



Council

North Tyneside Council

To All Members of the Council

Wednesday, 17 November 2021

You are hereby summoned to attend the Meeting of the Council of the Borough of North Tyneside to be held in **Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY at 6.00 pm on Thursday, 25 November 2021** for the transaction of the following business.

<u>Agenda Item</u>	<u>Page(s)</u>
1. Public Questions	3 - 4
One valid question has been received from a member of the public for this meeting.	
2. Apologies	
3. To receive any Declarations of Interest	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes of the meeting held on 23 September 2021 (previously circulated)	

Members of the public are entitled to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information please call 0191 643 5318.

<u>Agenda Item</u>	<u>Page(s)</u>
5. Report of the Independent Remuneration Panel	5 - 12
A report to consider the recommendation of the Independent Remuneration Panel in relation to the Members' Allowances Scheme for 2022/23.	
6. Motions	13 - 16
Six valid Motions on Notice, signed by at least three Members of the Council, have been received for consideration at this meeting.	
7. North Tyneside Council Statement of Licensing policy (Gambling)	17 - 98
To consider and approve the Statement of Licensing Policy (Gambling) 2022-2025.	
8. Local Government Boundary Commission for England (LGBCE) review of North Tyneside Council	99 - 104
To note information of the intention Local Government Boundary Commission for England (LGBCE) to undertake a review of North Tyneside Council Ward boundary arrangements.	
9. Chair's Announcements	
To receive any announcements by the Chair of Council.	
10. Elected Mayor's Announcements	
To receive any announcements by the Elected Mayor.	
11. Questions by Members of the Council	105 - 106
One valid question on notice have been received for a response at this meeting.	

Yours faithfully



Chief Executive

North Tyneside Council Report to Council 25 November 2021

Title: Questions by Members of the Public

Notice has been received of the following questions from members of the public to be put to the Council meeting.

1. Question to the Elected Mayor from Ms D Robinson of North Shields

What is happening at Smith's Dock, when will it be developed? As yet, the area is still left standing bare whilst every other piece of riverside is snapped up and built on (Ouseburn for example) Yet, here we have in North Tyneside a vast expanse of prime riverfront land left like wasteland, When will it be sorted?

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North Tyneside Council Report to Council Date: 25 November 2021

Title: **Report of the Independent Remuneration Panel**

Portfolio(s):	Cabinet Member - Finance and Resources	Cabinet Member(s):	Cllr M Rankin
Report from Service Area:	Law and Governance		
Responsible Officer:	Bryn Roberts, Director of Law & Governance	Tel:	(0191) 643 5339
Wards affected:	All		

PART 1

1.1 Executive Summary:

This report requests the Council to consider the recommendation of the Independent Remuneration Panel in relation to the Members' Allowances Scheme for 2022/23.

The Authority is required to have in place a scheme for Members' Allowances and is required to have regard to the recommendations of the Independent Remuneration Panel when determining its Members' Allowance Scheme.

1.2 Recommendation(s):

It is recommended that Council:

- (1) consider the recommendation of the Independent Remuneration Panel; and
- (2) agree a Scheme of Members' Allowances for 2022/23.

1.3 Forward Plan:

Twenty-eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 17 September 2021.

1.4 Council Plan and Policy Framework

This report has no direct relevance to the Authority's Our North Tyneside Plan priorities or to the Policy Framework.

1.5 Information:

1.5.1 Background

Independent Remuneration Panel

Each local authority is required to establish and maintain an Independent Remuneration Panel. The purpose of the Panel is to make recommendations to full Council about the allowances to be paid to Elected Members.

The members of the Panel are Mr John Anderson CBE, Mr Les Watson, formerly of the Audit Commission and Dr Rachid Zemouri, Managing Director of ICAS Limited.

Panel's Recommendation

The Council is required to renew its Members Allowance Scheme for each financial year.

Under the Local Authorities (Members Allowances) (England) Regulations 2003 (as amended) the Authority is required to have regard to the recommendations of the Independent Remuneration Panel when considering any changes to its Members' Allowances Scheme.

In previous years it has been agreed that Members' allowances be index linked to the annual pay award for employees working under the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service.

The Panel considered the continuation of the index linked approach and its recommendation is to continue this basis for the 2022/23 financial year.

The Panel will continue to monitor the Members' Allowances Scheme to ensure that the allowances reflect the level of duty/responsibility in the future.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

Approve the recommendation of the Independent Remuneration Panel.

Option 2

Refer the matter back to the Independent Remuneration Panel for further consideration of specific issues identified by Council; or

Option 3

Defer consideration of the matter to obtain appropriate advice on the implications of any alternative proposals.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Authority is required to have in place a Members' Allowances Scheme before 1 April each year having had regard to the recommendations of the Independent Remuneration Panel.

1.8 Appendices:

Appendix: Report of the Independent Remuneration Panel November 2021.

1.9 Contact officers:

Paul Hanson, Chief Executive (0191) 643 2000

Claire Emmerson, Senior Manager Financial Planning and Strategy, (0191) 643 8109

Paul Wheeler, Democratic Services Officer, Law and Governance, (0191) 643 5318

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

North Tyneside Council Constitution

North Tyneside Members' Allowances Scheme

Local Authorities (Members Allowances) (England) Regulations 2003 (as amended).

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

2.1.1 The payment of Members' allowances under the proposed Members Allowance Scheme for 2022/23, will be met from existing budgets in Law and Governance.

2.2 Legal

2.2.1 The report sets out the legal basis for the provision of the Members' Allowance Scheme. As there is no change to the proposed scheme there are no additional legal issues that arise.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Elected Mayor, Deputy Mayor and Director of Law & Governance were consulted as part of the Independent Remuneration Panel's preparation of the report.

2.3.2 External Consultation/Engagement

There has been no external consultation or engagement on the report of the Independent Remuneration Panel.

2.4 Human rights

2.4.1 The proposals within this report do not themselves have any direct implications in respect of the Human Rights Act 1998.

2.5 Equalities and diversity

2.5.1 There are no direct equalities or diversity implications arising from this report.

2.6 Risk management

2.6.1 The risks associated with this report will be managed in accordance with the North Tyneside Council risk management process.

2.7 Crime and disorder

2.7.1 There are no direct crime and disorder implications arising from this report.

2.8 Environment and sustainability

2.8.1 There are no direct environment and sustainability implications arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X

Report of the North Tyneside Independent Remuneration Panel

November 2021

Executive Summary

The views of the Independent Remuneration Panel are required to be taken into account by the Council when considering any changes to the Members' Allowances Scheme. The Panel has been requested to consider and make recommendations in relation to the Members' Allowances Scheme for the 2022/23 financial year.

The Panel **recommends** that the Members' Allowances Scheme for 2022/23 remain unchanged.

1.0 INTRODUCTION

1.1 The Remuneration Panel was initially appointed in 2003 under the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003. These regulations replaced the Local Authorities (Members Allowances) (England) Regulations 2001.

1.2 The Terms of Reference are as follows: -

- a) To consider issues and representations relating to Members' allowances and expenses.
- b) To make recommendations and provide advice to the Council

1.3 The current Panel comprises of Mr John Anderson CBE, Mr Les Watson, formerly of the Audit Commission and Dr Rachid Zemouri, Managing Director of ICAS Limited

2.0 BACKGROUND

2.1 The Panel is requested to give consideration to the current Members' Allowances Scheme and to make recommendations on the level of allowance for 2022/23.

3.0 MEMBERS' ALLOWANCE SCHEME

3.1 The Panel considered the Members' Allowances Scheme to determine if it was still set at an appropriate level.

3.2 In previous years it has been agreed that Members' allowances will be index linked to the annual pay award for employees working under the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service.

3.3 The Panel in considering its recommendation took consideration to the level of basic allowance to Members of neighbouring authorities to provide comparative perspective.

3.4 The Panel considered the continuation of the index linked approach and its recommendation is to continue on this basis for the 2022/23 financial year.

3.5 The Panel **recommends** that the Members' Allowances Scheme for 2022/23 remain unchanged.

4.0 BACKGROUND INFORMATION AND REFERENCES

- The Local Authorities (Members' Allowances) (England) Regulations 2003
- Previous reports of the Remuneration Panel
- Member's Allowances Schemes of Tyne and Wear Authorities.
- Local Government Act 1972
- North Tyneside Council Constitution
- North Tyneside Members Allowances Scheme

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North Tyneside Council Report to Council 25 November 2021

Title: Motions

Notice has been received of the following motions from Members of the Council to be put to the Council meeting.

1. Motion signed by Councillors L Bartoli, C Johnston and L Bones

Tynemouth Remembrance Parade and Service

On the 14th of November the Councillors for Tynemouth were proud to lay wreaths, with the Council's crest emblazoned in their centre, on the war memorial in Tynemouth Green. Sadly, the organisation of, and funding for, this Remembrance event has once again fallen on the shoulders of the residents, community groups and faith groups of Tynemouth. The Church of the Holy Saviour launched a 'GoFundMe' page, whilst the Tynemouth Volunteer Life Brigade, the Village Association, the T.A. Centre and Tynemouth Scouts, to name a few, also provided funds and assistance.

The Remembrance Service in Tynemouth is extremely well attended attracting upwards of 500 local residents making it one of the largest such events yet to be recognised officially and is a credit to all those who help to organise it. Councillor Bartoli asked for this event to be recognised as an official Council event in 2019, to remove the financial burden from the residents, to grant it the acknowledgement it deserves, and to use the Council's profile to raise awareness of the event both in Tynemouth itself and elsewhere in the borough. This request was refused citing police withdrawal of support for road closures and insufficient resources and finance. With many millions in reserves, the relatively small costs associated with the event could easily be funded whilst those who voluntarily provide their services are ready to continue with their support.

Council therefore asks the Mayor and Cabinet to reconsider this decision and to make the Tynemouth Remembrance Parade and Service part of the Civic Calendar permanently.

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

2. Motion signed by Councillors G Westwater S Brockbank and L Bartoli

'This Council notes that the COVID-19 pandemic has had a devastating impact on the country, and on residents here in North Tyneside.

Since the start of the pandemic, more than 140,000 people in the UK have died of COVID-19.

This Council recognises that several authorities across the country are using blossom trees as a memorial to those who have lost their lives due to COVID and to remember the NHS staff, carers and key workers who have done so much for their communities during the pandemic.

Council therefore requests that the Mayor and Cabinet create a cross-party working group to find a way for a blossom tree memorial, or other suitable memorial, to be created at an appropriate location in North Tyneside.

This will help the community remember all those who have lost their lives to COVID, give thanks to those who have cared for the vulnerable during the pandemic, and work in conjunction with the Council' Tree Planting Strategy.

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

3. Motion signed by Councillors P McIntyre, G Westwater and J Wallace

St Mary's Coastline

Our lovely coastline is the jewel in North Tyneside's Crown, well used by many residents and attracting thousands of visitors.

Council welcomes work to be done on the Northern Promenade under phase two of the regeneration, and notes the efforts made to match this with the earlier work south of the Rendezvous Cafe such as matching shelters, seating, handrails, and bins.

However, Council is very disappointed that the promenade surface will not be continued for its entirety. Retaining the old worn paving slabs will leave this large section of the Northern Promenade looking neglected and second rate.

Residents and visitors have voiced their disappointment that the regeneration of the Northern promenade is not going to be the same standard throughout the length of the promenade from Watts Slope heading North. To have the entire Northern promenade with the same surface will be of benefit to all of the coastal wards enhancing its visual appearance.

Council therefore requests that the Mayor and Cabinet reconsider the surface of the promenade, and seek the use of matching materials for the length of promenade north of the Rendezvous Café

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

4. Motion signed by Councillors L Bones, S Brockbank and L Bartoli

£2.5 Million underspend reallocation motion

Council notes that at the Finance Sub Committee meeting on 14th September at 6pm the Provisional Finance Outturn Report shows an underspend of £2.500 million for the last financial year. The current proposal is for this money to be put into reserves.

Council asks that the Mayor instead allocates this money to set up an emergency pavement and pothole repair fund, more than match funding Central Government's contribution, therefore ensuring North Tyneside get back on top of our crumbling roads and pavements.

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

5. Motion signed by Councillors M Thirlaway, K Clark and C Johnson

In-Work Poverty

North Tyneside Council believes that the record number of people living in in-work poverty is a national scandal and that rising levels of employment have failed to translate into higher living standards for too many hard-working people.

We believe, that while paid employment is the best route out of poverty, low pay and the rising cost of living are seriously hindering social aspiration and upward mobility.

North Tyneside Council calls on the Elected Mayor to write to the Prime Minister asking for funding for local authorities to tackle in-work poverty.

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

6. Motion signed by Councillors W Samuel, A McMullen and S Day

Free Prescriptions

Council notes with alarm Government proposals to scrap free prescriptions for the over sixties in England, aligning free prescriptions in future with state retirement age.

On top of the many other increases in the cost of living, this represents a further attack on the living standards of those least able to afford it.

Council asks the Elected Mayor to write to the secretary of state for health and social care to protest in the strongest possible terms.

Legal and Financial implications in relation to this Motion will be circulated prior to the meeting.

North Tyneside Council Report to Council Date: 25 November 2021

Title: The Gambling Act 2005 – Draft Statement of Licensing Policy (Gambling) 2022 - 2025

Portfolio: Community Safety and Public Protection	Cabinet Member: Councillor Carole Burdis
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Report from Service Area: Environment, Housing and Leisure

Responsible Officers: Phil Scott
Director of Environment, Housing and Leisure
Tel: (0191) 643 7295

Wards affected: All

PART 1

1.1 Executive Summary:

Local authorities are required by the Gambling Act 2005 (“the Act”) to publish a Statement of Licensing Policy and to revise the Policy at least every three years. The Statement of Licensing Policy provides guidance as to how the Authority will exercise its functions under the Act. It is a legal requirement that the Statement of Licensing Policy is consulted on in accordance with the Act before it is approved by the Authority.

