

Isle of Wight Council  
**GAMBLING ACT 2005**  
**SECTION 349**

**Statement of Licensing Principles**  
**31 January 2019 – 31 January 2022**

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<b>Author:</b>	<p>Amanda Gregory Strategic Manager Regulatory &amp; Community Safety Services Directorate of Neighbourhoods ✉ amanda.gregory@iow.gov.uk ☎ (01983) 821000</p>
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# 1 INTRODUCTION

The Isle of Wight Council area covers the whole of the Isle of Wight which is 23 miles from east to west and 13 miles from north to south and is 147 square miles in area. The major towns are Newport, Cowes and East Cowes, Ryde, Sandown, Shanklin and Ventnor, with Newport being the capital and centrally situated. The remaining areas are rural comprising of a number of small villages. The ONS mid-2017 population estimates indicate that there are 140,984 people living on the Isle of Wight.



Section 349 of the Gambling Act 2005 (the Act) requires the Council to publish a statement of the licensing principles that it proposes to apply when exercising its functions under the Act, commonly known as a statement of policy. This statement sets out the Isle of Wight Council's policy in respect of its licensing functions under the Gambling Act 2005 for three years. Any reference to the 'Licensing Authority' within this document refer to the Isle of Wight Council.

This Statement of Licensing Principles has been prepared having regard to the provisions of the Gambling Act 2005 ("the Act") and the Guidance issued by the Gambling Commission under Section 25 of the Act.

During the three year period the document may be reviewed and revised by the authority at any time in accordance with the procedure contained within the Gambling Act 2005. Further licensing statements will be published every three years.

## 2 CONSULTATION

- 2.1 The Act requires that the following people and bodies are consulted in the revision of the statement:
- The Chief Officer of Police for the Isle of Wight;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Isle of Wight 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 Act.
- 2.2 The Licensing Authority will also consult the above and any other persons as may be appropriate for any subsequent revision of the policy. **A list of consultees is at Appendix A.**
- 2.3 Appropriate weight will be given to the views of all consultees. In determining how much weight to give a particular representation, the factors that may be taken into account by the Licensing Authority include:
- Who is making the representation (including their expertise or interest)
  - The relevance to the Licensing Objectives
  - The number of people who have expressed the same or similar views, and
  - How far the representations relate to matters that the Licensing Authority should include in its statement of principles.
- 2.4 If amendments to the policy are required following a consultation, these will be made in accordance with Section 349(3) of the Act. Further consultation may be required in the event that changes are made to the policy. Any further consultation will only relate to the amendments made.

## 3 PUBLICATION AND REVIEW

- 3.1 The Licensing Authority will always give reasons for the decisions it has made following consultation, details of which can be viewed on the Isle of Wight Council website [www.iwight.com](http://www.iwight.com) or by contacting the Licensing Section at Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH.
- 3.2 The revised policy will have effect from its approval by the Licensing Authority following formal consultation. Any revisions to the policy will have immediate effect upon adoption by the Licensing Authority. Before publishing a statement or revision, the Licensing Authority will publish a notice of their intention to do so, no less than two weeks before the statement or revision is to be published. The notice will:
- a) specify the date on which the statement or revision is to be published;
  - b) specify the date on which the statement or revision will come into effect;
  - c) specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected; and
  - d) be published on the authority's website and in/on one or more of the following places:
    - A local newspaper circulating in the area covered by the statement
    - A local newsletter, circular, or similar document circulating in the area covered by the statement;

- A public notice board on or near the principal office of the authority;
- A public notice board on the premises of public libraries in the area covered by the statement.

3.3 The statement or any subsequent revision of the statement will be published on the Licensing page of the Isle of Wight Council's website and a hard copy will be available at Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH.

