

North Yorkshire Council
Statutory Licensing Committee

26 March 2025

Gambling Act 2005 – Adoption of a Statement of Principles

Report of the Corporate Director of Environment

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend a Statement of Principles under the Gambling Act 2005 to Full Council for adoption, Appendix 1.

2.0 BACKGROUND

- 2.1 Under the Gambling Act 2005 (the Act) Section 349 licensing authorities are required to prepare and publish every three years a Statement of Principles that they propose to apply when exercising their functions. The Statement of Principles forms the authorities mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in its area.
- 2.2 To date, North Yorkshire Council has been operating the seven former district council Statements as permitted by the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (Transition Regulations). The Council now needs to adopt a new Statement of Principles covering the whole of its area.
- 2.3 The Act sets out how gambling in England and Wales is regulated, including arcades, betting, bingo, casinos, gaming machines, society lotteries, and remote gambling (including online gambling). The Act also places a duty on the local authority to develop a Statement of Principles that promotes the three licensing objectives:
- 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, and
 - Protecting children and other vulnerable persons from being harmed or exploited.

3.0 PROPOSALS

- 3.1 Part 6 of the Gambling Commission's [Guidance to licensing authorities](#) sets out the consultation process and principles to be applied when determining a local Statement of Principles. This guidance has been considered when drafting the proposed Statement attached at Appendix 1.
- 3.2 Consultation has been carried out in accordance with paragraphs 6.56 to 6.61 of the guidance and Section 349(3) of the Act.

- 3.3 The statutory consultees have all been contacted directly and given a copy of the draft Statement of Principles for consideration:
- The Chief Officer of Police.
 - One or more persons who appear to the licensing authority to represent the interests of persons carrying on gambling businesses in the licensing authority's area.
 - One or more persons who appear to the licensing authority to represent the interests of persons who are likely to be affected by the exercise of the licensing authority's functions under the Gambling Act 2005.
- 3.4 A full list of those persons consulted is attached as Annex B to the draft Statement of Principles. Consultees were given four weeks to respond.
- 3.5 Responses to the consultation were received from the Betting & Gaming Council, Luxury Leisure / Talarius Ltd, and the Lotteries Council, these have been included at Appendix 2. The issues raised in these responses, along with the licensing authority's replies, are summarised in Appendix 3.
- 3.6 After thoroughly reviewing the responses, several amendments have been made to the draft Statement of Principles. These changes are highlighted in yellow in the document attached at Appendix 1. Any resulting changes to the numbering have been noted in the licensing authority's replies in Appendix 3.

4.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 4.1 The Council is committed to protecting communities, safeguarding children and ensuring the safety and wellbeing of the public. The draft Statement of Principles delivers those public protection benefits.
- 4.2 The Council is committed to equality, diversity and inclusion. The draft policy seeks to ensure that everyone can input into the licensing process and receives the same protections that the licensing regime achieves.

5.0 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The Council is legally required to adopt a Statement of Principles. There are no alternatives.

6.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 6.1 Responsible Authorities are defined in the Act and are consulted on various applications. These are both internal and external to the Council and may be impacted by licensing decisions:
- The Licensing Authority for North Yorkshire Council
 - North Yorkshire Police
 - North Yorkshire Fire and Rescue Service
 - North Yorkshire Council's Planning Authority or North York Moors National Parks Planning Authority
 - The Gambling Commission
 - The Local Safeguarding Children Board
 - Her Majesty's Commissioners of Customs and Excise
 - North Yorkshire Council's Environmental Health Service

7.0 FINANCIAL IMPLICATIONS

- 7.1 The Council must determine the appropriate licence fees subject to a maximum as set out in the regulations under the Act. A robust process is in place when setting the fees to ensure they provide full cost recovery where possible.
- 7.2 The publication of a new Statement of Principles will have no significant financial implications as service delivery will remain largely unchanged.

8.0 LEGAL IMPLICATIONS

- 8.1 Section 5 of the Licensing Act 2003 (the 2003 Act) requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.
- 8.2 To date, North Yorkshire Council has been operating the seven former district council policies as permitted by the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (Transition Regulations). The Council now needs to adopt one new policy covering the whole of its area. Failure to adopt a North Yorkshire Council Policy now may leave the Council open to challenge in the future on the lawfulness of the former District and Borough Policies and individual decisions made pursuant to those policies.
- 8.3 Any legal implications arising from the policy provisions have been considered and addressed within the draft Statement of Licensing Policy.
- 8.4 Licensing authorities are expected to consult with any interested parties before making policy decisions. The consultation must be undertaken at a time when proposals are still at a formative stage and the responses must be conscientiously taken into account when the decision is taken. Consultation on the draft Policy was carried out between 10 February and 7 March 2025 and in accordance with the Section 182 Guidance.
- 8.5 The Council's Legal Services Team has been consulted in the preparation of the proposed Statement of Licensing Policy and this report.

9.0 EQUALITIES IMPLICATIONS

- 9.1 The council must have regard to the requirements of the Equality Act 2010 in relation to the need to eliminate unlawful discrimination and promote equality for people with protected characteristics. The policy will be applied fairly to all irrespective of age, disability, gender reassignment, sex, race, religion or belief, sexual orientation, marriage and civil partnership and pregnancy and maternity. This will apply to applicants, licence holders, customers and complainants.
- 9.2 An Equality Impact Assessment is attached at Appendix 4.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 No climate change implications have been identified. A Climate Change Assessment is attached at Appendix 5.

11.0 POLICY IMPLICATIONS

11.1 Any policy implications have been considered and addressed within the draft Statement of Principles.

12.0 COMMUNITY SAFETY IMPLICATIONS

12.1 The Licensing process plays an important role in keeping our communities safe. Any community safety implications have been considered and addressed within the draft Statement of Principles.

13.0 REASONS FOR RECOMMENDATIONS

13.1 To date, North Yorkshire Council has been operating the seven former district council policies as permitted by the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (Transition Regulations). The Council now needs to adopt a new Statement of Principles covering the whole of its area.

14.0 RECOMMENDATION (S)

14.1 To consider the consultation comments received and officer responses in Appendices 2 and 3 and make any amendments to the draft Statement of Principles in Appendix 1.

14.2 To recommend a draft Statement of Principles, with any amendments, to Full Council for adoption.

APPENDICES:

Appendix 1 – Draft Statement of Principles.

Appendix 2 – Consultation responses.

Appendix 3 - Issues raised & local authority reply

Appendix 4 – Equality Impact Assessment.

Appendix 5 – Climate Change Assessment.

BACKGROUND DOCUMENTS: The Gambling Commission's guidance for licensing authorities

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Gambling Act 2005 Statement of Gambling Principles

With effect from [insert date]

Version Control

1.0 Approved by the Full Council of North Yorkshire County Council on [insert date]

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Introduction

North Yorkshire Council

1. North Yorkshire Council is a licensing authority for the purposes of the Gambling Act 2005. Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles which they propose to apply when exercising their functions¹. This statement (the “policy”) must be reviewed and published from time-to-time and at least once every three years.
2. The council serves a diverse and dispersed population across 3,103 square miles stretching from Scarborough on the North Sea coast to Bentham in the west and from the edge of Teesside to south of the M62. Ninety eight percent of the county is either sparsely (13%) or super-sparsely (85%) populated with just over a third of the population living in these areas. The environment of the area provides the basis for a successful tourist economy, with gambling activities forming a significant part of this sector on the east coast.
3. Whilst recognising the importance of the gambling sector for local businesses and their customers, the council also acknowledges its potential impact on the community. As such it will aim to strike a balance when considering all matters under the Act including the impact on and benefits to local business, residents, and visitors alike.
4. A map showing the council area is attached at Annex A, more information and statistics about North Yorkshire can be found at: www.datanorthyorkshire.org

Statement of Principles - considerations

5. In accordance with section 22(2) of the Legislative and Regulatory Reform Act 2006, the Regulators’ Code has been considered in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the licensing authority and the trade.
6. The council aims to reduce regulatory burdens and supporting compliant business growth by ensuring that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.
7. In formulating this Statement of principles, the council has had regard to the provisions of the Human Rights Act 1998 in that everyone has the right to respect for their home and private life and that every person is entitled to the peaceful enjoyment of their possessions.

Consultation

8. The Gambling Act requires that the following parties are consulted by Licensing Authorities²:-
 - The Chief Officer of Police.
 - One or more persons who appear to licensing authority to represent the interests of persons carrying on gambling businesses in the licensing authority’s area.