This report presents the final proposals for the Policy to Council and seeks approval of the Policy. The Policy forms part of the Authority’s Budget and Policy Framework and in accordance with Part 4.7 of the Authority’s Constitution consideration of the final proposals for the Policy have been before Cabinet and Overview, Scrutiny and Policy Development Committee following the conclusion of the 6 week consultation process.

1.2 Recommendation:

It is recommended that Council:

- (1) Approve the Statement of Licensing Policy appearing at Appendix 1, including the proposed delegations in Part D of the Statement of Licensing Policy; and
- (2) Pass a resolution not to issue casino premises licences under section 166 of the Gambling Act 2005.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 17 September 2021.

1.4 Council Plan and policy framework:

This report relates to the following priorities in the 2021 – 2025 Our North Tyneside Plan:

A thriving North Tyneside :

- We will bring more good quality jobs to North Tyneside – by helping local businesses to sustain and grow, making it attractive for new businesses to set up or relocate in the borough.

A caring North Tyneside:

- People will be cared for, protected and supported if they become vulnerable, including if they become homeless.

A secure North Tyneside:

- Council wardens will work in partnership with Northumbria Police to prevent and tackle all forms of antisocial behaviour.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, specify that the Policy is the shared responsibility of Cabinet and full Council. Accordingly, the Policy forms part of the Authority's Budget and Policy Framework and this report is submitted to Council in pursuance of the established process set out in Part 4.7 of the Constitution in relation to the formulation and approval of plans and strategies comprised in the Budget and Policy Framework.

1.5 Information:

1.5.1 The Gambling Act 2005 ("the Act") gives responsibility for the granting of premises licences and permits to local authorities who act as Licensing Authorities when discharging functions under the Act.

1.5.2 The Act established a regulatory body for gambling in Great Britain, namely, the Gambling Commission (the "Commission"). The Commission shares the responsibility for licensing and regulation under the Act with the Licensing Authorities. The Commission is responsible for issuing statutory guidance to Licensing Authorities on how to exercise their licensing functions under the Act (including the compilation of a Statement of Licensing Policy) and has issued Codes of Practice to the gambling trade.

1.5.3 The administration of the Act by both the Commission and Licensing Authorities has to be undertaken in a manner that will promote the three licensing objectives laid down by the Act, which are:

- Preventing gambling from being a source of crime and 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.

- 1.5.4** The Authority is required to produce and publish a Statement of Licensing Policy under the Act. The initial Policy came into force on 31 January 2007 and has been reviewed and, where necessary, amended every three years thereafter.
- 1.5.5** The revised Statement of Licensing Policy (Gambling) must be in force by 31 January 2022 when the existing Policy will expire. The three year period for each Policy runs from 31 January as determined by the Gambling Act 2005 (Licensing Authority Policy Statement)(First Appointed Day) Order 2006.
- 1.5.6** Under the Act, the Authority as a Licensing Authority is responsible for issuing Premises Licences and Permits. Premises Licences are specific to the type of premises offering gambling to the public and include:
- Casino Premises
 - Bingo premises
 - Adult Gaming Centre Premises
 - Family Entertainment Centre Premises
 - Betting Premises.
- 1.5.7** The Authority does not have the authority from the Secretary of State to issue Casino Premises Licences. Section 175 of the Act limits the overall numbers of types of casinos that will be permitted in Great Britain and, until such time as the current limit on the number of casinos is increased, no further Casino Premises Licences will be issued.
- 1.5.8** In terms of Permits, the Authority as a Licensing Authority can issue the following types of permit:
- Family Entertainment Centre Gaming Machine Permit
 - Club Gaming Permit
 - Club Machine Permit
 - Alcohol Licensed Premises Gaming Machine Permits
 - Prize Gaming Permits.
- 1.5.9** Section 153 of the Act sets out the principles to be applied by the Authority as a Licensing Authority when exercising its functions under Part 8 of the Act which relates to Premises Licences. It states that:
- (1) in exercising their functions under this Part [of the Act] a Licensing Authority shall aim to permit the use of the premises for gambling in so far as the authority think it –
- (a) in accordance with any relevant code of practice [issued by the Gambling Commission]
- (b) in accordance with any relevant guidance issued by the Commission under Section 25 [of the Act]
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b), and
- (d) in accordance with the Statement [of Policy] published by the authority under section section 349 (subject to paragraphs (a) to (c)

Section 153(1)(d) of the Act therefore emphasises the importance of the Authority's Statement of Licensing Policy (Gambling) in determining any application for a Premises Licence made to the Authority as Licensing Authority.

1.5.10 The draft Statement of Licensing Policy (Gambling) attached to this Report at **Appendix 1** contains the information that The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 have prescribed should be included in the policy document. Such information includes:

(a) an introductory section that should include:-

- a description of the geographical area in respect of which the authority exercises its functions under the Act, and
- a list of persons that the Authority has consulted in preparing the Statement of Licensing Policy.

(b) the following matters in separate sections of the policy statement:-

- the principles to be applied by the authority in designating in writing the body which is competent to advise the Authority about the protection of children from harm
- the principles applied by the Authority in determining whether a person is an interested party in relation to a premises licence application
- the principles to be applied by the Authority in the exchange of information between it and the Gambling Commission and other bodies listed in the Act
- the principles to be applied by the Authority in relation to the inspection of premises and investigating criminal proceedings under the Act.

1.5.11 In preparing this draft Statement of Licensing Policy, regard has been had to the Commission's statutory guidance and the Regulations issued in order to assist Licensing Authorities in the preparation of their policy statements.

The draft Statement of Licensing Policy includes reference to the new Council Plan and includes additional information in relation to those individuals or businesses seeking to apply for a permit. It also emphasises the requirement to have regard to the public sector equality duty when formulating a Policy or making decisions in relation to individual applications.

1.5.12 Consultation

The draft Policy was subject to a six week period of public consultation that began on 5 July 2021. The six week period of consultation is considered an appropriate period of time to consult on this Policy document.

In total 55 responses were received to this consultation exercise from a mix of residents and agencies. Officers have considered each response. Summaries of the responses received are attached at **Appendix 2** to this report. The majority of responses focussed on support for a further "no casino" resolution. One response requested a definition of children be added to the Statement of Licensing Policy. The Statement of Licensing Policy has been amended in response to this.

The draft Statement of Licensing Policy once approved must be published at least 4 weeks before it comes into effect (31 January 2022) and be available for inspection on

the Authority's website, public libraries and the Quadrant. Before the Statement of Licensing Policy comes into effect the Authority must also advertise the publication of the Policy by publishing a public notice on the Authority's website and in a local newspaper indicating when the Policy will be published and when it comes into effect.

1.5.13 'No Casino' Resolution

Council on 22 November 2018 passed a resolution not to issue casino premises licences, which meant that the Authority could not grant any Casino Premises Licences in the Borough even if it was given the power to do so. This resolution remains in place for the duration of the Policy, even if the number of national Casino licences increases (see section 1.5.7 of this report).

The decision whether or not to pass a further 'no Casino' resolution formed part of the consultation process concerning the revision of the Policy. If Council passes a 'no Casino' resolution, then it will remain in force for a further three years (unless another resolution is passed in the interim reversing the 'no casino' resolution) and will prohibit the Authority from issuing Casino Premises Licences in that period. Of the 55 consultation responses received 45 consultees said that they were in favour of the Authority passing a 'no Casino' resolution.

1.6 **Decision Options:**

The following decision options are available for consideration by Council:

Option 1

Approve the draft Statement of Licensing Policy (Gambling) attached at **Appendix 1** to this report and to pass a resolution not to issue Casino Premises Licences in the Borough.

Option 2

Not to approve the draft Statement of Licensing Policy (Gambling) attached at **Appendix 1** to this report and not to pass a resolution not to issue Casino Premises Licences.

Option 1 is the recommended option.

1.7 **Reasons for Recommended option:**

Option 1 is recommended for the following reasons:

The draft Statement of Licensing Policy has been developed by an Officer Working Group with oversight from the Cabinet Member for Community Safety and Public Protection. The Statement of Licensing Policy contains the information required by legislation and the Gambling Commission's statutory guidance. It has been subject to extensive consultation involving, in addition to members of the public, those involved in the gambling trade, North Tyneside MPs, and all councillors. Consultees were given the opportunity of providing feedback and comments on the draft Statement of Licensing Policy during the consultation period.

1.8 Appendices:

Appendix 1 – Draft Statement of Licensing Policy (Gambling)

Appendix 2 – Summary table of consultation responses and amendments to Policy

1.9 Contact Officers:

Phil Scott, Director of Environment, Housing and Leisure, Tel: (0191) 643 7295

Joanne Lee, Public Protection Manager, Tel: (0191) 643 6901

Stephanie Graham, Senior Licensing Officer, Tel: (0191) 643 6969

Colin MacDonald, Senior Manager, Technical & Regulatory Services,
Tel: (0191) 643 6620

John Barton, Lawyer, Tel: (0191) 643 5354

David Dunford, Senior Business Partner, Finance, Tel: (0191) 643 7027

1.10 Background Information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author.

- [Gambling Act 2005](#)
- [Gambling Commission's Guidance issued under section 25 of the Gambling Act 2005](#)
- [The Gambling Act 2005 \(Licensing Authority Policy Statement\) \(England and Wales\) Regulations 2006](#)
- [The Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 \(as amended\)](#)
- [EIA.docx](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications arising from the report. The costs of preparing the revised Statement of Licensing Policy (Gambling) and the associated consultation arrangements can be met from the existing revenue budget.

2.2 Legal:

The Authority is required to produce and publish a Statement of Licensing Policy under section 349 of the Gambling Act 2005. This Statement must be reviewed, and if necessary revised, every three years. This draft Statement of Licensing Policy must be brought into effect by 31 January 2022. The revised Policy must however be formally

approved by full Council no later than December 2021 to enable the revised Policy to be publicly advertised at least 4 weeks prior to the date it comes into effect.

The approval of the Statement of Licensing Policy (Gambling) is the shared responsibility of the Cabinet and full Council as stated in paragraph 1.4 above.

2.3 Consultation/Community Engagement:

2.3.1 Internal Consultation

The content of this draft Statement of Licensing Policy (Gambling) is driven by statutory requirements. Consultation with Members provides a key element to the formulation of the Policy. Members were advised that the Policy has been consulted upon. The timetable for the approval of the Policy, having regard to the Constitution, is as follows:-

Cabinet – 28 June 2021 – Presentation of initial proposals

Overview, Scrutiny and Policy Development Committee – 19 July 2021– Presentation of initial proposals

Overview, Scrutiny and Policy Development Committee – 4 October 2021– Presentation of final proposals

Cabinet – 18 October 2021 – Presentation of final proposals

Council – 25 November 2021 – Presentation of final proposals and to seek formal adoption of the Statement of Licensing Policy (Gambling).

2.3.2 External Consultation

As highlighted in this report, the draft Policy has been widely consulted upon. Members of the public, the gambling trade, all councillors and North Tyneside MPs all have had an opportunity of commenting on the draft revised Policy statement. The 6 week consultation period commenced on 5 July 2021 and notice of this consultation was given through a press release and copies of the draft Policy was made available on the North Tyneside Council website.

2.4 Human Rights:

There are aspects of the administration of the Gambling Act 2005 that may impact on the human rights of individuals residing in the Borough and licence holders. Article 8 of the European Convention of Human Rights entitles a person to the right to enjoy a private and family life. However, unlike the Licensing Act 2003, there is no licensing objective relating to gambling dealing with the prevention of public nuisance. If there is an issue with nuisance being generated by a gambling establishment, it may be something that a Licensing Committee/Sub-Committee may be able to consider in determining an application. However, it may be more appropriate for such issues to be dealt with by environmental protection legislation.

Article 6 of the European Convention also entitles an individual to a fair hearing. Any individual appearing before a licensing sub-committee under the Gambling Act will be given an opportunity to express their views as provided by the Act.

Article 1 of the First Protocol entitles a person to the peaceful enjoyment of his possessions. A possession may include a licence or the goodwill that such a Licence would generate. However, balanced against that is the ability of the Licensing Authority to

enforce such laws under the Act as is necessary to control the use of such property, including a licence.

2.5 Equalities and Diversity:

The Policy has been drafted having regard to the Authority’s public sector equality duty. An Equality Impact Assessment was produced to inform the consultation process and it has been updated to assess the potential impact of the policy. Individual decisions taken under the Policy will also have to be taken having regard to the public sector equality duty

2.6 Risk Management:

There are no risk management implications directly arising from this report. Risks associated with delivery of the Authority’s Public Protection function are monitored via the Technical Services Partnership risk arrangements overseen by the established governance framework.

2.7 Crime and Disorder:

One of the three licensing objectives contained within the Gambling Act 2005 is the prevention of gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime . Any decision that the Authority takes as a Licensing Authority will have to have regard to this licensing objective. The police will also be notified of every application for a premises licence so that they have an opportunity of visiting premises and making a comment on the application.

2.8 Environment and Sustainability:

There are no environment and sustainability issues directly arising from this report.

PART 3 – SIGN OFF

- Chief Executive

- Director of Service

- Mayor/Cabinet Member

- Chief Finance Officer

- Monitoring Officer

- Assistant Chief Executive

NORTH TYNESIDE COUNCIL'S STATEMENT OF LICENSING POLICY (GAMBLING)

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Preface

Part A – General

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Preface

The Gambling Act 2005 gives Authorities a range of powers to licence gambling premises in their communities and requires Authorities to perform a number of different functions, including issuing premises licences, temporary use notices and a range of permits and other permissions. This Statement of Licensing Policy is intended to assist those wishing to apply for a permission under the Act and to provide transparency.

This Statement of Licensing Policy has been prepared in accordance with Section 349 of the Act and with reference to the Guidance issued by the Gambling Commission. The Policy provides guidance to applicants, Interested Parties and Responsible Authorities on the approach the Authority will take on gambling licensing matters. Its purpose is to guide officers and members in reaching decisions, and it sets out the matters that will normally be taken into account in determining applications.