## 4 LICENSING AUTHORITY FUNCTIONS

4.1 Licensing Authorities are responsible for the following:

- Granting Premises licences for premises where gambling activities are to take place,
- Issuing Provisional Statements
- Granting Unlicensed Family Entertainment Centre Permits
- Receiving notifications from alcohol licensed premises for the use of two or less gaming machines
- Issuing licensed premises gaming machine permits to alcohol licensed premises where there are more than two machines
- Registering small society lotteries
- Issuing Prize gaming permits
- Receiving and endorse Occasional Use Notices for track betting
- Providing information to the Gambling Commission regarding detail of licences, permits and other permissions issued (see section on Information Exchange)
- Maintaining registers of the licences and permits that are issued

4.2 The licensing of remote gambling is the responsibility of the Gambling commission via operating licences.

4.3 The Licensing Authority shall aim to permit the use of premises for gambling on condition that the premises operates:

- 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 consistently with the Licensing objectives, and
- In accordance with the Council's Statement of Licensing Policy.

4.4 Nothing in this policy will:

- undermine the rights of any person to apply under the Act for a variety of permissions and have any such application considered on its individual merits.
- override the right of any person to make representations on any application or to seek a review of a licence where they are permitted to do so under the Act.

## 5 LICENSING OBJECTIVES

5.1 When dealing with licensing matters the Licensing Authority will promote and have regard to the three licensing objectives set out in the Act.

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

- 5.2 It is the responsibility of the Gambling Commission when issuing Operating Licences to ensure the operator is a suitable applicant. If, however, during the course of considering a premises licence application or at any other time, the Licensing Authority receives such information that causes it to question the suitability of the applicant, those concerns will be brought to the immediate attention of the Gambling Commission.
- 5.3 The Licensing Authority will consider the location of premises, particularly if such premises is in an area where there is known to be organised crime. Where this is the case, the Licensing Authority will consider what controls, if any, would be appropriate to prevent such premises becoming a source of crime. In certain circumstances, the Licensing Authority may consider appropriate conditions to be attached to the licence, such as Door Supervisors, CCTV, etc.
- 5.4 The Licensing Authority recognises that disorder and nuisance may be focused on premises and therefore expects an applicant to demonstrate an understanding of possible crime and disorder and to take such controls as are necessary to prevent such disorder and nuisance. Examples may include;
- thought given to the way that gambling is conducted on the premises,
  - company policy on prevention of crime and disorder,
  - siting of large pay-out machines,
  - levels of noise from public address systems that should ideally be sited at the back of the premises away from residential areas.

Consideration, where relevant, will be given to the placing of appropriate conditions on the licence governing opening hours for betting shops in residential areas and, in the case of disorder, the use of Door Supervisors. Where the licensing authority imposes a Door Supervision condition, then the supervisor is required to be licensed in accordance with the Private Security Industry Act 2001.

- 5.5 Where there are persistent levels of disorder, the Licensing Authority will liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.
- 5.6 The Licensing Authority may seek legal advice when determining what action to take in circumstances where disorder may be a factor. It is appreciated that disorder is intended to mean activity that is more serious and disruptive than mere nuisance, however, in determining this issue the Licensing Authority will consider the circumstances individually.

#### **Ensuring Gambling is conducted in a fair and open way**

- 5.7 All gambling should be fair in the way it is played with transparent rules such that players know what to expect. Examples may include easily understandable information being made available on the rules and probability of winning/losing, ensuring the rules are fair and that advertising is not misleading. Further recommendations would be to ensure that the results of competition/events are made public.
- 5.8 Generally it is for the Gambling Commission to ensure this Licensing Objective is complied with. However, with regard to race tracks, the role of the Licensing Authority is more significant. The Licensing Authority, in certain circumstances, may seek to impose conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority may wish to know the nature of the venue, have sight of a plan of the track which would include access to the place where gambling is to take place, where the operators will conduct on-course betting and whether or not there are any off-course betting operators.