¹ [Section 349\(1\) of the Gambling Act 2005](#)

² [Section 349\(3\) of the Gambling Act 2005](#)

- One or more persons who appear to licensing authority to represent the interests of persons who are likely to be affected by the exercise of the licensing authority's functions under the Gambling Act 2005.
9. North Yorkshire Council consulted widely upon this statement prior to publication. A list of those persons consulted is attached as Annex B.
 10. The consultation for this statement revision was for the period from ***insert date*** to ***insert date***. Copies of the statement were made available at County Hall, Northallerton, and on the council's website.
 11. The statement was approved at a meeting of the Full Council on ***insert date*** and was subsequently published on the council's website.
 12. It should be noted that this Statement of Gambling Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Declaration

13. In producing the final Statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

Responsible authorities and interested parties

Responsible authorities

14. Responsible authorities are public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to applications for, and in connection with, premises licences.
15. Section 157 of the Act gives the council discretion to designate, in writing, a body which is competent and most appropriate to advise the licensing authority about the protection of children from harm.
16. The council has considered the following principles:
 - 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
17. In accordance with the Act, and with regard to the Guidance and the above principles, this Authority designates the Local Safeguarding Children Board for this purpose.
18. The Responsible Authorities are:
 - The Licensing Authority for North Yorkshire Council
 - North Yorkshire Police
 - North Yorkshire Fire and Rescue Service

- North Yorkshire Council's Planning Authority or North York Moors National Parks Planning Authority
- The Gambling Commission
- The Local Safeguarding Children Board
- Her Majesty's Commissioners of Customs and Excise
- North Yorkshire Council's Environmental Health Service

19. The contact details of all the responsible authorities under the Act are available via the council's website.

Interested parties

20. Similarly to responsible authorities, interested parties can make representation to the licensing authority in relation to applications for, and in relation to, premises licences.

21. 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 council:

- the person lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons who satisfy either of the above bullet points³.

22. When determining whether a person is an interested party, the council will apply the following principles:

- Each case will be decided upon its merits;
- The council will not apply a rigid rule to its decision making;
- The council will consider the examples of considerations provided in the Guidance; and
- The council will consider the Guidance that the term "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

23. Interested parties can also be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested party will be required as long as the Councillor/MP represents the ward likely to be affected.

24. Likewise, parish councils likely to be affected will be considered to be interested parties.

25. 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.

26. 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 Statutory Licensing Committee dealing with the licence application. If there are any doubts, then please contact the Licensing Team.

³ [Section 158 of the Gambling Act 2005](#)

27. Anyone wishing to make a representation concerning an application will be required to relate their objection to one or more of the licensing objectives, as specified in paragraph 45 of this statement.

28. The Licensing Authority will not consider representations that are:

- repetitive, vexatious or frivolous,
- from a rival gambling business where the basis of the representation is unwanted competition,
- moral objections to gambling,
- concerned with expected demand for gambling, and/or
- anonymous

Licensing authority functions

Responsibilities

29. The council is responsible for the licensing of premises where gambling activities are to take place.

30. The following functions are administered by the council:

- Premises Licences (betting, bingo, gaming centres and casinos)
- Provisional Statements
- Club Gaming Permits and/or Club Machine Permits
- Licensed Premises Gaming Machine Permits (for the use of three or more gaming machines)
- Notifications from alcohol licensed premises for the use of up to two gaming machines
- Family Entertainment Centre Gaming Machine Permits
- Prize Gaming Permits
- Small Society Lottery Registrations
- Occasional Use Notices
- Temporary Use Notices
- the provision of information to the Gambling Commission regarding details of licences issued
- maintaining registers of the permits and licences that are issued under these functions

31. Licensing authorities are not responsible for licensing remote gambling. This is regulated by the Gambling Commission via operating licences⁴.

Exchange of information

32. Licensing authorities are required to include in their policy statement the principles to be applied by the licensing authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

33. The council will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 2018

⁴ [Part 5 of the Gambling Act 2005](#)

will not be contravened. The 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 Gambling Act 2005.

Decision making

34. In exercising its functions, the council will, in accordance with section 153 of the Act, aim to permit the use of premises for gambling insofar as it considers it:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the licensing authority's statement of gambling principles.
35. Moral objections to gambling, as well as commercial demand, are not valid reasons to reject applications for premises licences.

Committee

36. The council has established a Statutory Licensing Committee to administer the wide range of licensing decisions and functions for which it is responsible.
37. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Statutory Committee has delegated certain decisions and functions and has established a Statutory Sub-Committee to deal with them. A Statutory Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and/or responsible authorities.
38. A Statutory Licensing Sub-Committee will also hear any requests by a responsible authority or an interested party to review a premises licence because of issues arising, which contravene any of the three licensing objectives.
39. Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to officers. In these instances, a record of the decision will be available to view on the council's website. This form of delegation is without prejudice to officers referring an application to the Statutory Licensing Committee or Statutory Licensing Sub-Committee, or to Full Council if considered appropriate in the circumstances of any particular case.
40. Where a Councillor who is a member of the Statutory Licensing Sub-Committee is making, or has made, representations regarding 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 licence in question.
41. Every determination of a licensing decision by the Statutory Licensing Committee or a Statutory Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be published on the council's website as soon as possible after the decision has been confirmed.

42. The council's licensing officers will deal with all other licensing applications either where no representations have been received, or where representations have been received and withdrawn, or it is agreed by the parties that a hearing is not necessary.
43. **Any representations must be based on the licensing objectives under the Act.** "Frivolous" or "vexatious" representations need not be taken into consideration by the council⁵. Whether a representation is frivolous or vexatious is a matter of fact. However, matters which this licensing authority may consider in deciding whether a representation is frivolous or vexatious include the following:
- Who is making the representation and whether there is a history of making representations that are not relevant;
 - Whether it raises a relevant issue; or
 - Whether it raises issues specifically relating to the premises that are the subject of the application.
44. Where representations are rejected, the person making the representation will be given written reasons as to why this is the case. There is no right of appeal against a determination that representations are not admissible.

Licensing objectives

Overview

45. In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
46. The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

Preventing crime and disorder

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

47. The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.
48. The licensing authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the licensing authority will bring those concerns to the attention of the Commission.

⁵ [Section 162 of the Gambling Act 2005](#)

49. Disorder in the context of the gambling regime is intended to mean activity that is more serious and disruptive than mere nuisance. Factors that will be considered by the licensing authority in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There are already powers in other legislation designed to prevent or minimise nuisance, whether it arises as a result of noise from premises or from general disturbance in the area of licensed premises as people arrive or leave the premises. The licensing authority does not intend to use the gambling regime to deal with general nuisance issues such as parking problems, noise in the street or noise breakout from premises which can be dealt with using alternative powers.

Ensuring fairness

- ensuring that gambling is conducted in a fair and open way

50. The Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime. However, where the licensing authority becomes aware of matters that lead it to believe that this Objective is not being promoted in accordance with the aims of the regime it will notify the Commission.

51. Because track operators may not require an operating licence from the Commission the licensing authority may attach conditions to the Premises Licence in appropriate cases which ensure that the environment in which betting takes place is suitable. The licensing authority may in these circumstances also consider the suitability of the applicant to hold a track premises licence.

Protecting children and vulnerable persons

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

52. The licensing authority considers the following people to be vulnerable to gambling related harm:

- children, young people and young adults
- people who gamble more than they want to
- people who gamble beyond their means
- people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs
- people seeking or accessing gambling treatment or support
- people living in areas of higher deprivation
- people employed by gambling operators and who have regular contact with gambling activities

In seeking to protect vulnerable people, the licensing authority will apply its consideration of the application to people in these groups.

53. The licensing authority will expect applicants to show that there are policies and procedures in place to protect children and vulnerable people from gambling related harm.

Such policies and procedures will each be considered on their merits; however, they may include:

- staff training on impacts of and vulnerability to gambling related harm and early detection of individuals at risk
 - supervision of entrances and / or specific areas of the premises including the use of CCTV
 - intervention and escalation with vulnerable people where necessary
 - self-exclusion schemes
 - participation in collective test purchase programmes
 - recording of customer interactions or interventions, including incidents
 - refusal of entry to people who show signs of inebriation or use of drugs
 - controls to prevent access to alcohol and to gambling by individuals who show signs of inebriation or use of drugs
 - avoidance of inducements to gamble, including free or discounted alcoholic drinks to people or free bets and bonuses
 - availability of signposting information to gambling helplines and to a range of local and national gambling treatment and support services in both prominent and discreet locations, and including signposting for people affected by another person's gambling
 - availability of signposting information to mental health advice and support, drug and alcohol support, and financial and debt advice and support services
 - staff to customer ratios
 - consideration of opening times to mitigate risks to vulnerable people
 - safe cash handling and payment of winnings
 - appropriate measures / training for staff as regards suspected truant school children on the premises,
 - appropriate measures / training covering how staff would deal with unsupervised children being on the premises, or children causing perceived problems on / around the premises
 - the use of proof of age schemes
 - visual oversight by staff of areas to which children are not permitted access
 - the restricting and preventing visibility of gambling from areas frequented by children
 - the segregation of gambling from areas frequented by children
 - ensuring entrances and external windows are not enticing to children or vulnerable adults
 - the supervision of gaming machines in non-adult gambling specific premises such as pubs, clubs and betting tracks.
54. With limited exceptions the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments in order to protect them from being 'harmed' or exploited by gambling.
55. The licensing authority expects to see the effective management and supervision of gaming machines in licensed family entertainment centres. The same consideration applies to tracks where children will be permitted in the betting areas on race-days.
56. In appropriate cases the licensing authority will take steps to prevent children from taking part in age restricted gambling activities, especially with regard to premises situated in areas where there may be a high rate of reported truancy, in premises likely to be attractive to children and young people and near to schools, colleges and facilities and activities provided for, or aimed at, children and young people.