Part A General

Section 1 Introduction

- 1.1 North Tyneside Council (the Authority) is the Licensing Authority under the Gambling Act 2005 for the Borough of North Tyneside. As such the Authority is responsible for undertaking licensing and regulatory functions in relation to gambling premises in the Borough. The main function of the Authority will be to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
 - Be responsible for dealing with applications for renewal, variation, transfer, revocation, reinstatement and review of *Premises Licences*
 - Issue *Provisional Statements*
 - Regulate *members' clubs* and *miners' welfare institutes* that wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - Issue *Club Machine Permits* to *Commercial Clubs*
 - Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
 - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
 - *Grant Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required and to regulate gaming and gaming machines in such premises
 - Register *small society lotteries* below prescribed thresholds
 - Grant *Prize Gaming Permits*
 - Receive and Endorse *Temporary Use Notices*, consider objections where necessary and endorse the Notice or give a Counter-Notice as appropriate
 - Receiving *Occasional Use Notices (for tracks)*
 - Provide information to the Gambling Commission regarding details of licences issued (see section below on Exchange of Information)
 - Maintain registers of the permits and licences that are issued under these functions
- 1.2 North Tyneside Council, as a Licensing Authority, is ***not*** responsible for the regulation and enforcement of certain aspects of the Gambling Act 2005 within the Borough because certain activities are regulated at a national level. In particular the Authority is not responsible for the regulation of:
- The licensing of remote gambling
 - The licensing of the National Lottery
 - The advertising of gambling products

These activities are regulated by the Gambling Commission
(www.gamblingcommission.gov.uk)

- Spread betting

This activity is regulated by the Financial Conduct Authority (www.fca.org.uk)

Any individual, business or organisation within the Borough that has concerns about the activities set out in this paragraph should contact either the Gambling Commission or the Financial Conduct Authority as appropriate.

- 1.3 North Tyneside is one of five metropolitan districts that comprise the County of Tyne and Wear. It covers an area of 8,367 hectares and has a growing population of around 207,000. North Tyneside has met the challenge of regional decline and deprivation by rebuilding and stabilising communities. New high-tech industries have been attracted to the area and shipbuilding and the marine industry have made a partial revival. There are around 99,000 households in the Borough.
- 1.4 The evening economy of the Borough is principally centred around Tynemouth and Whitley Bay. Activity is also centred in areas such as, North Shields and Wallsend. These activities support the cultural diversity of the Borough and contribute to its economy. However, they may have a negative impact in some areas where crime and disorder can affect residents.
- 1.5 North Tyneside Council consulted widely in producing this Statement of Licensing Policy (Gambling) including with the following:-
- Northumbria Police
 - The Northumbria Police and Crime Commissioner
 - Owners of premises where gambling activities occur on the premises
 - Representatives of persons carrying on gambling businesses
 - Tyne and Wear Fire and Rescue Service
 - Environmental Health
 - Social Services (Adult Services and Children's Services)
 - Local Planning Authority
 - Her Majesty's Revenue and Customs
 - All holders of current gaming permits
 - CIU Clubs
 - CIU Regional Office
 - Local Solicitors
 - Primary Care Trust
 - Chambers of Trade
 - Citizen's Advice Bureau
 - Disability Organisations
 - All residents in North Tyneside through North Tyneside Council's internet site; the Public Notice Boards at Council offices and local libraries; and through the local press
 - Residents Panel
 - All North Tyneside Councillors
 - Young Mayor
 - Local MPs
 - Colleges / Education Welfare
 - Probation Service
 - Residents Associations
 - Trade Unions
 - Gamblers Anonymous

- Be GambleAware
- Gam Care
- Trade Associations connected with the Licensing and Gambling Industry

1.6 Consultation took place between 5 July 2021 and 15 August 2021 thus allowing 6 weeks for responding to the consultation.

1.7 The full list of comments made and the consideration by the Authority of those comments is available by request to: Licensing, The Killingworth Site, Harvey Combe, Killingworth, Newcastle upon Tyne, NE12 6UB, or via the Authority's website at: www.northtyneside.gov.uk

1.8 Publication of the policy is advertised on the Authority's website, local newspapers as well as by way of Notices at Customer First Centres.

The Policy was approved by the Council on xxxx and was published via the Authority's website on xxxx.

Should you have any comments as regards this Policy statement please forward these via e-mail or letter to the following contact:

Name: Joanne Lee

E-mail: Joanne.lee@northtyneside.gov.uk

It should be noted that this Policy statement will not override the right, where conferred by the Gambling Act, 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.

1.9 When formulating this Policy the Authority has had regard to the Regulator's Code published under the Legislative and Regulatory Reform Act 2006 and duly considered the statutory principles of good regulation including the need for the Authority's regulatory activities to be undertaken in a transparent, accountable, proportionate and consistent manner targeted only at cases in which action is needed

1.10 Declaration

In producing the Licensing Policy Statement, this Authority has had regard to the licensing objectives set out in the Gambling Act 2005, the Guidance issued by the Gambling Commission in particular Part 5, and any responses received from those consulted during the consultation period.

Section 2 The Statement of Licensing Policy (Gambling)

2.1 The Act requires that the Authority carry out its licensing functions in relation to gambling premises having regard to the three licensing objectives as set out in Section 1 of the Act. These objectives are central to the regulatory regime created by the Act and 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.**

The Act requires that the Authority publish a Statement of Licensing Policy in relation to gambling that sets out the principles it proposes to apply in exercising its functions under the Act.

2.2 In dealing with the grant, renewal, variation, transfer, revocation, reinstatement and review of premises licences, and in considering whether to permit premises to be used for gambling under a Temporary Use Notice the Authority is required to aim to permit the use of premises for gambling in so far as the Authority thinks it is: -

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, subject to the matters set out in the above two bullet points; and
- in accordance with the Authority's Statement of Licensing Policy (Gambling), subject to the matters set out in the above three bullet points.

This requirement does not, however, apply to the Authority's power to resolve not to grant a casino licence, see clause 9.1 of Part B below (and it does not apply to other functions of the Authority, and in particular the grant of permits for gambling (see clause 1.1 Part C below)). In some cases the Act provides for specific matters that the Authority should (or may) consider in dealing with applications for permits and these are set out in the relevant sections of this Policy.

2.3 This Policy applies to applications, renewals, transfers, variations and reviews of the Premises Licences and permits issued by the Authority.

2.4 This Policy takes effect on xxx and will remain in force for a period of not more than three years but the Authority may review and alter the Policy during this period. Any revision of the Policy will only take place after consultation. This Statement will then be re-published.

2.5 In order to achieve the licensing objectives the Authority will actively promote partnership working with other local authorities, the police, fire and rescue service, local businesses, local people and those involved with child protection in addition to the Gambling Commission.

- 2.6 The Policy reflects the aims of Our North Tyneside Plan and in particular Our People, Our places and Our Economy.
- 2.7 Subject to the requirements imposed on the Authority by the Gambling Act 2005 in connection with Premises Licences which have been set out in paragraph 2.2 above, this Policy will be integrated with local planning, transport, tourism and equality and cultural strategies, and any other plans introduced for the management of the Borough and night-time economy. The Authority will work in partnership with the agencies referred to in paragraph 11.1 below and through joint working and cross reporting the Authority will ensure as far as possible that this Policy integrates with the policies of its partner agencies.
- 2.8 Regard has been paid in the preparation of this Policy to the Authority's responsibilities under the Human Rights Act 1998 and Equality Act 2010.
- 2.9 The Authority in exercising its licensing functions recognises the need to protect children and other vulnerable persons from being harmed or exploited by gambling which includes the need to protect children from child abuse and sexual exploitation.
- 2.10 Protecting children from harm is one of the most important things Local Authorities do, but Local Authorities cannot stamp out child abuse and sexual exploitation without the help of the wider community. Raising awareness of this type of abuse is essential to preventing it and stopping it early when it does happen.
- 2.11 Where someone suspects a child or young person is in immediate danger then they should contact the police and tell them of their concerns by telephoning 999. If a child or young person is not in immediate danger call 101.

Signs to look out for include:

- Adults who appear secretive or are trying to hide the fact that they are with a young person
- Adults befriending young people, including buying them food and drinks
- Young people being picked up and taken to hotels, particularly at odd times of the day and night
- Adults who frequently come into premises with different young people
- Young people who, although with peers, look uncomfortable or under duress

Section 3 Local Risk Assessment

- 3.1 In line with the Gambling Commission's Licence Conditions and Codes of Practice (Code of Practice Provisions 10.1.1 and 10.1.2) the Authority requires the holder of a Premises Licence or Applicant for such a Licence to consider local risks to the licensing objectives posed by the provision of gambling facilities at their premises.
- 3.2 The Licence Holder or Applicant will be required to have policies, procedures and control measures in place to mitigate the risks posed by the gambling facilities offered at the premises.
- 3.3 The matters to be taken into consideration by the Licence Holder or Applicant when undertaking a Local Risk Assessment include:
- The location of any educational establishment, for persons under 18 years of age, that is within 200 metres of their premises;
 - The location of any establishment at which vulnerable adults or children are known to be regularly in attendance that is within 200 metres of their premises. Such establishments would include (but are not limited to) vulnerable adult centres, residential children's homes, hostels providing accommodation for persons leaving care or establishments of similar characteristics at which vulnerable persons or children are known to be regularly in attendance;
 - The location of any establishment at which persons who are addicted to gambling are known to be regularly in attendance. Such establishments would include (but are not limited to) treatment centres or places where such persons regularly meet;
 - The layout of the local area and physical environment in which the premises are situated including any crime and disorder hotspots.
- 3.4 The Authority would encourage the Licence Holder or Applicant in preparing a Local Risk Assessment to have regards to:
- The crime mapping website
 - Neighbourhood statistics website.
- 3.5 If the Local Risk Assessment identifies particular areas of concern in relation to the premises, the Authority would expect the Licence Holder or Applicant to contact the most appropriate Responsible Authority (as identified in section 157 of the Gambling Act 2005) for guidance before submitting an application for a Licence or a variation of a Licence. For example, if the Risk Assessment identifies that the premises are situated in an area that is noted for problems with disorder or organised criminal activity the Licence Holder or Applicant should contact Northumbria Police or the North Tyneside Safeguarding Partnership if an establishment at which children are known to be regularly in attendance is within 200 metres of the premises.
- 3.6 Applicants or Licence Holders who do not have their own form of Local Risk Assessment may like to use the Local Risk Assessment template attached to this Policy at **Appendix 1**.

3.7 In addition to being required to undertake a Local Risk Assessment and to submit the same to the Authority when applying for a new Premises Licence, a Local Risk Assessment will also be required to be submitted to the Authority when:

- Applying for a variation of a Premises Licence
- There have been significant changes in local circumstances. A 'significant change' may include (but is not limited to):
 - An educational establishment at which persons under 18 years of age attend being established within 200 metres of the premises
 - An establishment at which persons addicted to gambling, vulnerable adults or children are known to be regularly in attendance is established within 200 metres of the premises
 - There is a particular risk identified to premises offering gambling facilities in the location of the premises
 - The Authority receives information that in the view of the Authority amounts to a significant change in local circumstances. Such information will be shared with the Licence Holder by the Authority as soon as reasonably practicable.
- There have been significant changes at the premises that may affect the mitigation of local risks.

3.8 A Licence Holder will be required to undertake a review of its Local Risk Assessment at least every 3 years. A copy of the revised Local Risk Assessment will be made available to the Authority on completion of the review.

3.9 When the Authority officers undertake an inspection of premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is therefore a requirement that the Local risk Assessment, or a copy thereof, is kept at the Premises at all times.

Section 4 Responsible Authorities

4.1 Responsible Authorities

The 2005 Act defines certain 'Responsible Authorities' in relation to premises. These are given certain rights of involvement and consultation in relation to applications for Premise Licences (and other procedures in relation to Premises Licences e.g. review). The following are Responsible Authorities for the purposes of the 2005 Act:

- An Authority in whose area the premises are wholly or partially situated. If premises are wholly within North Tyneside's area then it will be a "Responsible Authority". If the premises are also partly situated in another authority's area, that Authority will also be a "Responsible Authority"
- The Gambling Commission
- The Chief Officer of Police for any police area in which the premises are wholly or partly situated
- The Fire and Rescue Authority for an area in which the premises are wholly or partly situated
- The Local Planning Authority for an area in which the premises are wholly or partly situated
- Environmental Health Authority (i.e. an authority which has functions in relation to pollution of the environment or harm to human health) for an area in which the premises are wholly or partly situated
- A body designated in writing by the Authority for an area in which the premises are wholly or partly situated as competent to advise the authority about the protection of children
- Her Majesty's Commissioners of Customs and Excise
- Any other body prescribed by the Secretary of State.

The Responsible Authorities will be provided with a notice of any application for a licence received by the Authority and may make representations on such applications. In certain defined circumstances a premise licence may be granted for a vessel and if the premises are a vessel then Responsible Authorities would also include:

- a) The Navigation Authorities within the meaning of Section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually berthed or moored or any waters where it is proposed to be navigated at a time when it is used for licensable activities.
- b) The Environment Agency
- c) The Canal and River Trust
- d) The Secretary of State.

Section 5 Principles Applied in the Designation of a Body Competent to Advise the Authority About the Protection of Children from Harm

- 5.1 The principles that have been applied in designating the body that is competent to advise the Authority about the protection of children from harm under Section 157(h) are:
- the need for the body to be responsible for an area covering the whole of the Authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group and to be multi – disciplinary in it's composition.
- 5.2 The Authority has therefore determined that the body competent to advise them on the protection of children is the North Tyneside Safeguarding Partnership. This body is made up of professionals representing the Health Authority, the Police, Education Services and Social Services. The expertise that the Safeguarding Partnership has as a result of agencies working together from different fields of expertise is deemed by the Authority to be the most appropriate body to give competent advice regarding the protection of children from harm in relation to gambling issues.