#### **Protecting Children and other vulnerable persons from being harmed or exploited by gambling**

- 5.9 As children and young persons are prohibited from the majority of gambling premises they must be protected from entertain adult-only gaming environments. This Licensing Objective intends to prevent children and young persons from taking part in, or being in close proximity to, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at children or are advertised in such a way that makes them attractive to children. The Licensing Authority will therefore consider whether or not specific measures are needed to protect children at particular premises. Such measures may include;
- staff training,
  - company policies for protecting children and vulnerable persons,
  - careful consideration of the siting of cash machines,
  - additional requirements to provide supervision at entrances,
  - steps taken to segregate gambling from non-gambling areas frequented by children, and
  - the supervision of gaming machines in non-adult gambling specific premises in order to prevent children or vulnerable young persons from being harmed or exploited by gambling.

These measures will be particularly relevant in mixed use premises, and on tracks where children have freedom of movement in betting areas on race days. Other such measures may include appropriate signage, location of machines and numbers of staff on duty.

- 5.10 As regards 'vulnerable persons', it is noted that the Gambling Commission has not defined a vulnerable person but states that it will assume that this group will include people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health issues, learning disability or substance abuse. Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling and each application will be treated on its own merit.
- 5.11 With this Licensing objective in mind, the Licensing Authority will take particular care when considering applications for more than one licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping malls.
- 5.12 The Licensing Authority recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, physically separating Family Entertainment Centres and Adult Gaming Centres, and supervision of entrances. In addition, 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.
- 5.13 The Licensing Authority will pay particular attention to applications where access to the licensing premises is through other premises and will consider whether or not children can gain access; the compatibility of the two establishments and its ability to comply with requirements of the Gambling Act. The Licensing Authority will also consider whether the co-location of the licensed premises with other facilities will create an arrangement that is likely to be prohibited under the Act. In any event, the Licensing Authority expects that access to all adult areas in licensed premises will be monitored in accordance with any mandatory conditions and Gambling Commission Codes of Practice.
- 5.14 The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings with careful consideration if they seek to develop multi-purpose



developments and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling.

- 5.15 The Licensing Authority expects that all staff be suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines. Staff are expected to be vigilant to ensure compliance with the law.

## 6 RESPONSIBLE AUTHORITIES AND INTERESTED PARTIES

- 6.1 Only 'Responsible Authorities' and 'Interested Parties' as defined in the Act may make representations. A full list of Responsible Authorities is available at Appendix A.

- 6.2 The Licensing Authority has designated the Isle of Wight Council's Children's Services Department as the appropriate body it considers competent to advise the Licensing Authority on the protection of children from harm.

- 6.3 An 'interested party' will be considered as a person who –

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- Has business interests that might be affected by the authorised activities,
- Represents persons who satisfy paragraph (a) or (b)

- 6.4 In considering whether a person lives '*sufficiently close to the premises*' the Licensing Authority will take the following factors into account:

- The size of the proposed premises;
- The nature of the activities taking place at the proposed premises;
- The distance of the proposed premises from the location of the person making the representation;
- The potential impact of the proposed premises from such factors as the number of customers and routes likely to be taken by those visiting the establishment.
- The circumstances of the person and the nature of their interest, which may be relevant to the distance from the proposed premises.

- 6.5 In determining whether a person or organisation '*has business interests that could be affected*' the Licensing Authority will take the following factors into account:

- The size of the proposed premises;
- The broader geographical area from the proposed premises;
- The nature of the business interest;
- The distance of the proposed premises from the business interest.

- 6.6 In determining who is '*a person representing those*' in the above categories, the Licensing Authority shall consider each representation on its own merits and shall recognise persons from the following groups as capable of representing interested parties where they are satisfied that the interested party has asked for representation.