57. The licensing authority may impose restrictions on advertising so that gambling products advertised on licensed premises are not aimed at children or advertised in such a way that makes them particularly attractive to children and young people.
58. A gaming machine in licensed premises which is of a category that children are not permitted to play on must be clearly labelled as such and the machine adequately supervised at all times the premises are open to the public. Areas to which access is limited by age must be clearly demarcated and effectively supervised to ensure underage persons do not enter.
59. The licensing authority will always treat each case on its individual merits. When considering whether specific measures are required to protect children and other vulnerable people and will balance these considerations against the overall principle of aiming to permit the use of premises for gambling, where that principle applies.
60. The licensing authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). In particular the licensing authority will consider whether children can gain access; the compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
61. Where the legislation allows the licensing authority will look particularly closely at applications that are made for premises:
- in areas with high levels of deprivation
 - close to sensitive areas or developments
 - in residential areas
 - close to locations used to deliver mental health services, drug and alcohol support or recovery services, smoking cessation services, wellbeing support services, homelessness services, financial and debt advice and support services, and / or gambling treatment, support or recovery services
 - close to schools and other educational establishments
 - close to any setting or location frequently used by children and young people
 - close to residential hostels for vulnerable adults
 - close to premises licensed for alcohol or gambling
 - in areas with higher density of existing gambling premises

Premises licences

Meaning of premises

62. In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building, however, 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. Licensing authorities should pay particular

attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

63. In accordance with paragraphs 7.6 and 7.7 of the Gambling Commission's Guidance to Licensing Authorities, *"in most cases the expectation is that a single building or plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. 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. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit"*.

64. The council will take particular care when considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, and will have regard to the following principles:

- 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 age restricted gambling activities, but also preventing them from being near such activities. 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 via an un-licensed area and 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.

65. Other factors that may be taken into account when considering applications are:

- Is there a separate registration for business rates for the premises?
- Are 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?

Premises 'ready for gambling'

66. The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

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

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

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

69. Applicants should note that the council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

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

Premises licence considerations

71. In determining applications the council has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives.

Conditions

72. The Act provides that conditions may be attached to premises licences in several ways:

- automatically by the Act;
- through regulations made by the Secretary of State;
- by the Commission through operating and personal licences; or
- by licensing authorities.

73. Conditions may be general in nature and attached to all licences or all licences of a particular class, or they may be specific to a particular licence.

74. All premises licences are subject to mandatory and default conditions which are usually sufficient to ensure that premises are used in a way consistent with the licensing objectives. The licensing authority will not normally interfere with default conditions which apply by virtue of regulations unless an applicant can demonstrate that alternative controls will be operated by him that achieve the same or similar effect or where the licensing authority is of the opinion that an alternative condition should be imposed. In both case the licensing authority will give notice of its reasons for departing from the default conditions to the applicants and all parties making representation on the matter.

75. The licensing authority will not generally impose conditions that limit the use of premises for gambling unless it is considered necessary as a result of the requirement to act in accordance with the codes of practice, Gambling Commission's guidance, this Statement of Policy or in a way that is reasonably consistent with the licensing objectives.

76. Any additional conditions attached to licences will be proportionate and based on evidence that there is a risk to the licensing objectives, and will be:

- Relevant to the need to make the premises suitable as a gambling facility;
- Directly relevant 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.

77. The licensing authority will not consider imposing conditions:

- Which make it impossible to comply with an operating licence condition imposed by the Gambling Commission.
- Relating to gaming machine categories or method of operation.
- Which specify that membership of a club or other body is required.
- In relation to stakes, fees, winnings or prizes.

78. Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each application will be determined on its own merits.

Plans

79. Section 151 of the Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to coordinate future premises inspection activity.

80. 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.

81. 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.

82. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the premises boundary does not need to be defined.

83. 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 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.

Local risk assessments & local area profile

84. The Gambling Commission’s Licence Conditions and Codes of Practice (LCCP), formalise the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision has been in force since 6 April 2016.

85. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control

measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

86. Licensees must undertake a local risk assessment when applying for a new premises licence and then review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - when applying for a variation of a premises licence;
87. The social responsibility provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.
88. The licensing authority asks licensees to share a copy of their local risk assessment with the licensing authority and retain a copy on site for use if and when inspections are carried out by the licensing authority and/or any other responsible authority, in line with Gambling Commission best practice.
89. Where concerns do exist, perhaps prompted by new or existing risks, the licensing authority may request that the licensee share a copy of its risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.
90. The licensing authority will expect operators to identify the local risk factors surrounding the premises and consider matters such as:
- the local demographic profile of the area
 - whether the premises are located in an area of deprivation;
 - whether the premises are located in an area which is subject to high levels of crime and/or disorder (see www.datanorthyorkshire.org)
 - any subsequent health needs assessment published by the licensing authority in order to protect children and other vulnerable persons from being harmed or exploited by gambling
 - North Yorkshire Council's Local Area Profile, developed and published separately to this Gambling Licencing Policy
91. The licensing authority intends to develop and publish a Local Area Profile, separate to the Gambling Licencing Policy. A Local Area Profile would identify different parts of the County where there are greater or specific risks of gambling related harm. This may be because of the people likely to be in that area, the other types of business in that area, or because of the characteristics of an area. While the licensing authority will determine each application for a gambling premises on its own merits, gambling operators would be required to address, for an existing or potential premises, the greater and specific increased risks of harm identified in the Local Area Profile.

Planning

92. When considering applications for premises licences the licensing authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission or building regulations approval being granted. Except in the case of a Provisional Statement or an application to allow a track to be used for betting where other persons will provide the betting facilities, applicants for a premises licence will need to show to the satisfaction of the licensing authority that they have a right to occupy the premises concerned; hold a valid Operating Licence from the Commission or have applied for an Operating Licence and meet such other criteria set out in law. The Premises Licence can be only issued once the Operating Licence is issued. In the case of a Provisional Statement where the applicant does not currently have a right to occupy the application premises, the licensing authority will require written confirmation that the applicant may reasonably expect to acquire that right within a reasonable time.

Reviews

93. A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from a responsible authority or interested party⁶. Reviews cannot be delegated to an officer of the licensing authority – the lowest level of delegation permitted is to a Statutory Licensing Sub-Committee.

94. The Act provides that licensing authorities may initiate a review of either a particular class of premises licence or a particular premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted.

95. Representations and review applications will be considered by the licensing authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of Gambling Principles and Codes of Practice.

Premises licence types

Adult gaming centres

96. These premises must be operated by the holder of a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the licensing authority.

97. Permitted activities include:

- A prescribed number of Category B gaming machines
- unlimited category C and D machines.

98. The Category B machines are limited to B3 and B4

99. Factors for consideration by the licensing authority when determining the application for an Adult Gaming Centre will include:

- the location;

⁶ [Section 197 of the Gambling Act 2005](#)

- the ability of operators to minimise illegal access to the premises by under 18s

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

100. Conditions may be applied by the licensing authority in support of the licensing objectives if it is felt necessary. In addition to the mandatory and default conditions attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an Adult Gaming Centre.
101. The licensing authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant for an Adult Gaming Centre to satisfy the licensing authority that there will be sufficient measures to control access to and participation in gambling by such persons, for example to meet the third licensing objective.
102. The licensing authority will also expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions imposed by the licensing authority may cover issues addressed by the example measures listed in paragraph 53. This list is neither mandatory nor exhaustive and is merely indicative of example measures.

Family entertainment centres

103. There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:
 - FECs with category C and D machines require a Premises Licence.
 - Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits
104. A family entertainment centre FEC premises licence authorises the use of any number of category C or D machines.
105. In terms of accessing a family entertainment centre, no customer shall be able to access the premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track
106. This 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 licensing authority, for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machine areas.
107. Conditions may be applied by the licensing authority in support of the licensing objectives if it is felt necessary in addition to the mandatory and default conditions attached by regulations issued by the Secretary of State. Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the licensing authority may cover issues addressed by the example measures listed in paragraph 53. This list is neither mandatory nor exhaustive and is merely indicative of example measures.