Section 6 Principles to be Applied in Determining Whether a Person is an “Interested Party” in relation to a Premises Licence or an Application for, or in respect of, a Premises Licence

- 6.1 The principles that have been applied in determining whether a person is likely to be an “Interested Party” under section 158 of the Act in relation to a particular premises, and therefore entitled to make a relevant representation in relation to a Premises Licence application or to apply for a review of an existing licence include the matters set out in paragraphs 6.3 to 6.4 having regard to whether a 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 a) or b).

In determining if a person is an Interested Party the Authority will reach such a decision on a case by case basis judging each case on its own particular facts.

- 6.2 Persons who represent Interested Parties for this purpose will include residents’ or tenants’ associations, trade associations or trade unions. These persons or bodies will ordinarily only be permitted to make representations on behalf of Interested Parties if they can demonstrate that they represent members who meet the criteria in paragraph 4.3 (a) or (b) above and have written confirmation to that effect, save for democratically elected persons who do not need to produce such written confirmation.

- 6.3. In determining whether an Interested Party lives “sufficiently close” to the premises the Authority will consider the following factors on a case by case basis: -
- the size of the premises
 - the nature of the activities taking place at the premises
 - the distance of the premises from the location of the person making a representation
 - the potential impact of the premises (for instance numbers of customers, routes likely to be taken by those visiting the establishment)
 - the circumstances of the person who lives close to the premises. This does not mean their personal circumstances but rather their interests which may be relevant to the distance from the premises.

Relevant factors will also depend on the particular application. For example, it could be reasonable for the Authority to consider that living “sufficiently close to premises to be likely to be affected” could have a different meaning for a) a private resident, b) a residential school for children with truancy problems and c) a residential hostel for vulnerable adults.

Persons with Business Interests that could be affected

- 6.4 To satisfy the test of being “a person with business interests that might be affected by the premises” the Authority would normally expect that person to show that the

relevant business is likely to be affected. It would not usually be sufficient for a person to lodge a representation in relation to an application made by a rival business simply because they are in competition within the same gambling sector. Factors that the Authority may consider to be relevant in determining the test include:

- the size of the premises;
- the 'catchment' area of the premises (i.e. how far people travel to visit the premises) and;
- whether the person making the representation has business interests in that catchment area that might be affected.

The term "business interests" will be given a broad meaning and will include partnerships, charities, faith groups, medical practices and similar bodies.

6.5. People Representing Interested Parties

Interested Parties can 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 constituency/ward likely to be affected.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillor in question is not a member of the Licensing Committee/Sub-Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.

Representations could also be made by a School Head or Governor acting in the interests of pupils or parents or a Community Group that might represent vulnerable people living in the vicinity of the premises.

Representations

- 6.6 All representations made in relation to an application must be "relevant". For a representation to be relevant it must relate to issues raised under the Gambling Commission's Codes of Practice or Guidance, relate to the three licensing objectives or raise issues regarding the Authority's own Licensing Policy Statement.
- 6.7 The Authority will be aware at all times that moral objections to gambling are not a valid reason to reject applications for premises licences as they would not relate to any of the licensing objectives or to the matters which the Authority are required to consider set out at clause 2.2 above.
- 6.8 The Authority as a Responsible Authority will not act as a Responsible Authority on behalf of other parties (for example local residents, local councillors or community groups) although there may be occasions when the Authority may do so. This is because such parties can make representations or applications in their own right and it is reasonable for the Authority to expect them to make such applications or representations should they wish to do so. If such parties however fail to take action and the Authority is aware of relevant grounds to make a representation it may choose to do so in its capacity as a Responsible Authority.

- 6.9 In cases where the Authority is also acting as a Responsible Authority the Authority will allocate different licensing officers within the Authority to ensure a proper separation of responsibilities. The officer advising the Licensing Committee/Sub-Committee will be a different individual to the officer who is acting for the Authority in its capacity as a Responsible Authority. The officer acting for the Authority in its capacity as a Responsible Authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination on behalf of the Authority. Any communication that there has to be between such officers will remain professional and will be consistent with communication with other Responsible Authorities.

Section 7 Principles to be Applied in Exercising the Right of Inspection of Premises

- 7.1 Prior to the grant of a Premises Licence the Police and any authorised person as defined by the Act may at any reasonable time enter the premises to which the application relates to assess the effect of the grant of the licence on the licensing objectives.
- 7.2 Once premises are licensed it is essential that they are maintained and operated so as to ensure the continued promotion of the licensing objectives, compliance with the Act and any conditions attached to the licence. The Authority will make arrangements to risk assess licensed premises and take appropriate enforcement action.
- 7.3 The Authority will be guided by the Gambling Commission's Guidance to Licensing Authorities in the exercise of its functions under the Gambling Act. The Authority when exercising a specified regulatory function, including an inspection function under Part 15 of the Gambling Act, or the instigation of criminal proceedings under section 346 of the Act, will also have regard to the statutory principles of good regulation when exercising such functions in accordance with the Legislative and Regulatory Reform Act 2006. The Authority will also have regard to the requirements of the Regulators' Code published by the Department for Business, Energy and Industrial Strategy. The regulatory activities of the Authority will be carried out in a way that is **transparent, accountable, proportionate, consistent and targeted** at cases in which action is required.
- 7.4 In accordance with the Gambling Commission's Guidance to Licensing Authorities the Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.5 The main enforcement and compliance role for the Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operating and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 7.6 The Authority will also keep itself informed of developments in relation to the work of Regulatory Delivery in its consideration of the regulatory functions of local authorities.
- 7.7 The Authority's enforcement protocols will be available upon request to the Licensing department. The Authority's risk methodology will also be available upon request. The Authority will also have regard to good practice in regulation contained in The Regulator's Code introduced by the Department for Business, Energy and Industrial Strategy.
- 7.8 The Authority will also, as recommended by the Gambling Commission's Guidance to Licensing Authorities, adopt a risk-based inspection programme. The Authority will liaise with Northumbria Police, Tyne and Wear Fire and Rescue Service and Planning and Regulatory Services to co-ordinate and maximise the effect of

inspection and enforcement under the Act. This protocol will provide for the targeting of resources towards problem and high risk premises.

- 7.9 The Authority will risk rate all premises and inspection will be carried out on the following basis: -

<u>Type of Premises</u>	<u>Frequency of Inspections *</u>
Bingo premises	Once a year
Betting premises	Once a year
Adult gaming centres	Once a year
Family entertainment centres	Once a year

*This column only gives an indication of the likely frequency of inspections. The frequency may vary depending on factors such as the Authority's confidence in the management of the premises, the number of complaints received and any other relevant factor.

Inspections will be carried out through co-ordination between the Authority and other authorised persons as defined by the Gambling Act 2005.

At the date of publication of this Statement of Policy there are no existing casinos in North Tyneside. If this should change the Authority will review this part of the policy to determine what inspection regime should apply in the case of casinos.

Section 8 Complaints against Licensed Premises

- 8.1 The Authority will investigate complaints about licensed premises where appropriate. In the case of a valid complaint the Authority where appropriate will endeavour to seek a resolution through mediation.
- 8.2 Where considered appropriate, the Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

Section 9 Principles to be Applied in the Exchange of Information

- 9.1 In respect of exchange of information between the Authority and the Gambling Commission under Sections 29 and 30 of the Gambling Act and the exchange of information under Section 350 of the Act with the other persons listed in Part 1 of Schedule 6 of the Act, the Authority will act in accordance with not only the provisions of the Gambling Act 2005 but also the Data Protection Act 2018 and The General Date Protection Regulation. The Authority will have regard to any guidance issued by the Gambling Commission and / or Secretary of State on this matter. Should any protocols be established as regards the exchange of information with other bodies then they will be made available.
- 9.2 Details of those persons making representations in relation to applications will ordinarily be made available to applicants to allow mediation to take place if appropriate, and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premise licence will be informed that their details will be disclosed save in exceptional circumstances.
- 9.3 If a person feels unable to make a representation on their own behalf then that person should consider approaching another relevant body such as the Police, if for example that person has concerns about the gambling at the premises being a source of crime or disorder.

Section 10 Administration, Exercise and Delegation of Functions

- 10.1 Under the Act all decisions relating to Premises Licences, Temporary Use Notices, Occasional Use Notices and the granting of permits for gaming machines and prize gaming are to be exercised by the Licensing Committee of the Authority unless such decisions are delegated to Officers of the Authority.
- 10.2 Appreciating the need to provide a speedy, efficient and cost effective service to all and in line with the Act it is proposed that the Licensing Committee will delegate certain decisions and functions and will establish a number of sub-committees to deal with them.
- 10.3 Further, with many of the decisions and functions under the Act being administrative in nature it is proposed that the granting of non-contentious applications, including for example those licences and permits where no representations have been made, are delegated to the Authority's Licensing Officers. It is proposed that all matters dealt with by officers will be reported for information and comment to the following meeting of the Licensing Committee.
- 10.4 The table shown at Part D sets out the scheme of delegation of decision making and functions of the Licensing Committee, Sub-Committee and officers.
- 10.5 This form of delegation will be without prejudice to officers referring an application to a Sub-Committee, or to a Sub-Committee referring an application to the full Committee, if considered appropriate in the circumstances of a particular case.

Section 11 Licensing Committee and Hearings

11.1 The Authority's Licensing Committee is composed of a membership between 10 and 15 Councillors. The Committee will be responsible for discharge by the Authority of the licensing functions under the Act.

Hearings

11.2 A Sub-Committee consisting of three members of the Licensing Committee will be convened to hear every application where:

- a) an Interested Party or Responsible Authority has made representations about an application; or
- b) the Licensing Authority proposes to attach a condition to the licence under Section 169(1)(a); or
- c) the Licensing Authority proposes to exclude under Section 169(1)(b) a condition that would otherwise be attached to a licence under Section 168 of the Act.
- d) a review has been applied for by a Responsible Authority or Interested Party under Section 197 of the Gambling Act 2005 or a review has been initiated by the Licensing Authority under Section 200 Gambling Act 2005

11.3 See Part D for full list of matters to be dealt with by the Licensing Committee and Licensing Sub-Committees.

Section 12 Integrating Strategies and Avoiding Duplication

- 12.1 In determining applications the Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives.
- 12.2 Section 210 of the 2005 Act prevents Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a Premises Licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.
- 12.3 The Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.
- 12.4 When dealing with a Premises Licence application for finished buildings, the Authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety matters will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the Premises Licence.
- 12.5 As referred to in Section 2.8 the Authority has a duty under the Human Rights Act 1998 and under Article 8 of the European Convention of Human Rights not to breach the rights of individuals to respect for their private and family life. Similarly, under Article 1 of the First Protocol of the Convention individuals should not be deprived of peaceful enjoyment of possessions, should have the right to a fair hearing under Article 6 and a right to freedom of expression under Article 10.
- 12.6 The Authority acknowledges the right of businesses in the Borough to operate, but this consideration must be balanced against the rights of others such as residents.

Section 13 Partnership Working

- 13.1 The Authority will work in partnership with the following agencies and individuals to promote the licensing objectives:
- Northumbria Police
 - Tyne and Wear Fire and Rescue Service
 - Planning Authority
 - Environmental Health Authority
 - Crime & Disorder Reduction Partnership
 - Local businesses
 - Agencies involved in child protection
 - Local residents
 - Organisations concerned with safeguarding the interests of vulnerable adults.
- 13.2 The Authority will consider any relevant protocols made with Northumbria Police. The Police have the right to make representations in relation to licence applications and reviews of licences and make reference to relevant strategies and protocols adopted by them under that Act.
- 13.3 The Authority will have regard to the Safer North Tyneside Community Safety Partnership where appropriate.

Section 14 Fees

- 14.1 The maximum level of fees to be charged by the Authority for exercising its licensing functions has been set nationally by the Secretary of State for Culture, Media and Sport. An annual fee will apply to all licences.
- 14.2 Details of the current level of fees can be found on the Authority's website at <http://my.northtyneside.gov.uk/category/933/gambling-premises-licence>.

Section 15 Equal Treatment

- 15.1 The Authority is working to eliminate discrimination, promote equality of opportunity and good community relations through its employment practices and through its service delivery.
- 15.2 The Authority is aware that it must have regard to its public sector equality duty in accordance with section 149 of the Equality Act 2010 . This means that in exercising its functions under the Gambling Act 2005 it must have due regard to the need to: -
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act ;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and that those using premises.
- 15.3 Each applicant, licence/permit holder will need to make an assessment of its own practices and policies which should promote equality and diversity.
- 15.4 When considering applications and taking enforcement action the Authority is also subject to the Regulators Code.

Section 16 Lotteries

- 16.1 A lottery will be illegal under the Act unless it is either a licensed lottery or an exempt lottery. The Act does not apply to the National Lottery which is governed separately by the National Lottery Act 1993 and National Lottery Act 2006.
- 16.2 A licensed lottery will either be a large society lottery or a lottery run for the benefit of a Local Authority. In each case the Gambling Commission will regulate such lotteries and an Operating Licence will be required. The Authority does not as such have functions with respect to licensed lotteries. However among the “exempt lotteries” provided by the Act are “Small Society Lotteries”. Societies running such lotteries are required to be registered with a Local Authority for the area in which the principal premises of the society are situated. North Tyneside Council will accordingly be the relevant Local Authority for the registration of Small Society Lotteries where appropriate
- 16.3 In determining lottery registration applications and other matters involving lotteries the Authority will have regard to the Gambling Act 2005, the licensing objectives, Guidance issued by the Gambling Commission, any Code of Practice issued by the Gambling Commission and this Statement of Licensing Policy (Gambling).
- 16.4 To qualify for registration a Society must be "non-commercial". To be considered non-commercial the Society must be established and conducted for:
- charitable purposes; or
 - the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
 - any other non-commercial purpose other than that of private gain.
- 16.5 If the total value of tickets that a Society puts on sale in any one lottery exceeds £20,000, or tickets in separate lotteries in one calendar year are to exceed £250,000 in aggregate, the lottery is a large lottery and the Society will require an Operating Licence from the Gambling Commission.
- 16.6 The promoting Society of a small lottery must be registered with the Authority throughout the period of the lottery being promoted. The details of the Society will be kept in the Register and in accordance with the recommendation of the Gambling Commission the Authority will make the Register available for inspection by the public on request. Once a Society is registered the Society will be notified by the Authority accordingly and the Authority will inform the Gambling Commission of the Registration.
- 16.7 An application by a Society to register a small lottery must be refused by the Authority if:
- During the period of five years ending with the date of the application an Operating Licence held by the applicant for registration has been revoked under section 119(1); or
 - An application for an Operating Licence made by the applicant for registration has also been refused within the same five year period.
- 16.8 The Authority may refuse an application for registration if it considers that:
- The applicant is not a non-commercial society,

- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided with or in the application for registration is false or misleading.