- Isle of Wight Council Elected Councillors;
- Parish Councils;
- Residents' and tenants' associations;

- Trade Associations;
  - Trade Unions
- 6.7 The Licensing Authority will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested party under the terms of the Act.
- 6.8 Representations will not be considered relevant where they relate to demand or competition and must only be based on the licensing objectives.
- 6.9 Representations will not be considered relevant where they are frivolous or vexatious. Before a decision is made the Licensing Authority will consider the following:
- Who is making the representation, and whether there is a history of making representations that are not relevant.
  - Whether the representation raises a relevant issue, or
  - Whether the representation raises issues specifically to do with the premises that are subject of the application.
- 6.10 The Licensing Authority strongly recommends that representations are submitted at the earliest opportunity prior to the end of the prescribed consultation period to allow the maximum time to negotiate an appropriate solution

## **7 FUNDAMENTAL PRINCIPLES**

- 7.1 The Licensing Authority recognises that the responsibility for an individual's gambling is his/her own. The responsibility to exercise a duty of care is that of the Site Operator. The Licensing Authority encourages applicants for Adult Gaming and Family Entertainment Centres to consider adopting the British Amusement and Catering Trade Association (BACTA)'s voluntary Code of Social Responsibility and Good Practice and where gaming machines are concerned, applicants are encouraged to adopt the Code of Practice. These codes can be obtained at [www.bacta.org.uk](http://www.bacta.org.uk).
- 7.2 Where there are age restrictions on entry to certain premises, the Licensing Authority encourages applicants to consider and adopt BACTA's and GamCare's joint training initiative on a Site Age-of-Entry Control Policy.
- 7.3 The Licensing Authority recognises that many people are able to enjoy and control their gambling. However, where there are those who are unable to control gambling, the Licensing Authority recommends that applicants consider adopting BACTA's and GamCare's Site Self-Exclusion Policy for those particular clients to request their exclusion for a fixed period.
- 7.4 The aim of the licensing process is to ensure the appropriate control of betting premises, adult gaming centres, family entertainment centres, gaming and machine permits, lotteries, temporary use notices, occasional use notices, and the people who manage them under an operating licence or who hold personal licences within the terms of the Act. The Licensing Authority shall aim to permit the use of premises for gambling in so far as it thinks fit and will regulate gambling in the public interest.
- 7.5 When considering applications for premises licences the Licensing Authority will not take into account whether or not there is an unfulfilled demand for gambling facilities within the area. Every application will be considered on its own merits and will be treated fairly and objectively in accordance with the three Licensing Objectives.

- 7.6 When determining the location of proposed gambling facilities, the Licensing Authority will consider the proximity of premises to:
- Local schools
  - Establishments used for, or inhabited by vulnerable and young persons
  - Centres for those with gambling problems
  - Residential areas where there is a high concentration of children and young people or where high levels of deprivation exist
  - Places of worship, particularly where Sunday Schools are in operation
  - Areas of known high criminal activity
- 7.7 In all cases The Licensing Authority will determine each application on its own merits and will consider the type of gambling proposed. The Licensing Authority will expect an applicant for a premises licence to demonstrate how they will promote the licensing objectives.
- 7.8 Where valid representations are made, the Licensing Authority will consider whether conditions need to be attached to a licence to ensure that the licensing objectives are met. Accordingly, any decision taken by the Licensing Authority or any conditions attached to the licence will centre on promoting the licensing objectives at the premises being used and the vicinity of those premises. Whether or not an incident can be regarded as being in the vicinity of licensed premises will depend on the particular circumstances of that incident.

**Amendments to the social responsibility provisions in the Gambling Commission's revised Licence Conditions and Codes of Practice (LCCP)**

- 7.9 Following the Gambling Commission's consultation on a range of social responsibility measures in order to review better ways of preventing and reducing gambling-related harm and increasing player protection measures, the Gambling Commission have amended and revised their LCCP.
- 7.10 The underlying principle of the 2015 social responsibility review and the LCCP changes is that responsibility for delivering the licensing objectives now rests with gambling operators. The Licensing Authority expects operators to be fully conversant with the LCCP and any future revisions and to demonstrate continued progress in embedding the licensing objectives.
- 7.11 Whilst the Licensing Authority does not seek to repeat the LCCP, it will need to be satisfied on a number of issues. From 6 April 2016 it will be a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of the licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.
- 7.12 The Licensing Authority will expect the local risk assessment to consider, for example;
- 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
  - whether the premises is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups
  - the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather, and
  - how vulnerable persons as defined within this policy are protected.