Casinos

108. A casino game is defined as a game of chance which is not equal chance gaming, a casino premises licence authorises the playing of casino games. North Yorkshire Council has a number of casinos which were licensed under the Gaming Act 1968 which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.
109. In addition, the Gambling Act 2005 introduced three new categories of casino: one regional casino, eight large casinos and eight small casinos. On 15th May 2008, the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. The Order specified which Licensing Authorities could issue premises licences for both large and small casinos; The former Scarborough Borough Council was included in the Order and was authorised to issue one small casino premises licence which was subsequently granted.
110. It should be noted that in accordance with regulation 3(3) of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008, any reference to a predecessor authority in any enactment has effect as if the new single tier authority was substituted for it. Article 3 of The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008, which references "Scarborough Borough Council" by name, therefore has effect as if North Yorkshire Council was selected as one of the 8 authorities permitted to issue a small casino premises licence.
111. In terms of accessing a casino premises:
- The principal access entrance to the premises must be from a street;
 - No entrance to a casino shall be from premises that are used wholly or mainly by children and/or young persons; and
 - No customer shall be able to enter a casino directly from any other premises which holds a gambling premises licence.
112. The Act and regulations attach a number of conditions automatically to a casino premises licence according to the gambling activities permitted to take place on the premises and the controls that are required by way of codes of practice which are, in effect, industry standards. See other parts of this Statement for the licensing authority's general approach to other conditions that it may impose.
113. The Gambling Commission's code of practice deals with matters including access to casino premises by children and young persons, the giving of credit and the ban on gambling taking place on Christmas Day. In particular the code specifies that no one under the age of 18 is allowed to enter certain casino premises and entrances to the casino gambling area would be required to be properly supervised.

Bingo premises

114. Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain prescribed threshold. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit – see the section on prize gaming permits. Other types of Bingo will require a bingo operating

licence from the Gambling Commission and a premises licence from this Authority. The licence also authorises a bingo premises to provide a prescribed number of Category B gaming machines together with an unlimited number of category C and D machines.

115. The licensing authority will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
116. This Authority notes the Guidance regarding the unusual circumstances in which the splitting of any pre-existing premises into two adjacent premises might be permitted.
117. 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.
118. No customer shall be able to access bingo premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.
119. Where category B and/or category C machines are available in premises to which children are admitted, applicants will be expected to ensure that:
 - All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - Only adults are admitted to this area where the machines are located;
 - Access to the area where the machines are located is supervised;
 - The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
 - At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Betting premises

120. The Act contains a single class of licence for betting though there are different types of premises within this class which require licensing.
121. Licensable activities include:
 - off-course betting;
 - on-course betting for tracks (see below);
 - betting by way of betting machines, and;
 - up to four class B2, B3, B4, C or D category gaming machines
122. Factors for consideration by the licensing authority when determining the application will be:

- location, particularly in relation to vulnerable persons;
- suitability of the premises;
- size of premises in relation to the number of betting machines;
- the ability of staff to monitor the use or abuse of machines and;
- the provision for licence holders to ensure appropriate policies and procedures to protect vulnerable people including children are adhered to.

123. This is not an exhaustive list and each application will be judged on its merits. Any effective measures offered by the applicant to support the licensing objectives will be taken into account.
124. Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the licensing authority may include examples listed in paragraph 53. This list is neither mandatory nor exhaustive and is merely indicative of example measures.

Tracks

125. Tracks may be subject to one or more premises licence provided each licence relates to a specified area of the track. The licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) in the determination of premises licence applications for Tracks 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.
126. Track operators are not required to hold an operators licence granted by the Gambling Commission unless they are operating gambling activities themselves. Therefore premises licences for tracks issued by the licensing authority are likely to contain requirements for premises licence holders relevant to their responsibilities in relation to the proper conduct of betting. The licensing authority recognises that Track operators will have an important role to play in the regulation of gambling activities expect that they will take proactive action appropriate to that role. For example in ensuring that betting areas are properly administered and supervised.
127. The licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
128. Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the licensing authority may include examples listed in paragraph 53. This list is neither mandatory nor exhaustive and is merely indicative of example measures.
129. **Gaming Machines used on Tracks** - Guidance from the Gambling Commission addresses where such machines may be located on Tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The licensing authority notes the Commission's Guidance that licensing authorities therefore need to 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 his 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.

130. **Betting Premises on tracks** - A Track may hold a betting premises licence allowing betting to take place within defined areas, there may also be a number of subsidiary licences authorising other gambling activities to take place including off-course betting. Unlike betting offices (bookmakers), a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines. Pool betting may also take place on certain types of Tracks and the appropriate operating licence to enable this will be required before a premises licence authorising this activity may be determined by the licensing authority.
131. In line with the Commission's Guidance the licensing authority will expect operators of self-contained units on Tracks to seek an ordinary betting premises licence to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.
132. **Betting machines on Tracks** - The licensing authority will take into account the size of the premises and the ability of staff to monitor the use of these machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for Track Betting Premises Licences.
133. When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
134. **Applications and plans for Tracks** - Regulations set out specific requirements for applications for premises licences. In accordance with the Gambling Commission's suggestion that, to ensure the licensing authority gains a proper understanding of what it is being asked to licence the premises licence application pack for a Track includes the information that is required which includes detailed plans for the racetrack itself and the area(s) that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the licensing authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown.
135. In terms of general access to a track betting premises, no customer shall be able to access the premises directly from a casino or an adult gaming centre.

Other authorisations

Family entertainment centre gaming machine permits (also known as unlicensed family entertainment centres)

136. Where an operator wishes to provide gaming machines at any premises that does not hold a premises licence, they may apply to the licensing authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
137. The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission. This Authority will therefore also expect that applicants provide:
- A clear and legible plan showing the following items:
 - The boundary of the permitted area including the entrances and exits.
 - The location of any category D machines.
 - The location of any ATM /cash machines or change machines.
 - The location of any unlicensed area (if relevant).
 - Evidence that the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permissible.
 - Evidence that relevant staff are trained on the following:
 - The maximum stakes and prizes of the gambling that is permissible.
 - Socially responsible gaming and where help can be obtained.
 - The type of machines available in the premises i.e. gaming or skill based.
 - a satisfactory basic criminal record disclosure in respect of all individual applicants dated within one calendar month of the date of the application being submitted (or in the case of a company or partnership, in respect of all directors or partners). Where the applicant already holds an operator's licence with the Gambling Commission this requirement shall not apply.
 - Evidence that policies and procedures are in place to protect children from harm and exploitation. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff with regard to suspected truant or missing school children on the premises, measures / training covering how staff would deal with unsupervised children or young persons being on the premises or children causing perceived problems on or around the premises. The licensing authority would also expect appropriate controls / measures to be in place were alcohol is permitted to be consumed on the premises.
138. Although it is accepted the Gambling Commission's Licence Conditions and Codes of Practice do not apply to these permits, the licensing authority would strongly encourage permit holders to produce a local risk assessment in line with paragraph 82.
139. It should be noted that a licensing authority cannot attach conditions to this type of permit.

Prize gaming permits

140. Prize gaming is gaming where the nature and size of the prize available is not determined by either:
- the number of people playing; or
 - the amount paid for, or raised by, the gaming.
141. A prize gaming permit is required to authorise the provision of facilities for gaming with prizes on specified premises.
142. In applying for a Prize Gaming Permit, the applicant should set out the types of gaming that he or she is intending to offer and should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law; and
 - the steps to be taken to protect children from harm.
143. The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission. This Authority will therefore also expect that applicants provide:
- a clear and legible plan showing the following items:
 - The boundary of the permitted area including the entrances and exits
 - The location where any prize gaming will take place (including any seating and tables
 - The location of any ATM /cash machines or change machines
 - Evidence that the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permissible.
 - Evidence that relevant staff are trained on the following:
 - The maximum stakes and prizes of the gambling that is permissible.
 - Socially responsible gaming and where help can be obtained.
 - A satisfactory basic criminal record disclosure in respect of all individual applicants dated within one calendar month of the date of the application being submitted (or in the case of a company or partnership, in respect of all directors or partners). Where the applicant already holds an operator's licence with the Gambling Commission this requirement shall not apply.
 - Evidence that policies and procedures are in place to protect children from harm and exploitation. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff with regard to suspected truant or missing school children on the premises, measures / training covering how staff would deal with unsupervised children or young persons being on the premises or children causing perceived problems on or around the premises. The licensing authority would also expect appropriate controls / measures to be in place were alcohol is permitted to be consumed on the premises.

144. Although it is accepted the Gambling Commission's Licence Conditions and Codes of Practice do not apply to these permits, the licensing authority would strongly encourage permit holders to produce a local risk assessment in line with paragraph 82.
145. It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach 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.