- 16.9 If the Authority is minded to refuse an application for registration of a Small Society Lottery the applicant will be given an opportunity to make either written or oral representations that will be considered by a Licensing Sub-Committee before any refusal is determined.
- 16.10 The Authority may revoke the registration if the Authority considers that it would have had to do so or would be entitled to refuse an application for Registration if it were being made at that time. If the Authority is minded to revoke the registration the Society will have an opportunity to make oral or written representations for consideration by a licensing Sub-Committee before any revocation takes place.
- 16.11 An applicant for registration of a Small Society Lottery which is refused, or where revocation has taken place has a right of appeal to the Magistrates' Court within 21 days of the decision.
- 16.12 Within three months of any Small Society Lottery draw the promoting Society will forward to the Authority a return signed by two members of the Society that gives the prescribed information set out in the Act. If after receipt of the return it is apparent that the ticket sales are above the permitted limits for a Small Society Lottery, the Authority will notify the Gambling Commission. A copy of that notification will be provided to the Society.
- 16.13 In addition to small lotteries, there are other types of exempt lottery namely an incidental non-commercial lottery, a private lottery, a residents' lottery and a customer lottery. To determine if a lottery is an exempt lottery, the promoter of any such lottery is recommended to contact the Senior Licensing Officer of North Tyneside Council if they are in any doubt as to whether or not their lottery is an exempt lottery. (Contact details appear at section D of this Statement.) It is an offence to promote or facilitate a non-exempt lottery.
- 16.14 If for any reason the Authority suspects that there has been an offence committed under the Act in relation to lotteries the Authority may commence an investigation and along with the Gambling Commission and the Police, have the authority to prosecute any suspected offender.

Part B

Premises Licences

1. Types of Licences

The Gambling Act 2005 creates three types of licence as follows:

- Operating Licence

Such a licence is issued to an individual, company or association of persons by the Gambling Commission and authorises them to operate or provide facilities for gambling. The Authority does not issue such licences.

- Personal Licence

Such a licence is issued to individuals by the Gambling Commission to enable them to perform the specified functions of a specified management office or to perform a specified operational function to facilitate gambling. The Authority does not issue such licences.

- Premise Licence

Such a licence is issued by Authorities to authorise the use of premises for various forms of gambling. There are five different kinds of premise licence authorising premises to be used as casino premises, bingo premises, adult gaming centre premises, family entertainment centre premises and betting premises.

2. General Principles – Premises Licences

2.1 Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions which will also be detailed in Regulations issued by the Secretary of State. Authorities are able to exclude default conditions and also attach other conditions, where it is considered to be appropriate.

2.2 This Authority is aware that in making decisions in relation to Premises Licences it should aim to permit the use of premises for gambling in so far as the Authority thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission; and
- in accordance with any relevant guidance issued by the Gambling Commission; and
- reasonably consistent with the licensing objectives subject to the matters set out in the above two bullet points; and
- in accordance with the Authority's Statement of Licensing Policy (Gambling) subject to the matters set out in the above three bullet points.

3. Definitions

3.1 In the Act, “premises” is defined as including “any place”. Section 152 of the Act prevents more than one Premises Licence applying to any place. But, there is no reason in principle why a single building could not 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, tracks or shopping malls to obtain discrete Premises Licences, where appropriate safeguards are in place. However, the Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

3.2 The Guidance to Licensing Authorities from the Gambling Commission states “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority.”

The Commission also states in its Guidance “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.” The Guidance also states “The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence – with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises.”

The Authority will have particular regard to these paragraphs of the Guidance when considering an application relating to any premises that may be described as being sub-divided.

3.3 The Authority takes particular note of the Gambling Commission’s Guidance which states that: “Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling
- entrances to and exists from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling

area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

3.5 The Guidance also gives a list of factors which the Authority should be aware of, when determining whether two or more proposed premises are truly separate and includes:

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

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

3.6 The mandatory relevant access provisions for each premises type are reproduced below:

Adult Gaming Centre

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

Betting Shops

- Access must be from a 'street' or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

Tracks

- No customer should be able to access the premises directly from a Casino or an Adult Gaming Centre.

Bingo Premises

- No customer must be able to access the premises directly from a casino, Adult Gaming Centre or a betting premises, other than a track.

Family Entertainment Centre

- No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

4. **Location**

4.1 The Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Gambling Commission's Guidance to Licensing Authorities, the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Due regard will be given the Local Risk Assessment that will be required where appropriate as referred to in Section 4 of Part A of this Policy.

4.2 In having regard to the location of a premises the Authority will consider:

- the proximity of the premises to schools and vulnerable adult centres
- the proximity of the premises to residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place therein
- any levels of organised crime in the area.

5. **Licensing Objectives**

5.1 A Premises Licences can only be granted if to do so would be reasonably consistent with the licensing objectives. With regard to these objectives, the Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

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

The Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The requirement for conditions might be determined by the Operator's own Local Risk Assessment and the local area profile for the area in which the premises are located.

The Authority is aware that disorder is intended to mean activity that is more serious than mere nuisance. In deciding whether disturbance is serious enough to constitute disorder consideration will be given to issues such as whether police assistance was required and how threatening the behaviour was to those who could see it so as to make that distinction.

5.3 **Ensuring that gambling is conducted in a fair and open way -**

The Authority has noted that the Gambling Commission's Guidance has stated in Part 5 "Principles to be applied by licensing authorities" that "Generally the Commission would not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of

an individual and therefore subject to the personal licence. However if the licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.”

The Authority also notes, however, that the Gambling Commission states in Part 5 “In relation to the licensing of tracks the licensing authorities’ role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable”.

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

Children (Persons under 18 years of age)

The Authority has noted in the Gambling Commission’s Guidance that this objective means preventing children from taking part in gambling (as well as there being restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children). The Authority will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, adequate staffing levels with adequate supervision, CCTV, segregation of areas etc. Applicants, Licence Holders and the Authority must also consider the need to protect children from child abuse and sexual exploitation.

The Authority may consider the use of proof of age schemes or restricting access at certain times.

The Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as bingo premises.

Vulnerable Persons

The Guidance issued by the Commission in relation to vulnerable persons states:

“The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define ‘vulnerable persons’ but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.”

The Authority will also consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. This could be a local risk referred to in this Policy.

Applicants and Licence Holders may like to have regard to the Safeguarding document entitled North Tyneside and Northumberland Multi-Agency Adult Safeguarding Policy” which provides extensive guidance on identifying vulnerable

people and what can be done to reduce risk to this group. The document can be found at <http://my.northtyneside.gov.uk/category/1033/safeguarding-adults>.

Applicants and Licence Holders should consider using the following measures for protecting and supporting vulnerable persons, for example:

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets.
- Training for staff members that build on an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable.
- Trained personnel for the purpose of identifying and providing support to vulnerable persons
- Self-exclusion schemes
- Applicants and Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Posters with **BeGambleAware** Helpline and website in prominent locations
- Windows, entrances and advertisements not to be positioned or designed so as to entice passers-by.

6. **Licence Conditions**

6.1 Conditions may be attached to Premises Licences in a number of ways:

- They may attach automatically, having been set out on the face of the Act;
- They may attach through Regulations made by the Secretary of State; or
- Attached to the licence by the Authority.

6.2 Any conditions attached to licences by the Authority will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises: and
- reasonable in all other respects.

6.3 Decisions upon the application of any individual condition imposed by the Authority will be made on a case by case basis, although there will be a number of control measures the Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. The Authority will also expect the applicant for a licence to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

6.4 It is noted that there are conditions that the Authority cannot attach to premises licences, which are:

- any condition on the Premises Licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required. The Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

Premises Licences will have mandatory conditions attached as well as default conditions as specified in Regulations issued by the Secretary of State.

6.5 The Authority will also consider specific measures which may be required for buildings which are subject to multiple Premises Licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

6.6 The Authority will also ensure that where Category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

6.7 The Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

6.8 Given the fact that the mandatory conditions have been set by the Secretary of State with the intention that no further regulation in relation to that matter is required it will be extremely unlikely that the Authority will need to impose conditions that would create a more restrictive regime in relation to matters already dealt with by the mandatory conditions. The Authority will however consider imposing such conditions where there are regulatory concerns of an exceptional nature.

- 6.9 In relation to the default conditions the Authority may exclude a condition and substitute it with a more or less restrictive condition following a licensing hearing. Each application will be determined on its own merits in terms of any need to exclude and/or substitute any of the default conditions. The Authority will however have to have clear regulatory reasons for excluding default conditions which are replaced with more restrictive ones.
- 6.10 The Authority can, as noted above, impose specific conditions on any Premises Licence in determining whether or not to do so will have regard to the relevant code of practice issued by the Gambling Commission; the Guidance issued by the Gambling Commission; the need to be reasonably consistent with the licensing objectives and this Policy.
- 6.11 Where relevant objections are made to an application for a Premise Licence the Authority will consider whether the objections can be dealt with adequately through the use of conditions.
- 6.12 The Gambling Commission advises in its Guidance that if a Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition to this effect.

7. **Adult Gaming Centres**

7.1 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 authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover such issues as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours.

This list is not exhaustive.

7.2 As regards the protection of vulnerable persons, the Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as **BeGambleAware**.

8. **Licensed Family Entertainment Centres**

8.1 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

- 8.2 With regard the protection of vulnerable persons, the Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as **BeGambleAware**.
- 8.3 The Authority will, in accordance with the Gambling Commission’s Guidance to Licensing Authorities, have regard to the conditions that apply to Operating Licences dealing with preventing access to Category C machines by under 18’s. The Authority will also make itself aware of any mandatory or default conditions on these Premises Licences.

9. **Casinos**

- [9.1 The Authority passed a no casino resolution on xxx, such resolution taking effect on xxx. This resolution will remain in force for a period of 3 years commencing on xxx, unless the Authority passes a further resolution revoking the no casino resolution.]

Or

- [9.1 The Licensing Authority has not passed a no casino resolution under section 166 of the of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of the resolution.]

Two options listed in the draft policy until decision taken by full Council

10. **Credit**

- 10.1 The Authority has noted that the Gambling Commission has stated in its Guidance at Part 9 that, "s.177 [of the Gambling Act 2005] does not prevent the licensee from contracting a third party to install cash dispensers (ATMs) on their premises, which may accept both credit and debit cards. Such an arrangement is subject to requirements that the premises licence holder has no other commercial connection in relation to gambling with the provider of the ATMs (aside from the agreement to site the machines), does not profit from the arrangement, and does not make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so (Part1(5) of the Gambling Act 2005 (Mandatory and Default Conditions) Regulations)."

11. **Bingo Premises**

- 11.1 The Authority notes the Gambling Commission's Guidance at Part 18 which states that "Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises."

12. **Betting Premises**

- 12.1 It is noted that the Gambling Commission's Guidance at Part 19 states that: "Section 181 [of the Gambling Act 2005] contains an express power for licensing authorities to restrict the number of SSBTs [Self Service Betting Terminals], their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the licensing authority, amongst other things, should take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people."

13. **Tracks**

- 13.1 A track is defined under the Act as a horse racecourse, greyhound track or other premises or any part of which a race or other sporting event takes place or is intended to take place.
- 13.2 The Act does not give a list of premises that are officially recognised as 'tracks' but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of racks include:
- a horse racecourse (referred to in this Guidance as 'racecourses')
 - a greyhound track
 - a point-to-point horserace meeting
 - football, cricket and rugby grounds
 - an athletics stadium
 - a golf course
 - venues hosting darts, bowls, or snooker tournaments
 - a premises staging boxing matches
 - a section of river hosting a fishing competition
 - a motor racing event.

This list is not exhaustive.

13.3 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the Authority would expect Premises Licence applicants 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

13.4 Appropriate licence conditions may be:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- The location of gaming machines.

This list is not exhaustive.

13.5 With regard to the protection of vulnerable persons, the Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as **BeGambleAware**.

14. **Travelling Fairs**

14.1 It will fall to the Authority to decide if category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs. It is a statutory requirement that the facilities for gambling must amount to no more than an ancillary amusement at the fair.

14.2 The Authority will also consider whether the fair falls within the statutory definition of a travelling fair under the Act.

14.3 It has been noted by the Authority that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

15. **Provisional Statements**

15.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling, would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would

be granted so the project can be started. Once works are complete a premises licence will still be required.