- 7.13 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this policy and in particular paragraph 5.6 (location of premises).
- 7.14 Other matters that the risk assessment may include are, for example:
- Staff training, including refresher training, e.g. in the mandatory licence conditions, the location of the premises licence, the location of information relating to gambling care providers, the procedure for intervention etc,
  - Where installed, details of CCTV coverage and how the system will be monitored,
  - Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved,
  - The number of staff employed at the premises as any one time taking into account any seasonal trade in the area,
  - Where only one member of staff is employed in the case of smaller premises, the nature of the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted for any other reason,
  - Provision of signage and documents relating to games rules, gambling care providers,
  - The mix of gambling that is provided,
  - Consideration of primary gambling activity and location of gaming machines,
  - Consideration given in tourist areas where likely to present additional risks to children and vulnerable persons in terms of access and supervision in certain premises, e.g. seafront arcades and gambling premises located in the Isle of Wight's holiday parks.
- 7.15 Operators will be expected to share their risk assessments with the Licensing Authority when applying for a new Premises Licence, applying for a variation to existing licensed premises or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary.
- 7.16 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.
- 7.17 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.
- 7.18 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. By adopting the Local Area Profile it is likely to assist operators in identifying specifying local risks within the Isle of Wight.
- 7.19 The creation of this Profile, however, is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations who have the expertise and knowledge of the impact gambling has in the local area. Where evidence is submitted to the Licensing Authority which identified areas of concern it is intended to produce a Local Area Profile separate to this Policy.

## 8 INTEGRATION OF STRATEGIES AND OTHER LEGISLATION

- 8.1 The Licensing Authority will seek to avoid duplication with other statutory or regulatory systems where possible, including planning. Licensing applications will be viewed independently of planning applications.
- 8.2 Prior to submitting an application to the Licensing Authority, the applicant should note that whilst the Licensing Authority may grant an extension to operating hours the responsibility lies with the applicant to ensure that any necessary planning consents are subsequently obtained for the hours and activities for which the application is being made.
- 8.3 If other legislation does not cover unique situations that may arise, then additional controls such as conditions, may be imposed to secure the licensing objectives.

## 9 APPLICATIONS

- 9.1 The Licensing Authority will produce guidance that provides information on how to make applications for licences and other permissions under the Act. The guidance shall also include information on how to make representations and how to apply for a review of the premises licence. The guidance will be available on the Council's website and from its offices situated at Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH between 8.30am and 5.00pm Monday to Thursday and 8.30am and 4.30pm Friday.
- 9.2 Application forms and a full list of responsible authorities and their respective contact details will be available on request from the Licensing Authority and on the Council's website.
- 9.3 Each licence application will be determined on its individual merits.
- 9.4 When considering applications, the Licensing Authority will have regard to:
- the Licensing Objectives;
  - this Policy;
  - any Code of Practice issued by the Gambling Commission under section 24 of the Act;
  - any guidance issued by the Gambling Commission under section 25 of the Act;
- 9.5 Conditions if imposed by the Licensing Authority will be tailored to the individual characteristics of the premises and the licensable activities concerned. Additional conditions will only be attached in cases where specific risks or problems are associated with a particular locality or premises.
- 9.6 The Licensing Authority will not limit the use of premises for gambling except where it has necessary to do so due to a requirement to act in accordance with the Gambling Commission guidance or code of practice or if it is reasonably consistent with the licensing objectives.
- 9.7 The Licensing Authority recommends that applicants consider the adoption of BACTA's voluntary Code of Social Responsibility and Good Practice for Adult Gaming Centres and Family Entertainment Centres.