Automatic entitlement for up to 2 gaming machines on premises licensed to sell alcohol

146. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically be entitled to make available 2 gaming machines of categories C and/or D. The holder of the premises licence (issued under the Licensing Act 2003) merely needs to notify the licensing authority in writing, pay the prescribed fee and comply with any relevant codes of practice.
147. The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

Licensed premises gaming machine permit

148. If the holder of a premises licence (issued under the Licensing Act 2003 to authorise the sale of alcohol for consumption on the premises) wishes to make available more than two gaming machines, an application will need to be made for a permit. The licensing authority must consider 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 think relevant.

149. The 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 harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the licensing authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that can monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.
150. It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.
151. The 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.
152. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Club gaming and club machine permits

153. Members’ Clubs and Miners’ Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit to enable the premises to provide:
- 3 gaming machines of categories B, C or D;
 - equal chance gaming; and
 - games of chance as set out in regulations.
154. Members’ Clubs, Miners’ Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit to enable the premises to provide:
- 3 gaming machines of categories B, C or D.
- Note: Commercial Clubs may not make category B3A gaming machines available for use.
155. A members’ club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working mens' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations. The statutory definition of a members’ club requires that:
- it must have at least 25 members;
 - it must be established and conducted wholly or mainly for purposes other than the provision of facilities for gaming (unless the gaming is restricted to bridge and whist);
 - the club satisfies the conditions attached to a club gaming permit; and
 - they are not commercial clubs that would then be offering gambling illegally.
156. A miners’ welfare institute is an association established for recreational or social purposes. It is 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.

157. 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.
158. Licensing authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the 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;
 - an objection has been lodged by the Commission or the police.
159. There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which the council can refuse a permit 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.
160. There are statutory conditions imposed on club gaming permits to ensure that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

Small society lotteries

161. A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up. Small Society Lotteries whose proceeds do not exceed £250,000 in a calendar year do not require a licence with the Gambling Commission but must be registered with the licensing authority in the area where the society's principal premises is situated.
162. Small society lotteries are subject to certain rules and regulations:
- the total value of tickets or chances to win a prize cannot exceed £20,000
 - a minimum of 20% of the lottery's proceeds must be allocated to the purpose of the society. This means that no more than 80% of the proceeds can be used for prizes and expenses
 - no single prize can be worth more than £25,000
 - every ticket must cost the same and be paid for before entry into the draw is allowed

- every ticket must specify the name of the society, the name and address of the promoter, the date of the lottery, the price of the ticket
 - any virtual tickets issued must be capable of being printed off
 - no tickets can be sold to anyone under 16, nor can persons under 16 sell tickets
 - no other payment, except for the price of the ticket, can be asked for before a person is allowed to enter a lottery
 - rollovers are allowed, provided that no one prize is over £25,000 and the rollover lotteries are promoted on behalf of the same society. Any rollover lotteries must in effect still constitute a small lottery
163. Registrations may only be given to societies set up for non-commercial purposes such as sports, cultural or charitable purposes, and not where the sole purpose of the society is running a lottery. A small society lottery registration lasts indefinitely, unless you notify us that the registration is no longer needed, or it is cancelled due to non-payment of the annual fee.
164. An application to register a Small Society Lottery should be on the relevant application form, available from the council's website, and accompanied by any necessary documents and the appropriate fee. The maximum prize per ticket in either money or monies worth is £25,000. The licensing authority will record details of the society on a register and make this available to the public on request. In determining whether to grant or renew a small society lottery registration, the licensing authority will have regard to the Guidance to Local Authorities issued by the Commission. Societies may wish to refer to the relevant section of the council's website for full details on how to register and maintain small society lottery registrations. It also details the steps that promoters have to take to comply with the legislation.

Temporary use notices

165. A temporary use notice enables the use of premises for gambling where there is no premises licence in force (e.g. hotels, conference centres, sporting venues). Temporary use notices are often, but not exclusively, used to run poker tournaments. With a temporary use notice, any such premises may be used for up to 21 days in a 12-month period for equal chance gaming where the gaming in each tournament is intended to produce a single overall winner.
166. A temporary use notice can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both. Gaming machines may not be made available under a TUN.

Occasional use notices

167. An occasional use notice enables the use of premises for gambling on tracks or other sporting venues that only intend to allow betting on eight days or less in a calendar year.
168. The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a 'track' and whether the applicant is permitted to submit the notice.

Travelling fairs

169. Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the council is responsible for deciding whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
170. The council will also consider whether the applicant falls within the statutory definition of a travelling fair.
171. There is a statutory maximum period of 27 days per calendar year for land being used as a fair. This 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 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.

Provisional statements

172. Developers 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.
173. Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
174. The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
175. In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
176. The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
177. In addition, the licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;

- which in the licensing authority's opinion reflect a change in the operator's circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application*.

*Note: This must be a substantial change to the plan and this Authority notes that it can discuss any concerns it has with the applicant before making a decision.

Enforcement

Exercise of powers

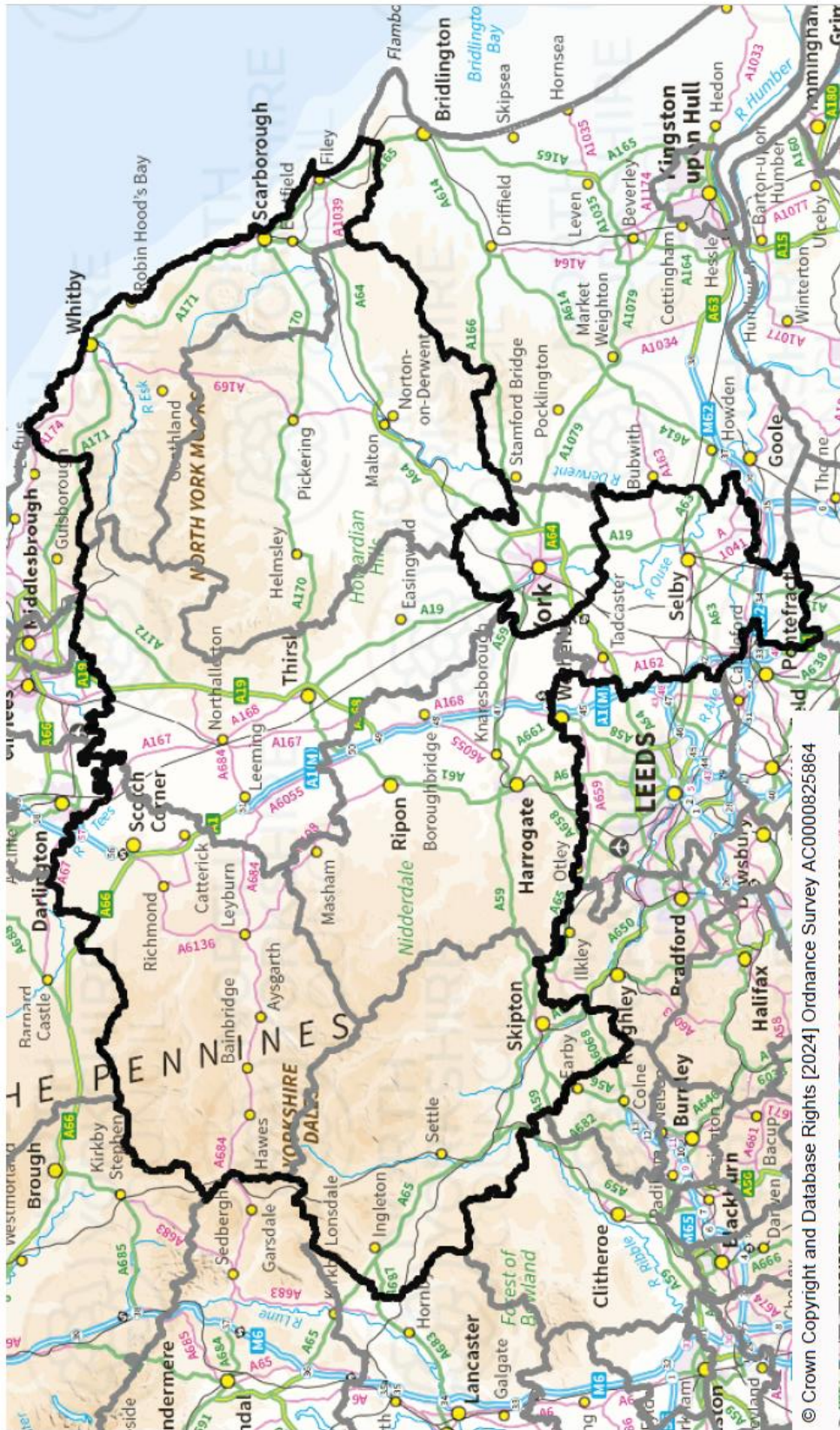
178. Licensing Authorities are required to state the principles they will apply when exercising their functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
179. The licensing authority will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- Proportionate: Intervening only when necessary: Ensuring remedies are appropriate to the risk posed, and costs identified and minimised;
 - Accountable: Being able to justify decisions, and be subject to public scrutiny;
 - Consistent: To ensure rules and standards are joined up and implemented fairly;
 - Transparent: To be open, and keep regulations simple and user friendly; and
 - Targeted: To be focused on the problem, and minimise side effects.
180. As per the Gambling Commission's Guidance to Licensing Authorities, the licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
181. The licensing authority has adopted and implemented a risk-based inspection programme, based on:
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission
 - The principles set out in this statement of licensing policy
182. This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Act. When undertaking test purchasing activities, the licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
183. The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 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 licensing authority but should be notified to the Gambling Commission.