- 15.2 If a potential operator does not have a right to occupy premises but expects to acquire a right to occupy then an application for a provisional statement should be considered.
- 15.3 In terms of representations about a Premises Licence application, following the grant of a Provisional Statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless they concern matters which could not have been addressed at the time of the application for the Provisional Statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the Premises Licence (or grant it on terms or conditions not included in the Provisional Statement) only by reference to matters:
- a) which could not have been raised by objectors at the application for the provisional licence stage; or
 - b) which in the Authority's opinion reflect a change in the applicant's circumstances; or
 - c) where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and licensing authorities can discuss any concerns they have with the applicant before making a decision.
- 15.4 Section 210 of the Gambling Act 2005 makes it clear that the Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law

16. **Reviews**

- 16.1 Application for a review of a Premise Licence can be made by Interested Parties or Responsible Authorities. In addition the Authority itself may in certain circumstances decide to conduct a review. Where application for a review is made by an Interested Party or Responsible Authority it is for the Authority to decide whether the review is to be undertaken. This will be determined on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration being given as to whether the request is frivolous, vexatious or repetitious, or will certainly not cause the Authority to wish to take action of a kind open to it on completing a review, or are substantially the same as grounds specified in an earlier application for a review or in relation to the application for the relevant Premise Licence. In determining any request for a review application the Authority will determine the matter as far as the Authority thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives subject to the matters set out in the above two bullet points and
 - in accordance with the authority's statement of licensing policy subject to the matters set out in the above three bullet points

- 16.2 If the Authority intends to undertake a review of the Premises Licence notice of such review will be given in accordance with the Regulations.
- 16.3 Any Interested Party or Responsible Authority (other than the Authority) will need to state their reasons for seeking a review and produce supporting information or documents.
- 16.4 Once a valid application for a review has been received by the authority, representations can be made by Responsible Authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Authority, who will publish notice of the application within 7 days of receipt.
- 16.5 The Authority must carry out a review hearing as soon as possible after the 28 day period for making representations has passed.
- 16.6 It will be for the Authority to determine what action to take, if any, following a review hearing in accordance with Section 202 of the Act. The Authority may:
- Add, remove or amend a condition imposed by the Authority
 - Exclude a default condition or remove or amend an exclusion
 - Suspend the premises licence for up to three months
 - Revoke the premises licence
- 16.7 In determining what action if any, should be taken following a review, the Authority must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 16.8 In particular, the Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative matter without intending to use them.
- 16.9 Once the review has been completed, the Authority must, as soon as possible, notify the decision to:
- The licence holder
 - The applicant for review (if any)
 - The Commission
 - Any person who made representations
 - The Chief Officer of Police or Chief Constable; and
 - Her Majesty's Revenue and Customs

17. **Appeals**

- 17.1 Where a Premises Licence application is refused the Applicant may appeal against the decision of the Authority. Where a Premises Licence is granted an Applicant and any Interested Party or Responsible Authority who made relevant representations can appeal. Appeal is to the Magistrates Court within 21 days of receipt of the decision notice.

- 17.2 Following a review application, the licensee, an interested person or a Responsible Authority who made representations in relation to the review, the person (if any) who applied for the review and Gambling Commission have a right of appeal to the Magistrates' Court within 21 days of receipt of the decision notice.
- 17.3 In relation to a transfer application and decision the licensee and the applicant for transfer have a right of appeal to the Magistrates' Court within 21 days of a decision notice.
- 17.4 In relation to an Application for a Temporary Use Notice either the applicant or person entitled to receive a copy of such notice has a right of appeal to the Magistrates' Court within 21 days of a decision notice.

Part C

Permits/temporary and Occasional Use Notice

1. General Principles – Permits

- 1.1 The Gambling Act 2005 introduces a range of permits which are granted by Authorities. Permits as opposed to Premises Licences are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
- 1.2 This Authority has adopted a Statement of Principles which is found at Part E of this Statement in relation to applications for certain Family Entertainment Centre Gaming Machine Permits and Prize Gaming Permits. Applicants for those types of Permit should refer to Part E of this Statement of Licensing Policy.

2. Unlicensed Family Entertainment Centre Gaming Machine Permits (Schedule 10 of the Gambling Act 2005)

- 2.1 These Permits relate to unlicensed Family Entertainment Centres (uFECs) which can only offer category D gaming machines. Any number of such gaming machines can be offered under the Permit (subject to fire regulations and health and safety regulations). If the Application for a Permit is made by an individual that person must be over 18 years of age.
- 2.2 The Chief Officer of Police will be consulted in relation to such applications. Any Permit issued will last for 10 years unless it lapses or is surrendered or forfeited.
- 2.3 Where premises do not have the benefit of a Premise Licence and the occupier wishes to provide gaming machines from that premises, an application may be made to the Authority for a Family Entertainment Centre Gaming Machine Permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 2.4 An application for a Family Entertainment Gaming Machine Permit may be granted only if the Authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability, such as any previous convictions that they may have that would make them unsuitable to operate a uFEC; and the suitability of the premises in relation to their location and issues about disorder.
- 2.5 In making its decision on an application for a Family Entertainment Centre Gaming Machine Permit, the Authority need not, but may, have regard to the licensing objectives. It shall have regard to any Gambling Commission's Guidance to Licensing Authorities.
- 2.6 The Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not

limited to harm from gambling but includes wider child protection considerations including child abuse and sexual exploitation.

2.7 It should be noted that the Authority cannot attach conditions to this type of permit.

2.5 With regard to renewals of these Permits, the Authority may refuse an application for renewal only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

3. **Alcohol Licensed Premises Gaming Machine Permits – (Schedule 13 of the Gambling Act 2005)**

3.1 The holder of a Premises Licence issued under the Licensing Act 2003 which entitles the holder to supply alcohol for consumption on the premises will automatically be entitled to up to 2 gaming machines on those premises of categories C or D. To take advantage of this entitlement the licence holder must give notice of their intention to make gaming machines available for use to the Authority and pay the prescribed fee. The Authority has no discretion and cannot refuse this entitlement if notification is satisfactorily given.

3.2 The Authority can remove the automatic authorisation in respect of any particular premises by way of order if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act.
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

3.3 Before making such an order however the licence holder will be given at least 21 days' notice of the intention to make the order. The Authority will consider any representations made by the licence holder and hold a hearing before a licensing sub-committee if they request this. The licence holder can appeal to the Magistrates' Court against the order removing the automatic entitlement to two gaming machines on licensed premises.

3.4 Where an On-Premises Alcohol Licence Holder wishes to offer more than 2 gaming machines from licensed premises, that licence holder must apply to the Authority for a Licensed Premises Gaming Machine Permit. That application will state the category and number of gaming machines being sought under the Permit. The Authority in determining the application will have regard to the licensing objectives and the Guidance to Licensing Authorities published by the Gambling Commission. If the Authority is minded to refuse an application for a Permit, or to grant a Permit but with a different category or number of machines sought by the applicant, the applicant will be notified of the reasons and will be given an opportunity to make representations either orally or in writing, or both, to the Authority.

3.5 The Permit will cease to have effect if the On-Premises Alcohol Licence ceases to have effect for those premises, the Permit holder ceases to be the holder of the On-Premises Alcohol licence or if the Permit is surrendered, cancelled or forfeited.

- 3.6 In addition to considering the licensing objectives and the Guidance to Licensing Authorities published by the Gambling Commission when determining an application for a Alcohol Licensed Premises Gaming Machine Permits, the Authority can also have regard to “such other matters” as it thinks relevant. The Authority considers that “such other matters” will be decided on a case-by-case basis but generally there will be regard given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Authority will expect the applicant to satisfy it that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures that will satisfy the Authority that there will be no access to such machines may include the machines being in clear sight of the bar, or in the clear sight of staff who will monitor those machines to ensure that they are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as **BeGambleAware**.
- 3.7 When an Alcohol Licensed Premises Gaming Machine Permit is granted this effectively replaces, and is not in addition to, the automatic entitlement to two gaming machines.
- 3.8 The Authority cannot attach conditions to this type of Permit.
- 3.9 The applicant may appeal to the Magistrates’ court against the Authority’s decision not to issue a Permit, to issue a Permit with a smaller number of machines applied for, a different category of machine than applied for or the cancellation of a Permit. Any appeal must be made within 21 days of receipt of the notice of the decision.
- 3.10 It should also be noted that the holder of a permit must comply with The Code of Practice for gaming machines in clubs and premises with an alcohol licence published by the Gambling Commission concerning the location and operation of the machines.
4. **Prize Gaming Permits – (Schedule 14 of the Gambling Act 2005)**
- 4.1 An application for a Prize Gaming Permit cannot be made if there is Premises Licence or Club Gaming Permit in force in relation to the premises.
- 4.2 Any individual who applies must be over 18 years. The application will specify the nature of the gaming for which the permit is sought. The Chief Officer of Police will be consulted in relation to such applications.
- 4.3 If the Authority is minded to refuse an application then reasons for the refusal will be given to the applicant who will be given an opportunity to make oral or written representations or both before any decision is formally taken to refuse the application or not. Upon receipt of such representations a licensing sub-committee will determine the matter.
- 4.4 In determining the application for this type of Permit the Authority need not, but may, have regard to the licensing objectives and to the Guidance to Licensing Authorities published by the Gambling Commission.
- 4.5 A permit will last for 10 years unless it lapses, is surrendered or is forfeited.

- 4.6 It should be noted that the Authority cannot attach conditions to the Permit. There are however four conditions that section 293 of the Gambling Act 2005 specifies should apply in relation to prize gaming (whether authorised by a Permit, taking place in an Adult Gaming Centre, Family Entertainment Centre or travelling fair namely:
- the limits on participation fees, as set out in regulations (The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2009) 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)
 - participation in the gaming must not entitle the player to take part in any other gambling.
- 4.7 The applicant may appeal to the Magistrates' court against the Authority's decision not to issue a Permit or to renew the Permit. Any appeal must be made within 21 days of receipt of the notice of the decision.

5. **Club Gaming and Club Machines Permits (Schedule 12 of the Gambling Act 2005)**

Club Gaming Permits

- 5.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance in accordance with The Gambling Act 2005 (Club Gaming Permits) (Authorised Gaming) Regulations 2007.
- 5.2 The Club Gaming Permit will enable the premises to provide no more than three gaming machines from categories B3A, B4, C or D but only one B3A can be used under this entitlement.
- 5.3 Where a club has gaming machines, it is required to comply with the code of practice issued by the Gambling Commission on the location and operation of gaming machines.
- 5.4 There are limits on stakes and prizes for poker played in those clubs and institutes that do not hold a club gaming permit issued by their local Authority. The holder of a Club Gaming Permit is advised to refer to The Gambling Act 2005 (Exempt Gaming in Clubs) Regulations 2007 to understand the limits on stakes and prizes.

Club Machine Permits

- 5.5 If a Members' Club or a Miners' Welfare Institute does not wish to have the full range of facilities permitted by a Club Gaming Permit, they may apply to the Authority for a Club Machine Permit. This authorises the holder of the Permit to have up to three category B3A, B4, C or D gaming machines.
- 5.6 Premises which operate membership-based social clubs (often work premises) can apply for a Club Machine Permit. The permit will allow up to three machines of category B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.

Applications for Club Gaming Permits and Club Machine Permits

- 5.7 Applications for Club Gaming Permits and Club Machine Permits must be made to the Authority with the fee. A copy of the application must be sent to the Gambling Commission and the Chief Officer of Police. The Commission and the Police have 28 days, beginning on the date on which the application was made to the Authority, to object to the granting of either type of Permit.
- 5.8 If a valid objection is received the Authority will hold a hearing before a Licensing Sub-Committee to determine the application.
- 5.9 The Authority in granting a Permit cannot add conditions to it.
- 5.10 The Authority may only refuse an application on the grounds that it is satisfied that:
- The applicant is not a Members' Club or a Miners' Welfare Institute, or
 - that the premises on which the applicant conducts its activities are used wholly or mainly by children, by young persons or by both,
 - that an offence, or a breach of a condition of a Permit, has been committed in the course of gaming activities carried on by the applicant,
 - that a permit held by the applicant has been cancelled during the period of ten years ending with the date of the application, or
 - that an objection to the application has been made by the Gambling Commission or by the Chief Officer of Police.
- 5.11 In determining whether a club is a genuine Members' Club, the Authority will take account of a number of matters, including (but not limited to):
- Is the primary purpose of the club's activities something other than the provision of gaming to its members? This is an indicator that it's a genuine Members' Club.
 - Are the profits retained in the club for the benefit of the members? This is the key difference between a Members' Club and a commercial club
 - Are there 25 or more members? This is the number of members a club has to have to qualify.
 - Are there genuine domestic addresses on the register of members? Are domestic addresses listed for every member? Are members local to the club? These are all indicators that the member lists are bona fide and are made up of genuine members.
 - Do members participate in the activities of the club via the internet? It is less likely to be a genuine Members' Club if this is the case.

- Do guest arrangements link a member to every guest? Is there evidence of a signing-in register for guests? Guests must be genuine guests of members and not members of the general public.
- Is the 48-hour rule between applying for membership and participating in any gaming properly applied? This is an indication that the club has a proper membership scheme.
- Are there annual accounts for more than one year? This would indicate that the club is permanent in nature, rather than temporary.
- How is the club advertised and listed in directories, including on the internet? If the club is categorised under 'gaming' or 'poker', it is less likely to be genuine Members' Club.
- What information is provided on the club's website? This can be a useful source of information about the club.
- Are children permitted into the club? Appropriate access to the premises by children may indicate that it is less likely that the club is primarily for gambling activities.
- Does the club have a constitution, and can it provide evidence that the constitution was approved by the members of the club? This provides further evidence that it is a properly constituted Members' Club.
- Is there a list of committee members and evidence of their election by the members of the club? Can the club provide minutes of committee and other meetings? These are further evidence that the club is a properly constituted Members' Club.

5.12 The Authority will also have regard to the constitution of a club as this could also indicate whether it is a legitimate Members' Club. The Authority will take account of a number of matters, including (but not limited to):

- Who makes commercial decisions on behalf of the club and what are the governance arrangements? Clubs are normally run by a committee made up of members of the club, rather than individuals or managers, who make decisions on behalf of the members. There will normally be a system (consultation, voting, paper ballots, annual general meetings, special meetings etc) which allows members to be involved in major decisions concerning the management and running of the club. Such arrangements would normally be spelt out in the constitution.
- Are the aims of the club set out in the constitution? A lack of aim or aims which involve gaming could indicate that it is not a genuine Members' Club.
- Are there shareholders or members? Shareholders would indicate a business enterprise linked to a commercial club.
- Is the Members' Club permanently established? Clubs can't be temporary and must be permanent in nature.
- Can people join with annual or quarterly membership? This would indicate that the club is permanent in nature.
- Are there long-term membership benefits? This would also indicate that the club is permanent in nature and that it is a genuine Members' Club. The benefits of membership would normally be set out in the rules of membership.

5.13 The Authority must satisfy itself that the gaming on offer at a club meets the conditions set out in the Gambling Act 2005 and the relevant Regulations. To do

this, the Authority may wish to ask questions of the applicant or ensure that the exempt gaming complies with these conditions.