## 10 PREMISES LICENCES

### Casinos

- 10.1 The Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Act but is aware that it has the power to do so. Any application will be considered on its individual merits.

### Adult Gaming Centres (AGCs)

- 10.2 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure, for example, that persons under the age of 18 do not have access to the premises. Such measures may include;

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

This list is not exhaustive and is only indicative of reasonable measures which might be in place.

### (Licensed) Family Entertainment Centres

- 10.3 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under the age of 18 do not have access to the adult only gaming machine areas. Such measures may include;

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entrance
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Training for staff on how to deal with suspected truant school children on the premises
- Ensuring that there are no inducements to remain in the gaming areas for longer than anyone can reasonably afford to.

This list is not exhaustive and is only indicative of reasonable measures which might be in place.

### **Bingo Premises**

10.4 If children are allowed to enter bingo premises they can only participate in gambling on Category D machines. Where Category C or above machines are available, the Licensing Authority will ensure;

- All such machines are located in an area of the premises separated by a physical barrier which is effective to prevent access other than through a designated entrance,
- Only adults are admitted to the area where the machines are located
- The area and the entrance to it is supervised and so that it can be observed by the licence holder or staff; and
- Notices are prominently displayed at the entrance to, and within the area indicating that access is prohibited to persons under 18.

The Licensing Authority will follow any guidance issued regarding the suitability and layout of bingo premises.

### **Betting Premises**

10.5 The Licensing Authority 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 potential use of betting machines by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wishes to offer.

10.6 Where an applicant intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs) then applicants should consider the following measures to protect and support vulnerable persons:

- Leaflets offering assistance to problem gamblers in a location that is both prominent and discreet, such as toilets,
- Training for staff members in maintaining a sense of awareness of how long customers are gambling, in order to detect persons who are vulnerable,
- Trained personnel for identifying and providing support to vulnerable persons,
- Self-exclusion schemes
- Posters with GamCare helpline and website in prominent positions
- Windows, entrances and advertisements to be positioned or designed not to entice passers-by.

## **11. PERMITS/TEMPORARY & OCCASIONAL USE NOTICES**

### **Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits**

11.1 This type of premises can offer any number of Category D machines, therefore it is likely that they will appeal to children and young persons. The Licensing Authority will expect applicants to

show that they have a full understanding of the maximum stakes and prizes that is permissible in a UFEC, and that there are policies and procedures in place to protect children from harm, including;

- staff training covering suspected truant children on the premises,
- staff training covering unsupervised very young children on the premises,
- the ability for staff to identify the signs and symptoms of persons engaged in the illegal use of controlled drugs

### **Alcohol Licensed Premises Gaming Machine Permit**

11.2 Persons wishing to have more than 2 Category C or D machines in alcohol licensed premises must apply to the council for a permit. The council will consider each application on its own merits.

The council will expect the holder of such permits to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the gaming machines.

11.3 As gaming machines provide opportunities for solitary play and immediate payout, they are more likely to encourage repetitive and excessive play. The Council will consider whether granting a permit would be appropriate on a case by case basis, but will specifically have regard to;

- The need to protect children and vulnerable people from harm or being exploited by gambling;
- Measures taken by the applicant to ensure that children do not have access to the adult-only gaming machines.

11.4 The council will expect applicants to offer their own measures to promote the licensing objectives. Such measures should include;

- The Category C machines being sited close to the bar, within the sight of staff who will monitor that the machines are not being used by those under 18
- Notices and signage
- The provision of information leaflets or helpline numbers for organisations such as GamCare.

11.5 The council will refuse to grant a permit if it is not satisfied that appropriate measures have been taken by the applicant, or it may vary the number or category of gaming machines authorised by a permit.