184. The licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
185. Bearing in mind the principle of transparency, the licensing authority's enforcement and compliance protocols/written agreements are available upon request.

Complaints

186. The council will investigate complaints against premises for which it has responsibility in relation to matters relating to gambling. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
187. Where an interested party has made either a valid representation about licensed premises or a valid application for a licence review, the licensing authority may initially arrange a conciliation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the Statutory Licensing Committee consider their valid objections. Similarly, it will not override the right of any licence holder to decline to participate in a conciliation meeting.

Annex A - Map of North Yorkshire Council



Annex B - Persons and bodies consulted

North Yorkshire Police
North Yorkshire Fire & Rescue Service
The Director of Public Health
North Yorkshire Council's Environmental Health Service
North Yorkshire Council's Development Control Service
North Yorkshire Council's Building Control Partnership
North Yorkshire Council's Children and Young People's Service
North Yorkshire Council's Trading Standards Service
North Yorkshire Safeguarding Children's Partnership
Citizens Advice Bureau
Barnardo's
NSPCC
Association of British Bookmakers
Lotteries Council
Betting & Gaming Council
Bingo Association
British Amusement Catering Trade Association
British Horseracing Authority
Gambling Commission
Independent Betting Adjudication Service
GamCare
Gamblers Anonymous
National Casino Forum
Racecourse Association
GambleAware
The Jockey Club
Popleston Allen

GOSSCHALKS

By Email Only
Licensing Section
North Yorkshire Council

Please ask for: Richard Taylor
Direct Tel: [REDACTED]
Email: [REDACTED]
Our ref: RJT / ADS / 123267.00004
#GS5910482
Your ref:
Date: 03/03/2025

Dear North Yorkshire Council,

Re: Gambling Act 2005 Statement of Principles for Gambling

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four objectives. These are to:

1. create a culture of safer gambling throughout the betting and gaming sector, with a particular focus on young people and those who are vulnerable.
2. ensure future changes to the regulatory regime are considered, proportionate and balanced.
3. become respected as valuable, responsible, and engaged members of the communities in which its members operate.
4. safeguard and empower the customer as the key to a thriving UK betting and gaming industry.

BGC members support 110,000 jobs, generate £4.2 billion in taxes and contribute £7.1 billion to the economy in GVA (Gross Value Added), according to a report by EY in 2022.

Betting shops alone also support 42,000 jobs on the UK's hard-pressed high streets, contributing £800 million a year in tax to the Treasury and another £60m in business rates to local councils. Further, according to ESA Retail report 89% of betting shop customers go on to spend money in other high street establishments, further cementing the important role of betting shops in the local economy.

BGC members also support the UK's hospitality, tourism and leisure industry through our casinos – there are currently 116 across the UK. Overall, we are a major component of world leading British technology, where our members have founded tech powerhouses in many cities throughout the UK.

Betting is a hugely popular British leisure activity. Each month, around 22.5 million adults in the UK have a bet - whether it's buying a lottery ticket, having a game of bingo, visiting a casino, playing online or having a wager on football, horseracing and other sports - and the overwhelming majority do so perfectly safely and responsibly.

BGC members are proud to support UK sport, from the grassroots to the elite level. The industry contributes around £350 million to racing in levy, media, and sponsorship rights each year, £40 million to the EFL (English Football League), and £12.5 million to snooker, darts, and rugby league.

Betting and Gaming in the UK

Any consideration of gambling licensing at the local level should also be considered within the broader context.

The raft of measures recently put in place by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission, and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures, and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act (see further details on problem gambling rates below).

In addition, a range of further measures will be implemented imminently following the Government's White Paper, published in April 2023. These include: financial risk checks for those at risk of gambling harm, changes to the way operators market to their customers, changes to online game design which will remove certain features, the introduction of a mandatory levy for research, prevention and treatment (RPT) activities, an Ombudsman to adjudicate on customer redress and the introduction of mandatory stake limits on online slots, bringing the maximum stakes online in line with land based casinos.

It should also be noted that:

- The overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2023) was 5,995. This is reducing yearly and has fallen by 28% since March 2019 – equating to 2,309 betting shop closures in just four years.
- Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019, a maximum stake of £2 was applied to the operation of fixed odds betting terminals.
- Successive prevalence surveys and health surveys show that problem gambling rates in the UK are stable.

Problem Gambling

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A point often lost in the debate about the future of gambling regulation is that problem gambling rates in the UK are low by international comparison.

The most recent “Gold standard” NHS (National Health Service) Health Survey found that problem gambling rates among adults are 0.4 per cent – the rate was 0.5 per cent in 2018. In comparison to other European countries, problem gambling rates in the UK are low. The problem gambling rate is 2.4 per cent in Italy, 1.4 per cent in Norway, and 1.3 per cent in France.

Both the Gambling Commission and the Government have acknowledged that problem gambling levels have not increased. However, one problem gambler is one too many, and we are working hard to improve standards further across the regulated betting and gaming industry.

In June 2020, the BGC’s largest members committed to increasing the amount they spend on RPT (Research, Prevention and Treatment) services from 0.1 per cent to 1 per cent in 2023. This was expected to raise £100 million but they have gone further and will have donated £110 million by 2024.

In the White Paper, the Government committed to introducing a statutory RPT (Research, Prevention and Treatment) levy, which would apply to all gambling licensees (excluding the national lottery). This levy is expected to raise £100m annually by 2026/2027.

The BGC also funds the £10 million Young People’s Gambling Harm Prevention Programme, delivered by leading charities YGAM and GamCare. As of March last year (2023), it has educated over 3 million children.

Advertising and Sponsorship

All betting advertising and sponsorship must comply with strict guidelines, and safer gambling messaging must be regularly and prominently displayed.

The Government has previously stated that there is “no causal link” between exposure to advertising and the development of problem gambling, as stated in a response by then Minister of State at DCMS, in June 2021. The Gambling Review White Paper, in relation to advertising, restated that there was “little evidence” of a causal link with gambling harms or the development of gambling disorder.

The Seventh Industry Code for Socially Responsible Advertising, adopted by all BGC members, adds a number of further protections in particular for young people. New measures include ensuring that all social media ads must target consumers aged 25 and over unless the website proves they can be precisely targeted at over-18s. In addition to raising advertising standards for young people, this code, which came into force on 1 December 2023, extended the previous commitment that 20% of TV and radio advertising is devoted to safer gambling messaging to digital media advertising.

Under the ‘whistle-to-whistle’ ban, ads cannot be shown from five minutes before a live sporting event until five minutes after it ends, before the 9 p.m. watershed. Research by Enders Analysis

found that in its first 12 months in operation, the ban reduced the number of TV betting adverts seen by children by 97% at that time. Overall, the number of gambling adverts viewed by young people also fell by 70% over the entire duration of live sports programmes. At the same time, the ban also reduced the number of views of betting ads by 1.7 billion during its first five months in operation.

BGC members also continue to abide by the stringent measures established by advertising standards watchdogs. These measures are in stark contrast to the unsafe, unregulated black market online, which has none of the safer gambling measures offered by BGC members, including strict age-verification checks. Any withdrawal of advertising would simply level the playing field with illegal operators thus providing opportunities for those operators to peel off customers from the regulated markets.

Misleading/ambiguous premises signage

There are increasing numbers of premises (usually Adult Gaming Centres) which describe themselves on their shopfronts and external signage as casinos despite these premises not being permitted to operate as a casino.

Section 150 Gambling Act 2005 creates five separate classes of premises licences – the operation of a casino (a casino premises licence), the provision of facilities for the playing of bingo (a bingo premises licence), making category B gaming machines available for use (an adult gaming centre premises licence), making category C gaming machines available for use (a family entertainment centre premises licence) and the provision of facilities for betting (a betting premises licence). Whilst casinos are permitted under a casino premises licence to provide bingo and betting facilities, the holder of an adult gaming centre premises licence may not offer casino facilities.

In order to avoid any ambiguity, the draft statement of principles should be clear that premises must not display signage which may suggest that the premises have a different premises licence to the one held.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important to clearly distinguish between the regimes, processes, and procedures established by the Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities—the regimes, processes, and procedures relating to the Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, which are then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications, where the LCCP provides a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in the Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances with clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will

ensure operation that is consistent with the licensing objectives. In most cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry employs a policy called "Think 21". This policy is successful in preventing underage gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission shows that ID challenge rates are consistently around 85%. Following the publication of the Gambling Commission's response to their consultation on age verification on premises, all gambling venues will be moving to a "Think 25" policy from 30th August 2024.