- 5.14 Once the Authority has issued a Club Gaming Permit, various aspects need to be considered by the Authority in monitoring the Club Gaming Permit. In addition to monitoring whether the club continues to meet the requirements of the Gambling Act 2005 for a Club Gaming Permit (that is, whether it remains a genuine Members' Club) and whether the gaming meets the conditions set out in the Act and the relevant Regulations.
- 5.15 A Permit will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. A Permit granted under the fast-track procedure to a club or institution holding a Club Premises Certificate granted under section 72 of the Licensing Act 2003 does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

The Fast-Track Procedure

- 5.16 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under section 72 of The Licensing Act 2003. As the Gambling Commission's Guidance to Licensing Authorities states at in Part 6 at paragraph 25.41: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced". This is because the Club or Institute has been through a licensing process. As commercial clubs cannot hold a Club Premises Certificate under the Licensing Act 2003 the fast-track procedure is not available to such establishments.
- 5.17 The grounds on which an application under the fast-track procedure process may be refused are:
- that the club is established primarily for gaming, other than gaming prescribed under section 266 of the Gambling Act 2005;
 - 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.
- 5.18 If the Authority rejects an application for either type of Permit or refuses to renew a Permit the applicant has 21 days from notification of the decision to appeal to the Magistrates' court.

The grounds on which an application under the process may be refused are:

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

Cancellation of a Permit

5.19 The Authority may cancel the Permit if:

- the premises are used wholly by children and/or young persons
- an offence or breach of a Permit condition has been committed in the course of gaming activities by the Permit holder.

5.20 Before cancelling a Permit, Authority must give the Permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make. The Authority must hold a hearing if the Permit holder so requests. The Authority must notify the permit Holder, the Gambling Commission and Chief Officer of Police that the Permit has been cancelled and the reasons for the cancellation.

5.21 If the Authority cancels a Permit, the applicant has 21 days from notification of the decision to appeal to the Magistrates' court.

6. Temporary Use Notices (Part 9 of the Gambling Act 2005)

6.1 A Temporary Use Notice is not as such granted by the Authority. Rather the person seeking to rely on the Temporary Use Notice serves the Notice on the Authority (and on certain specified authorities) and the Authority endorses the Notice (provided it complies with the requirements of the Gambling Act 2005) . Where there are objections to the Notice, the Authority will hear the objections and then either serve a Counter-Notice that the Temporary Use Notice should not have effect, or should have effect subject to modifications, or dismiss the objections and endorse the Temporary Use Notice.

6.2 A Temporary Use Notice may only be given by the holder of a relevant Operating Licence. Where a Temporary Use Notice has effect, it allows the use of a "set of premises" for gambling where there is no Premises Licence and allows premises such as hotels, conference centres or sporting venues to be used temporarily for providing facilities for gambling.

6.3 The holder of an Operating Licence will give the Temporary Use Notice to the Authority and will specify in that Notice:

- the gambling activities to be carried on
- the premises where it will take place
- the dates and times that gambling will take place
- the period of time during which the Notice is to have effect
- specify any periods during the previous 12 months that a Temporary Use Notice had had effect for the same premises
- specify the date on which the Notice is given
- contain any other information that the Secretary of State prescribes.

6.4 The same set of premises may not be the subject of a Temporary Use Notice for more than 21 days in any 12 months period but may be subject to several Notices provided that the total does not exceed 21 days. The Authority must issue a Counter Notice if the above limit of 21 days is exceeded. However, the Authority

will, where the Notice could have effect for part of the period in the Notice, after consultation with the Applicant to issue a Counter-Notice limiting the number of days under the Notice to bring it within the 21 days permitted.

- 6.5 The applicant must give the Temporary Use Notice with the Authority not less than three months and one day before the day on which the gambling event will begin. The Notice must be copied to:
- the Gambling Commission
 - the Police
 - HM Revenues and Customs; and, if applicable
 - any other Authority in whose area the premises are situated.
- 6.6 If there are no objections (see below) the Authority must endorse the Notice whereupon it will become valid.
- 6.7 Within 14 days of being given the Temporary Use Notice the Authority and the Authorities to which the Notice has been copied can give a Notice of Objection, if they think that having regard to the licensing objectives the Notice should not have effect, or should have effect only with modification. Any Notice of Objection (not given by the Authority) is copied to the Authority. Upon receipt of any Notice of objection there will be a hearing before the licensing sub-committee (unless all relevant parties agree in writing that a hearing is unnecessary). Following consideration of the objections the Authority may either give a Counter-Notice that the Temporary Use Notice should not have effect, or should have effect only with specified modifications or dismiss the objections. If the objections are dismissed they will endorse the Temporary Use Notice.
- 6.8 An appeal against the Authority's decision may be made by the applicant, or any person entitled to receive a copy of the Temporary Event Notice, to the Magistrates' court within 14 days of receiving notice of the Authority's decision. There is a further right of appeal to the High Court on a point of law.

7. Occasional Use Notices (Section 39 of the Gambling Act 2005)

- 7.1 This type of Notice permits betting on a track on eight days or less in a calendar year without the need for a Premises Licence.
- 7.2 Occasional Use Notices are designed to allow licensed betting operators to provide betting facilities at genuine sporting events (such as point-to point racecourses and golf courses for major competitions) within the boundaries of the identified venue on a specific date.
- 7.3 Any such Notice must be served by a person responsible for the administration of events on the track or by an occupier of the track.
- 7.4 The following should be noted in relation to this type of Notice:
- The Notice can only be relied upon for eight days or fewer in a calendar year and therefore authorities should keep a record of the number of notices served in relation to each track. The period of eight days applies to the venue and not the individual who has submitted the notice.

- The Notice must be submitted for each day that betting activity will be conducted on the premises. If betting activity is to be held over a period of eight consecutive days, the operator will be required to submit eight separate notices.
- The Notice must specify the day on which it has effect. An event running past midnight and ending on the following day accounts for two occasional use days, even though in practice it is one event.
- No objection or counter notice (refusal) is possible unless the maximum number will be exceeded.
- The Notice must be given to the Authority and the Chief Officer of Police, in writing, before the event starts.
- No premises licence can exist for the place which is the subject of the Notice.
- Land can be used temporarily as a track, for example for a point-to-point race, provided that sporting events or races take place there. There is no need for a track to be permanently established.

7.5 While tracks are normally thought of as permanent racecourses, the Authority notes that the meaning of ‘track’ in the Gambling Act 2005 covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place (s.353(1)). This means that land which has a number of uses, one of which fulfils the definition of track, can qualify for the occasional use notice provisions, for example agricultural land upon which a point-to-point meeting takes place.

7.6 Part 20 of The Gambling Commission’s Guidance to Licensing Authorities which relates to guidance on “tracks” should be consulted.

7.7 It must be noted that an Occasional Use Notices do not permit betting operators to provide gaming machines at tracks by virtue of this type of Notice.

Part D

Contact and Applications

For further information on this Statement of Licensing Policy as well as information about the application process please contact:

Licensing
Harvey Combe
Killingworth
Newcastle upon Tyne
NE12 6UB

The Licensing Section can be contacted on the following telephone number:
(0191) 643 2175

E-mail address: liquor.licensing@northtyneside.gov.uk

Summary of Licensing Authority delegations permitted under the Gambling Act

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission and / or Responsible Authorities	X Where no representations received from the Commission and / or Responsible Authorities
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Review of premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made (and not withdrawn)	X Where no objections made/ objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits		X If there is an initial minded to decision to refuse a permit application by officers and oral or written representations are received from the applicant	X Where no objections made/ objections have been withdrawn

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Cancellation of licensed premises gaming machine permits		X If requested by applicant	X If no request received
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Order disapplying Section 279 or Section 282(1) of a specified premises holding an on premises alcohol licence		X	
Refusal to register a Small Lottery and representations are received from the Society		X	
Revocation of Small Lottery Registration and representations are received from the Society		X	
Any other Licensing functions under the Gambling Act 2005 except those not capable of such delegation			X

X indicates the lowest level to which decisions can be delegated

Part E

Statement of principles applied by North Tyneside Authority when applications are received for permits for Family Entertainment Centre Gaming Machine Permits, and Prize Gaming Permits

1. This Statement of Principles has been prepared in order to provide guidance to applicants, the Responsible Authorities, members of the public, Members and Officers. The Statement of Principles will assist applicants with the preparation of their applications for Permits and state the documentation and information which they are required to produce in support of their application and assist Responsible Authorities in making any representations as well as setting out the matters which members and officers will take into consideration when determining such applications.
2. This Statement of Principles relates to applications made for the following types of permit:
 - i) Applications for Family Entertainment Centre Gaming Machine Permits.
 - ii) Applications for Prize Gaming Permits.
3. This Statement of Principles does not apply to Club Gaming Permit, Club Machine Permit or Licensed Premises Gaming Machine Permit applications as the Gambling Act 2005 sets out different requirements in relation to applications for those types of permit.
4. The Licensing Officer has the delegated authority to consider all applications for Permits and can either grant an application for a Permit or make an initial decision to refuse to grant any such Permit.
5. As soon as reasonably practicable after the initial decision to refuse an application for a Permit is made, the Licensing Officer will write to the Applicant notifying him of the refusal and provide reasons for that decision.
6. In such circumstances the Licensing Officer will invite an applicant to make oral representations, written representations or both within 28 days of receipt of notification of the refusal. If such representations are received they will be referred to a Licensing Sub-Committee for consideration and the Applicant if they wish to do so can request a hearing before the Licensing Sub-Committee to make oral representations.
7. The Licensing Sub-Committee will forward a written notice of its decision and reasons for that decision to the Applicant within five working days of the Licensing Sub-Committee's determination of the application.

8. The type of permit being applied for will determine the documentation and information which needs to be submitted to the Authority in support of any application for a permit. The documentation and information which needs to be submitted is as follows:

(a) Family Entertainment Centre Gaming Machine Permit

The Authority will have regard to:

- the application form duly completed in full
- a plan of the premises showing the number and location of any gaming machines, points of access for the public, location of fire extinguishers, location of smoke detectors
- insurance certificate (or certified copy certified by a Solicitor/Commissioner for Oaths or notary) confirming the availability of public liability insurance
- appropriate fee
- that the applicant has demonstrated the following: -
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible
 - has no relevant convictions
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
 - An awareness the need to prevent child abuse and sexual exploitation and how to spot the possible signs of such abuse and what action should be taken in that regard.

The Authority will consider any representations made by the Police and the North Tyneside Safeguarding Partnership in relation to such matters and will attach such weight to those representations as considered appropriate. An applicant will also need to show that he has the right to occupy the premises or prove to the Authority's satisfaction that he/she proposes to occupy the premises in question. In the case of an individual applicant they will need to be over 18 years of age.

- The Authority in determining the application for a permit has a discretion as to whether or not to consider the licensing objectives. The Authority will determine whether or not to consider the licensing objectives on a case-by-case basis but it is anticipated that the licensing objectives will be considered with most applications for a Permit. The Authority will consider the Guidance to Licensing Authorities issued by the Gambling Commission.
- The Authority will give notification of applications to the Tyne & Wear Fire & Rescue Service and to the North Tyneside Safeguarding Partnership.

(b) Prize Gaming Permits

- application form provided by the Licensing Department of North Tyneside Council duly completed in full
- a plan of the premises showing the location of each gaming activity to take place on the premises, points of access for the public, location of fire extinguishers and location of smoke detectors
- insurance certificate (or certified copy certified by solicitor/commissioner for oaths or notary) confirming the availability of public liability insurance

- the applicant will be asked to specify 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
- Appropriate fee
- An awareness the need to prevent child abuse and sexual exploitation and how to spot the possible signs of such abuse and what action should be taken in that regard.
- The Authority will give notification of applications to the Tyne & Wear Fire & Rescue Service and to the North Tyneside Safeguarding Partnership.

The Authority will consider any representations made by the Police and the North Tyneside Safeguarding Partnership in relation to such matters and will attach such weight to those representations as considered appropriate. An applicant will also need to show that he has the right to occupy the premises or prove to the Authority's satisfaction that he proposes to occupy the premises in question. In the case of an individual applicant they will need to be over 18 years of age.

- The Authority in determining the application for a permit have a discretion as to whether or not to consider the licensing objectives. The Authority will determine whether or not to consider the licensing objectives on a case-by-case basis, but it is anticipated that the licensing objectives will be considered with most applications for a permit. The Authority will consider the Guidance issued by the Gambling Commission.
9. If an application does not contain all of the information as outlined in this Statement of Principles, the application will be returned requesting that the Application be re-submitted with the full information being provided.
 10. When a Authority rejects an application for the issue or renewal of a permit the applicant may appeal to North Tyneside Magistrates Court within 21 days of receiving notification of the decision not to grant the application for a permit.

APPENDIX ONE

Local Risk Assessment Template

Local Risk Assessment

When completing this Risk Assessment, the Applicant or Operator should have regard to Section 3 “Local Risk Assessment” of the Authority’s Statement of Licensing Policy. The Authority’s Statement of Licensing Policy is available at:

<https://my.northtyneside.gov.uk/category/936/statement-gambling-policy>

Premises Name:	Premises Licence Number (If Applicable):
Premises Address:	
Post Code:	
Category of Gambling Premises Licence:	
Name of Person Completing Assessment:	
Operating Company/Operator:	
Operating Licence Number (If Applicable):	
Date Assessment Completed:	

Requirement to comply with requirement to undertake a local Risk Assessment

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 must assess local risks.

Social Responsibility Code Provision 10.1.1

1. 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 Authority’s Statement of Licensing Policy.
2. Licensees must review (and update as necessary) their local risk assessments:
 - a. To take account of significant changes in local circumstances, including those identified in a Authority’s Statement of Licensing Policy;
 - b. When there are significant changes at a licensees premises that may affect their mitigation of local risks;
 - c. When applying for a variation of a premises licence; and
 - d. In any case, undertake a local risk assessment when applying for a new premises licence.