### **Prize Gaming Permit**

11.6 This is gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for the gambling.

11.7 In considering applications for permits the Licensing Authority recognises that this type of gaming could appeal to children and young persons and will take the following into account when determining the suitability of the applicant;

- Whether the applicant has any convictions that would make them unsuitable to operate prize gaming,



- The suitability of the premises as regards their location and any issues concerning disorder
- That they understand the limits on stakes and prizes that are set out in Regulations
- That the gaming offered is within the law

### **Club Gaming/Club Machine Permits**

- 11.8 Members' clubs and Miners' Welfare Institutes may apply for Club Gaming or Club Machine Permit. A Club Gaming Permit permits 3 machines of categories B, C or D, equal chance gaming and games of chance allowed by Regulations. A Club Machine Permit permits on 3 machines of categories B, C or D.
- 11.9 The Licensing Authority expects that a permit holder complies with any relevant code of practice regarding the location and operation of gaming machines.

### **Temporary Use Notices**

- 11.10 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, such as in hotels, conference centres and sporting venues.
- 11.11 It falls to the Licensing Authority to decide what constitutes a 'set of premises' where TUNs are received relating to the same building/site. It will give due consideration as to whether different units in a covered area are in fact different sets of premises, given that they may be occupied and controlled by different people.
- 11.12 The Licensing Authority will consider objecting to a notice where it appears that its effect would be to permit regular gambling in a place that could be described as one set of premises.

### **Occasional Use Notices**

- 11.13 Section 39 of the Act provides that where there is betting on a track on 8 days or fewer in a calendar year, betting may be permitted by an Occasional Use Notice (OUN) without the need for a full premises licence. They can only be granted to a licensed betting operator, with appropriate permission from the Gambling Commission.
- 11.14 The Licensing Authority has therefore little discretion as regards these notices aside from ensuring that the statutory limit is not exceeded. The Licensing Authority will however, need to consider the definition of a 'track' and whether the applicant will need to demonstrate that they are in a position to avail themselves of the notice.

### **Small Society Lotteries**

- 11.15 Applicants for lottery registrations must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the society's principal office is situated in another area it will inform the society as soon as possible and where possible, inform the other Licensing Authority.
- 11.16 Participation in a lottery is a form of gambling, and as such the Licensing Authority is aware that the societies it registers are required to conduct their lotteries in a socially responsible manner and in accordance with the Act.

- 11.17 The Licensing Authority will ensure that an applicant is a society as defined in Section 19 of the Act , and 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.

## 12 COMPLIANCE AND ENFORCEMENT

- 12.1 The main compliance and enforcement role for the Licensing Authority is to ensure compliance with the premises licences and other authorisations it has granted. The Licensing Authority will have regard to any guidance issued by the Gambling Commission and any other recognised current Best Practice guidance.
- 12.2 The Licensing Authority will establish protocols with the local Police and liaise with the Gambling Commission on enforcement issues. The aim of the protocol will be to concentrate resources on the premises;
- which present a higher risk to the public; or
  - where evidence suggests, have cause for concern.
- 12.3 In determining the level of risk in respect of premises the Licensing Authority shall be guided by complaints from the Gambling Commission, Responsible Authorities and Interested Parties. Inspections of licensed premises will not be undertaken routinely but when and if they are judged necessary.
- 12.4 The council will operate within the principles of natural justice and take into account the Human Rights Act 1998. Any criminal proceedings instigated by the Licensing Authority under the powers contained in Section 346 of the Act or other enforcement action considered will be in accordance with Regulatory Services Enforcement Policy.

## 13 EXCHANGE OF INFORMATION

- 13.1 The Licensing Authority will act in accordance with the provisions of Section 350 of the Act with regard to the exchange of information. The Licensing Authority will also have regard to 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.
- 13.2 The Isle of Wight Council is the data controller for the personal information provided by an individual on any application, notice or notification of interest submitted under the Licensing Act 2003. The council's Data Protection Officer is the Head of Legal Services and Monitoring Officer and can be contacted at [dpo@iow.gov.uk](mailto:dpo@iow.gov.uk). The council can be contacted by phone on 01983 821000, or in writing to County Hall, High Street, Newport, IW PO30 1UD.
- 13.3 Information will be used to allow the Council to process any applications or authorisations applied for under the Gambling Act 2005. In accordance with Data Protection law, the legal basis for this is for the performance of a task carried out in exercise of official authority. Information will be shared with other council departments and external bodies for the purposes of processing applications and/or authorisations.