Since Serve Legal began working with the gambling sector in 2009, the industry has now become the highest performing sector across all age verification testing. Across thousands of audits, there was an average pass rate of 91.4 per cent (2024 data). For casinos, there is a near perfect pass rate in the last period of 98%. When comparing Serve Legal audit data between members of the BGC and comparative age verification audit data in the Alcohol and Lottery sector we see how the gambling sector is performing between 10-15 per cent higher every year.

It should be noted that the Executive Summary of the Gambling White Paper stated that when parliamentary time allows, the Government will align the gambling licensing system with that for alcohol by introducing new powers to conduct cumulative impact assessments.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships between betting and gaming operators and licensing authorities and that problems can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this, and the opportunity to respond to this consultation is welcomed.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope these comments above are helpful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

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From: Bede Finnigan [REDACTED]
Sent: 03 March 2025 16:37
To: Licensing (SEL) <licensing.sel@northyorks.gov.uk>
Cc: Elizabeth Speed [REDACTED]; Tracey Rose [REDACTED]
[REDACTED]; Xenia Xnkote [REDACTED]
Subject: Gambling Act 2005 – Statement of Principles Consultation

Dear Team,

Gambling Act 2005 – Statement of Principles Consultation

Thank you for the opportunity to make comments in relation to the above consultation. On behalf of Luxury Leisure and Talarius Ltd., we make the following points in relation to the consultation draft (the “**Draft**”):-

1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the “**Act**”) it is subject to the **Regulators’ Code**. That Code imposes several obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. The Draft does not reference the Code, and we suggest the Code should be added to the Draft, particularly in outlining the obligations placed on the Authority.
2. Para 31 – This para should be extended to set out that representations made on moral grounds or based on commercial demand will not be valid.

3. Para 39 – This para correctly addresses frivolous and vexatious representations, but we suggest that it should set out that representations will only be valid if they relate to the licensing objectives. This is included within para 24 of the Draft but including it within para 39 will provide further clarity on when representations will be valid.
4. Para 48 (bullet point 1) – The legislation has been carefully drafted to protect children (defined in the Act as under 16 year olds) and young adults (defined in the Act as 16-17 year olds) and it does not prohibit any particular group of adults from gambling in the same way that it prohibits and protects children, unless they are considered vulnerable (please see para 5.17 of the Gambling Commission’s Guidance for Licensing Authorities). Para 48 identifies those people who may be considered vulnerable, but this should not include young adults up to the age of 25 years. Therefore, we suggest the words “*young adults up to the age of 25 years*” be removed from para 48.
5. Para 49 – The third licensing objective is clear in “*protecting children and other vulnerable persons from being harmed or exploited by gambling*”. Para 49 extends this objective by including “*harm in this context is not limited to gambling related harm but includes wider child and adult safeguarding considerations*”. With respect, this is wrong as the licensing objective specifically relates to harm by gambling. We suggest this sentence be removed, and the words “*by gambling*” be added to the first sentence within para 49.
6. Para 52 - The legislation permits children to gamble in some situations on Category D gaming machines. We suggest this para 52 should be amended to reflect that preventative measures should only be taken in relation to gambling where children are prohibited from participating.
7. Para 57 (bullet point 6) – As mentioned above, the Act does not prohibit young adults aged 18 to 25 from gambling. Reference to “up to the age of 25” should be removed.
8. Para 57 (bullet points 8 and 9) – The ‘demand test’ is no longer relevant and the Authority should consider each application on its own merits without regard to demand. Being close to other premises licenced for alcohol or gambling or in areas with high density of gambling premises are not relevant and suggest that the ‘demand test’ exists. Therefore, bullet points 8 and 9 of this para 57 should be removed.

9. Para 60 (bullet point 1) – As mentioned above, the legislation permits children to gamble in some situations on Category D gaming machines. We suggest this para 60 should be amended to reflect that preventative measures should only be taken in relation to gambling where children are prohibited from participating.
10. Paras 63 and 172 - With respect, it is not correct that an applicant “*should*” make an application for a provisional statement in the circumstances described – although they “*may*” do so. We refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then guidance issued by the Gambling Commission was wrong. The Guidance was subsequently amended (please see para 7.59 of the of the Gambling Commission’s Guidance for Licensing Authorities). As such, we suggest that the wording of paras 63 and 172 be amended to make it clear that applications for premises licences can be made regardless of whether the building in question is complete or finished or needs to be altered. An applicant may apply for a provisional statement if the building is not complete, but it does not have to do so and can instead apply for a premises licence.
11. Para 65 –The Gambling Commission’s guidance states that the Authority “*must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission’s codes of practice and this guidance, or their own statement of policy. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions*” (see para 9.28 of the Gambling Commission’s Guidance for Licensing Authorities). The use of “*but is not obliged to grant such a licence*” in this para 65 may be viewed as inconsistent to the Authority’s ‘aim to permit’ obligation. We suggest that the above wording from the Gambling Commission’s Guidance is used within para 65 to reiterate the Authority’s aim to permit obligation and clarify when conditions are excluded, or other conditions are attached.
12. Para 70 – This para 70 correctly identifies that the Authority has the flexibility to exclude a default condition or substitute it with one that is

more restrictive, but it does not acknowledge that it may substitute it with a less restrictive condition. Furthermore, this para 70 does not address that where it imposes a default condition is more restrictive, the Authority should ensure that they have clear regulatory reasons for imposing it. This para 70 should be amended to reflect these points.

13. Para 73 (bullet point 2) – This bullet point is not relevant to para 73 and should be removed (see para 9.32 of the Gambling Commission’s Guidance for Licensing Authorities).
14. Para 95 (bullet point 1) – As set out above, the ‘demand test’ is no longer applicable and the location of an adult gaming centre should not be a factor when determining applications. This bullet point should be removed.

We hope that you find the above helpful and we would be happy to talk thorough any of the points or answer any questions you might have.

Yours faithfully,

Bede

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From: [Michelle Pinion](#)
To: [Licensing \(RYE\)](#)
Subject: RE: Statement of Gambling Principles (Gambling Act 2005) consultation now live
Date: 11 February 2025 13:59:55

Hello Mark,

Thank you for your email.

We have reviewed and have no comments.

Kind Regards,
Michelle Pinion
Operations Manager



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Consultee	Consultation Response	Licensing Authority Reply
<p>Betting & Gaming Council</p>	<p>There are increasing numbers of premises (usually Adult Gaming Centres) which describe themselves on their shopfronts and external signage as casinos despite these premises not being permitted to operate as a casino.</p> <p>Section 150 Gambling Act 2005 creates five separate classes of premises licences – the operation of a casino (a casino premises licence), the provision of facilities for the playing of bingo (a bingo premises licence), making category B gaming machines available for use (an adult gaming centre premises licence), making category C gaming machines available for use (a family entertainment centre premises licence) and the provision of facilities for betting (a betting premises licence). Whilst casinos are permitted under a casino premises licence to provide bingo and betting facilities, the holder of an adult gaming centre premises licence may not offer casino facilities.</p> <p>In order to avoid any ambiguity, the draft statement of Principles should be clear that premises must not display signage which may suggest that the premises have a different premises licence to the one held.</p>	<p>It is acknowledged that several gaming premises (particularly seaside arcades) have historically included the word 'casino' within their name. However, there is no evidence to suggest this is inconsistent with the licensing objectives or caused any detriment to members of the public who visit these premises. Officers consider that any perceived benefit to imposing such a requirement would not outweigh the significant financial burden this would place on the premises affected.</p> <p>As such Officers do not consider any changes to the draft Statement of Principles are required in this regard.</p>
<p>Betting & Gaming Council</p>	<p>The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities.</p>	<p>It is already acknowledged within the Statement of Principles that the mandatory and default conditions applied to all premises licences are usually sufficient to ensure that premises are used in a way consistent with the licensing objectives.</p> <p>The imposition of additional conditions is certainly not intended to be commonplace. To reflect this Section 72 of the Statement of Principles has been amended to clarify that where additional conditions are attached to licences, they will be proportionate and based upon evidence that there is a risk to the licensing objectives.</p>
<p>The Lotteries Council</p>	<p>Confirmed they had reviewed the Statement of Principles and had no comments to make.</p>	

