino	X		
Fee Setting			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	

Borough Council of King's Lynn & West Norfolk

Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination of Small Society Lottery applications			X

Summary of Representations / Correspondence received

Date received	From	Summary	Action
19/07/21	Cllr Devereaux	Error with proposed effective date of policy, should be 2022 not 2021.	Amended
27/07/21	HM Revenues & Customs	Change of address to: HM Revenue and Customs Excise Processing Teams BX9 1GL	Updated
31/07/21	King's Lynn Masonic Centre	Acknowledgement of receipt and change of contact for Small Society Lottery Registration	Updated
16/09/21	South Wootton Parish Council	Confirmation that the Parish Council has read the policy and have no comments to make.	N/A