- 13.4 The Council will keep personal data for 6 years or as long as it is required to do so under relevant legislation or in accordance with operational requirements. The Council's retention schedule can be viewed on [www.iwight.com](http://www.iwight.com).
- 13.5 Further details on how information is used; how the security of information is maintained and the rights of an individual, including how to access information held on individuals, and how to complain if there are any concerns about how personal details are processed, can be found at [www.iwight.com](http://www.iwight.com) or email [dpo@iow.gov.uk](mailto:dpo@iow.gov.uk).

## 14 REGISTER

- 14.1 The Licensing Authority will maintain a register of the premises licences and permits issued and this will be available on the Council's website. A hard copy will be available at the council's offices at Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH between 8.30am and 5.00pm Monday to Thursday and 8.30am and 4.30pm Friday. The Licensing Authority may charge a reasonable fee for providing hard copies of the register.

## 15 FEES

- 15.1 Premises Licence fees are set within the prescribed maximum levels in accordance with the Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 and will be limited to cost recovery. Fees for permits and other services are set by the Secretary of State.
- 15.2 The Licensing Authority will ensure that information regarding the fees to be charged for premises licences and other permissions under the Act is made available to the public via the Council's website or direct from the Licensing Authority.
- 15.3 In accordance with section 193 of the Gambling Act 2005, where a premises licence holder fails to pay the annual fees, the Premises Licence will automatically lapse. With regard to permits, the same principles will apply and the Licensing Authority will exercise its powers under Schedule 13 paragraph 17 of the Gambling Act and cancel the permit. Each case will however be treated on its own merits and consideration may be given to mitigating circumstances.
- 15.4 Where a payment of the application fee is not honoured by the applicant's bank, the Licensing Authority will regard the application as invalid and where activity which requires a licence is undertaken, for the purposes of enforcement action, the operator will be deemed to be managing premises without a premises licence or permit.
- 15.5 All non-payment of annual licence and permit fees will be reported to the Gambling Commission who may wish to check their own records on the applicant accordingly.

## Related Documents

- Corporate Plan <https://www.iwight.com/documentlibrary/download/corporate-plan-2017-2020>
- Gambling Act 2005 <http://www.legislation.gov.uk/ukpga/2005/19/contents>
- Guidance to Licensing Authorities <https://www.gamblingcommission.gov.uk/PDF/GLA5.pdf>
- Gambling Commission Licence Conditions and Codes of Practice <https://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf>

## Appendix A

### List of Consultees

#### Local Government

- Isle of Wight Member of Parliament
- Isle of Wight Council Elected Councillors
- Isle of Wight Parish and Town Councils

#### Responsible Authorities

- Hampshire Constabulary
- Isle of Wight Council Childrens' Services
- HM Revenue and Customs
- Gambling Commission
- Isle of Wight Fire and Rescue Service
- Isle of Wight Council Environmental Health Department
- Isle of Wight Council Planning Department

#### Relevant Associations

- Association of British Bookmakers
- British Beer and Pub Association
- British Casino Association
- British Holiday and Home Parks Association
- Casino Operators Association of UK
- Gamblers Anonymous (UK)
- GamCare
- Responsibility in Gambling Trust
- British Amusement & Catering Trade Association
  
- All Gambling Act 2005 Licence holders on the Isle of Wight

## Schedule of Delegations

## Appendix B

Matter to be dealt with	Full Council	Sub Committee of Licensing Committee	Officers
Three-year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting (when appropriate)	X		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations have been received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations have been 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 have been received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming / club machine permits			X
Cancellation of club gaming / club machine permits			X
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	