Luxury Leisure and Talarius Ltd	As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the “Act”) it is subject to the Regulators’ Code. That Code imposes several obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. The Draft does not reference the Code, and we suggest the Code should be added to the Draft, particularly in outlining the obligations placed on the Authority.	The Licensing Authority recognises it must have regard to the principles and expectations outlined in the Regulators’ Code when developing policies and procedures that guide its regulatory activities. To further emphasise this, specific reference to the code is now made at Sections 5, 6 and 7 of the draft Statement of Principles.
Luxury Leisure and Talarius Ltd	Para 31 – This para should be extended to set out that representations made on moral grounds or based on commercial demand will not be valid.	The grounds upon which the Licensing Authority will not consider representations are now outlined at Section 28 of the draft Statement of Principles.
Luxury Leisure and Talarius Ltd	Para 39 – This para correctly addresses frivolous and vexatious representations, but we suggest that it should set out that representations will only be valid if they relate to the licensing objectives. This is included within para 24 of the Draft but including it within para 39 will provide further clarity on when representations will be valid.	Section 43 of the draft Statement of Principles now confirms that any representations must be based on the licensing objectives under the Act.
Luxury Leisure and Talarius Ltd	Para 48 (bullet point 1) – The legislation has been carefully drafted to protect children (defined in the Act as under 16 year olds) and young adults (defined in the Act as 16-17 year olds) and it does not prohibit any particular group of adults from gambling in the same way that it prohibits and protects children, unless they are considered vulnerable (please see para 5.17 of the Gambling Commission’s Guidance for Licensing Authorities). Para 48 identifies those people who may be considered vulnerable, but this should not include young adults up to the age of 25 years. Therefore, we suggest the words “young adults up to the age of 25 years” be removed from para 48.	Whilst it is accepted the Act defines the ages of both children and young people, it believes that young adults may also be considered vulnerable to gambling harm. However, given there is no defined age of ‘young adult’ the wording ‘up to the age of 25’ has been removed from Section 52 of the draft Statement of Principles.

Luxury Leisure and Talarius Ltd	Para 49 – The third licensing objective is clear in “protecting children and other vulnerable persons from being harmed or exploited by gambling”. Para 49 extends this objective by including “harm in this context is not limited to gambling related harm but includes wider child and adult safeguarding considerations”. With respect, this is wrong as the licensing objective specifically relates to harm by gambling. We suggest this sentence be removed, and the words “by gambling” be added to the first sentence within para 49.	This sentence has been removed from Section 53 of the draft Statement of Principles.
Luxury Leisure and Talarius Ltd	Para 52 - The legislation permits children to gamble in some situations on Category D gaming machines. We suggest this para 52 should be amended to reflect that preventative measures should only be taken in relation to gambling where children are prohibited from participating.	Section 56 now clarifies that in appropriate cases the licensing authority will take steps to prevent children from taking part in age restricted gambling activities.
Luxury Leisure and Talarius Ltd	Para 57 (bullet point 6) – As mentioned above, the Act does not prohibit young adults aged 18 to 25 from gambling. Reference to “up to the age of 25” should be removed.	This has now been revised in Section 61 .
Luxury Leisure and Talarius Ltd	Para 57 (bullet points 8 and 9) – The ‘demand test’ is no longer relevant and the Authority should consider each application on its own merits without regard to demand. Being close to other premises licenced for alcohol or gambling or in areas with high density of gambling premises are not relevant and suggest that the ‘demand test’ exists. Therefore, bullet points 8 and 9 of this para 57 should be removed.	Bullet points 8 & 9 of the revised Section 61 do not relate to demand. Instead, they are matters to be considered where relevant representations based on the licensing objectives are received. As such Officers do not consider any changes to the draft Statement of Principles are required in this regard.
Luxury Leisure and Talarius Ltd	Para 60 (bullet point 1) – As mentioned above, the legislation permits children to gamble in some situations on Category D gaming machines. We suggest this para 60 should be amended to reflect that preventative measures should only be taken in relation to gambling where children are prohibited from participating.	The first bullet point of Section 64 now clarifies that 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 age restricted gambling activities, but also preventing them from being near such activities.

Luxury Leisure and Talarius Ltd	<p>Paras 63 and 172 - With respect, it is not correct that an applicant “should” make an application for a provisional statement in the circumstances described – although they “may” do so. We refer to the 2008 case of R (on the application of Betting Shop Services Limited) – V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then guidance issued by the Gambling Commission was wrong. The Guidance was subsequently amended (please see para 7.59 of the of the Gambling Commission’s Guidance for Licensing Authorities). As such, we suggest that the wording of paras 63 and 172 be amended to make it clear that applications for premises licences can be made regardless of whether the building in question is complete or finished or needs to be altered. An applicant may apply for a provisional statement if the building is not complete, but it does not have to do so and can instead apply for a premises licence.</p>	<p>The word ‘should’ has been replaced with ‘may’ in the Sections 67 and 176 of the draft Statement of Principles.</p>
Luxury Leisure and Talarius Ltd	<p>Para 65 –The Gambling Commission’s guidance states that the Authority “must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission’s codes of practice and this guidance, or their own statement of policy. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions” (see para 9.28 of the Gambling Commission’s Guidance for Licensing Authorities). The use of “but is not obliged to grant such a licence” in this para 65 may be viewed as inconsistent to the Authority’s ‘aim to permit’ obligation. We suggest that the above wording from the Gambling Commission’s Guidance is used within para 65 to reiterate the Authority’s aim to permit obligation and clarify when conditions are excluded, or other conditions are attached.</p>	<p>The Licensing Authority does not consider that the wording ‘but is not obliged to grant a licence’ goes against the guidance, or the authorities ‘aim to permit’ obligation. The refusal of a licence must remain an option open to the licensing authority where it is considered that additional conditions cannot mitigate concerns raised in a representation.</p> <p>As such Officers do not consider any changes to the draft Statement of principles are required in this regard.</p>

Luxury Leisure and Talarius Ltd	<p>Para 70 – This para 70 correctly identifies that the Authority has the flexibility to exclude a default condition or substitute it with one that is more restrictive, but it does not acknowledge that it may substitute it with a less restrictive condition. Furthermore, this para 70 does not address that where it imposes a default condition is more restrictive, the Authority should ensure that they have clear regulatory reasons for imposing it.</p> <p>This para 70 should be amended to reflect these points.</p>	<p>Section 74 of the draft Statement of Principles has been amended to reflect these points.</p>
Luxury Leisure and Talarius Ltd	<p>Para 73 (bullet point 2) – This bullet point is not relevant to para 73 and should be removed (see para 9.32 of the Gambling Commission's Guidance for Licensing Authorities).</p>	<p>This comment was due to bullet point 1 being inadvertently split into two separate bullet points. This has been corrected in Section 77 of the draft Statement of Principles.</p>
Luxury Leisure and Talarius Ltd	<p>Para 95 (bullet point 1) – As set out above, the 'demand test' is no longer applicable and the location of an adult gaming centre should not be a factor when determining applications. This bullet point should be removed.</p>	<p>This section does not relate to demand, but the proposed location of the premises which may be an important consideration. This is further echoed in Section 5.4 of the Gambling Commission's guidance for licensing authorities which states 'A licensing authority will need to consider questions raised by the location of gambling premises when formulating its statement of licensing policy, receiving relevant representations to an application, dealing with applications as a responsible authority in its own right considering applications before it'.</p> <p>As such Officers do not consider any changes to the draft Statement of principles are required in this regard.</p>

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Environment		
Service area	Licensing		
Proposal being screened	Adoption of a new Gambling Act 2005 Statement of Principles		
Officer(s) carrying out screening	Mark Heaton and Gareth Bentley		
What are you proposing to do?	The purpose of this report is to present a draft Statement of principles, the results of consultation and to recommend a policy to Full Council for adoption.		
Why are you proposing this? What are the desired outcomes?	To comply with the law and adopt a Statement of principles which covers the whole of North Yorkshire.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		√	
Disability		√	
Sex		√	
Race		√	
Sexual orientation		√	
Gender reassignment		√	
Religion or belief		√	
Pregnancy or maternity		√	
Marriage or civil partnership		√	
People in rural areas		√	
People on a low income		√	
Carer (unpaid family or friend)		√	
Are from the Armed Forces Community		√	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	No. The proposed policy covers the whole of North Yorkshire and all the licensable activities contained in the Gambling Act 2005.		
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do	No.		

any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.				
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:	
Reason for decision				
Signed (Assistant Director or equivalent)	Callum McKeon			
Date	13/03/2025			

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process. If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Adoption of a new Gambling Act 2005 Statement of principles
Brief description of proposal	The purpose of this report is to present a draft Statement of principles, the results of consultation and to recommend a policy to Full Council for adoption.
Directorate	Environment
Service area	Licensing
Lead officer	Mark Heaton and Gareth Bentley
Names and roles of other people involved in carrying out the impact assessment	None

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Appendix 5

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	Decreases pollution	Decreases pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full CCIA:	<input type="checkbox"/>
Reason for decision	There is a positive impact on noise pollution from licensed premises. The proposed policy assist the Licensing Authority to control noise pollution from licensed premises. In that context, I am not of the view that a full CCIA is required.			
Signed (Assistant Director or equivalent)	Callum McKeon			
Date	13 March 2025			