Licensing Objectives

When completing this local Risk Assessment the Applicant or Operator should have regard to the licensing objectives set out in the Gambling Act 2005 namely:

- a. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, (code **CD** for this Assessment)
- b. Ensuring that gambling is conducted in a fair and open way, (code **FO** for this Assessment) and
- c. Protecting children and other vulnerable persons from being harmed or exploited by gambling (code **PC** for this Assessment).

Local Area Profile

The Applicant/Operator should set out here the local area in which the premises are located including the sort of premises there are within the vicinity of the premises, particularly if there are any establishments of the type (or similar) listed in Section 3, Paragraph 3.3 of the Authority's Statement of Licensing Policy.

Regard should also be had to the crime mapping website and neighbourhood statistics website.

If there are any known problems with crime or anti-social behaviour in the area of the premises this should be stated here.

Risk Assessment

Risk Assessment	Licensing Objective	Level of Risk	Impact	Control System	Risk Management	Date of Assessment and Review Date
<i>e.g. children entering premises</i>	<i>PC</i>	<i>Low</i>	<i>Severe to child and severe for the business</i>	<i>Interior Design</i>	<i>Effective monitoring of entrance by "floor walking" staff. Clear line of sight from counter to only public entrance to the premises.</i>	<i>January 2019 Review January 2020</i>
				<i>Exterior Design</i>	<i>Shop frontage designed not to be attractive to children.</i>	
				<i>Physical</i>	<i>CCTV system with cove</i>	
				<i>Systems</i>	<i>Use of a Challenge 25 Age Verification Policy Regular staff training Challenge 25 materials displayed No wearing of hoods policy</i>	
<i>e.g. Failure to deal properly with customers making complaints about the outcome of a bet</i>	<i>FO</i>	<i>Low</i>	<i>Moderate to business severe to customer</i>	<i>Systems</i>	<i>Complaints procedure and complaints form on premises. Staff trained on handling complaints</i>	
<i>e.g. Awareness of educational establishment within 200 metres of premises.</i>	<i>PC</i>			<i>Systems</i>	<i>No educational establishments are in the vicinity of the premises but monitoring of the entrance will be increased between 3.00p.m. and 4.00p.m.</i>	

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Appendix 2 -Schedule of Responses in relation to Statement of Licensing Policy (Gambling)

Reference	Respondent	Comments	Response
GP/1	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/2	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/3	Resident	Council should retain a 'No Casino' resolution Too many gambling premises	No change to Policy required
GP/4	Resident	Council should not pass a 'No Casino' resolution additive to young people	No change to Policy required
GP/5	Resident	Council should retain a 'No Casino' resolution The council should ensure that all licenced properties have a trained licence holder approved by council	No change to Policy required
GP/6	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/7	Resident	Council should retain a 'No Casino' resolution Gambling ruins lives	No change to Policy required

GP/8	Resident	<p>Council should retain pass a 'No Casino' resolution</p> <p>We hear all the time about the misery caused by indiscriminate gambling by members of the public. Surely, we have enough gaming machines in the area without introducing a casino as well.</p>	No change to Policy required
GP/9	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>I don't think our area needs casinos, there are some in Newcastle which is near enough</p>	No change to Policy required
GP/10	Resident	<p>Council should not pass a 'No Casino' resolution</p>	No change to Policy required
GP/11	Resident	<p>Council should not pass a 'No Casino' resolution</p> <p>A casino in the right location could bring in well needed investment into the area</p>	No change to Policy required
GP/12	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>In my experience gambling regularly and without real control can lead to misery for the gambler and their children/families - and often to criminal acts as debts mount, so the more regular gambling can be discouraged the better - so encouraging machines</p>	No change to Policy required

		<p>in pubs and clubs to have limits and no cash machines nearby, and limiting betting premises - especially in high poverty areas - and making sure child protection policies are adhered to are key, One off or low level activities are less problematic I guess but local research with gambling helplines would give some hard information on what are the most risky activities and if any fall within the councils governance</p>	
GP/13	Resident	<p>Council should not pass a 'No Casino' resolution</p> <p>Rather than a blanket 'no casino' resolution, I would like to see each application for a casino considered on it's own merits - undoubtedly the 'wrong' kind of casino in the wrong location could be very detrimental to the area, it's residents and the casino's customers & their family. However, an up market casino (& perhaps a multi purpose venture) in our newly refurbished Whitley Bay (as an example) could be an attraction to those within & without our area.</p>	No change to Policy required
GP/14	Resident (Member of a number of Women's Organisations)	<p>Council should retain a 'No Casino' resolution</p> <p>Gambling is already ruining lives in England, so I feel very strongly that we should retain the No Casino policy in North Tyneside</p>	No change to Policy required

GP/15	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>No call for this kind of establishment in North Tyneside</p>	No change to Policy required
GP/16	Resident	<p>Council should retain a 'No Casino' resolution</p>	No change to Policy required
GP/17	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>I believe that the gambling industry is a criminal rip-off and should be discourage as exploitation. I would love to see advertising for gambling banned nationally - the amount on TV is a disgrace to the country. Unfortunately, banning gambling itself would only drive it underground and make it harder to control.</p>	No change to Policy required
GP/18	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>There is a need to restrict gambling in order to protect society from it's downfalls ie debt and addiction there is enough available online</p>	No change to Policy required
GP/19	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>Gambling is a problem already and more opportunities to gamble would</p>	No change to Policy required

		encourage more financial difficulties for vulnerable people	
GP/20	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/21	Ward Councillor	Council should retain a 'No Casino' resolution People are losing a lot of money on gaming machines so they should be restricted	No change to Policy required
GP/22	Resident	Council should retain a 'No Casino' resolution As you have no powers to ban high level gaming machines I have no comments.	No change to Policy required
GP/23	Resident	Council should retain a 'No Casino' resolution I support the Licencing Authority on it's No Casino policy simply because of the level of policing that is now in place within the borough and the number of liquor licensed premises already established in the area. The addition of a further high risk number of Gambling / liquor licences premises would stretch the enforcement of the borough's enforcement capabilities as well as that of the local police force	No change to Policy required

		which is clearly under manned at present.	
GP/24	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/25	Resident	Council should not pass a 'No Casino' resolution Let residents make their own choices	No change to Policy required
GP/26	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/27	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/28	Resident	Council should retain a 'No Casino' resolution As a socially aware council we should support people in avoiding the negative issues surrounding gambling and addiction.	No change to Policy required
GP/29	Resident	Council should retain a 'No Casino' resolution	No change to Policy required

GP/30	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/31	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/32	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/33	Resident	Council should retain a 'No Casino' resolution I feel there is enough gambling available online and a casino would not help the area without considerable problems	No change to Policy required
GP/34	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/35	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/36	Resident	Council should not pass a 'No Casino' resolution	No change to Policy required

GP/37	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/38	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>Dependent on location, a casino will attract a percentage of undesirables, and increase the likelihood of anti-social behaviour. In turn, this puts extra pressure on emergency services, and decreases the quality of life for residents.</p>	No change to Policy required
GP/39	Resident	<p>Council should retain a 'No Casino' resolution</p> <p>I breathe a sigh of relief at the council's intention. North Tyneside should be an area encouraging people away from gambling and not towards it. I also have concerns about the other associated businesses that tend to follow casinos into an area, which generally means strip clubs and unregulated sex work.</p>	No change to Policy required
GP/40	Resident	Council should retain a 'No Casino' resolution	No change to Policy required

GP/41	Resident	Council should retain a 'No Casino' resolution I agree with the policy as presented	No change to Policy required
GP/42	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/43	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/44	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/45	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/46	Resident	Council should retain a 'No Casino' resolution I do not believe this would improve North Tyneside at all. Gambling destroys lives. I would feel strongly enough to vote against any party proposing changes to increase gambling/casinos this in an election.	No change to Policy required

GP/47	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/48	Resident	Council should not pass a 'No Casino' resolution	No change to Policy required
GP/49	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/50	Resident	Council should not pass a 'No Casino' resolution	No change to Policy required
GP/51	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/52	Resident	Council should retain a 'No Casino' resolution	No change to Policy required
GP/53	Resident	Council should not pass a 'No Casino' resolution	No change to Policy required
GP/54	Responsible Authority	Council should retain a 'No Casino' resolution	No change to Policy required

GP/55	Responsible Authority	Agree with content of Policy. (pg 33) Protecting children and other vulnerable persons from being harmed or exploited by gambling – consider the age or definition of child/young person in that part to confirm who it applies to.	Policy amended. Definition of children added to section.
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North Tyneside Council Report to Council 25 November 2021

Title: Review of Council Ward Boundaries

Portfolio(s): Elected Mayor

Cabinet Member(s): N Redfearn

Report from Service

Area: Law and Governance

Responsible Officer: Bryn Roberts, Director of Law and Governance (Tel: (0191)6435339)

Wards affected: All

PART 1

1.1 Executive Summary:

The Local Government Boundary Commission for England (LGBCE) has contacted the Council to indicate that it intends to carry out a review of the Ward arrangements and overall composition of the Council.

The previous review was undertaken in 2002, with the final recommendations being published in October 2003, and whole-Council elections taking place in 2004.

Following discussions with the Group Leaders, representations have been made to the LGBCE to indicate that an early review, with whole-Council elections no later than May 2024, would be the preferred option.

1.2 Recommendation(s):

It is recommended that Council notes the LGBCE's intention to undertake a review.

1.3 Forward Plan:

This item first appeared on the Forward that was published on 28 October 2021.

1.4 Council Plan and Policy Framework

This report does not directly relate to any of the priorities in the Our North Tyneside Plan.

1.5 Information:

1.5.1 Background

The LGBCE is an independent and impartial, non-departmental public body which is responsible for reviewing local government ward boundaries in England. The LGBCE has the task of periodically reviewing the boundaries of all the Parliamentary constituencies in England. In this case, the last review of local government ward boundaries was undertaken in 2002 to 2003, with the revised boundaries coming into effect in 2004.

1.5.2 The Proposed Review

On 25 August 2021, the LGBCE contacted the Council, indicating that it had decided to undertake a review of the Council. The stated purpose of the review was “... *to consider the number of councillors elected to the council, the names, number and boundaries of the wards, and the number of councillors to be elected to each ward.*”

The inception letter went on to indicate that “*the last electoral review of North Tyneside Council was undertaken in 2003. Accordingly, the Commission considers that a review of your authority should start within the next one to three years ...*”. The letter went on to outline the review process and timetable, with whole-Council elections following at the next ordinary electoral date.

Having considered the review request, the Electoral Registration Officer liaised with the Labour and Conservative Group Leaders, in order to ascertain their views on when they considered it appropriate for such a review to commence, in line with the timetable outlined by the LGBCE. Both Leaders considered that it would be beneficial to commence the review as soon as possible, in order that the whole-Council elections did not clash with the 2025 Mayoral election.

On this basis, representations were made to the LGBCE that a swift commencement was preferred, with an expressed desire that the changes were in force for the 2023 elections. By way of response, the LGBCE indicated that it could not guarantee completion in advance of the 2023 elections, but could in advance of the 2024 elections.

It was therefore agreed that a review to take effect no later than 2024 would be undertaken, and if the review could be concluded in time for implementation in 2023 then this would be considered a ‘bonus’.

1.5.3 Review Process

Having agreed, in principle, upon a timetable for the start of the review, the Council is presently awaiting confirmation of the formal review commencement date.

Upon commencement, the LBGCE will conduct its process in accordance with the following stages (shown with indicative potential timescales).

Preliminary Period

Briefings	Attendees		Key Dates
	Council	LGBCE	
Initial Meeting	Elected Mayor Chief Executive	Chair Chief Executive	December 2021
Officer Briefing	Electoral services, Geographic Information Systems, Comms	Review Manager Review Officer	January 2022

Group Leader Briefing	Council Group Leaders	Lead Commissioner Review Manager Review Officer	January 2022
Full Council Briefing	All Councillors	Lead Commissioner Review Manager Review Officer	January 2022

Council Size

Activity	Involvement		Key Dates
	Council	LGBCE	
Develop council size proposal	Council Political Groups	Officers will be available to answer any technical queries on making a submission.	January 2022 until July 2022 (6 months)
Submission of council size proposals	Council Political Groups	Officers will acknowledge receipt of submissions.	July 2022
Commission Meeting: Council Size	Not required	Commission	August 2022

Warding Patterns

Activity	Involvement		Key Dates
	Council	LGBCE	
Consultation on warding patterns	Council Political Groups General Public	Run consultation, collate & analyse responses.	10 weeks August – October 2022
Commission Meeting: Draft Recommendations	Not required	Commission	January 2023
Consultation on Draft Recommendations	Council Political Groups General Public	Publish draft recommendations. Run consultation, collate & analyse responses.	10 weeks February – April 2023
Commission Meeting: Final Recommendations	Not required	Commission	June 2023
Final Recommendations published	Not required	Commission	July 2023

Order

Activity	Involvement		Key Dates
	Council	LGBCE	
Order laid	Not required	Commission	Autumn 2023
Order made	Not required	Commission	Winter 2023
Implementation	Council	Not required	May 2024

Members will note that, throughout the process, there are points when their views will be sought on any emerging proposals, either through Council, or through their Groups, and meetings will be arranged for the purpose of ensuring that Members are kept informed of both proposals and progress. In addition, as part of the Warding Patterns element of the process, the public will have the opportunity to make representations about any proposed warding arrangements which are put forward.

1.5.4 Next Steps

Once the LGBCE confirms a start-date for the review, the briefings indicated in the table above will be arranged.

1.6 **Decision options:**

The following decision options are available for consideration by Council:

Option 1

Agree to the recommendations set out in 1.2.

Option 2

Not agree to the recommendations set out in 1.2.

Option 1 is the recommended option.

1.7 **Reasons for recommended option:**

Option 1 is recommended for the following reasons:

This will enable the views of the Authority to be submitted to the Local Government Boundary Commission for England, in order that Whole-Council elections can be conducted by no later than May 2024.

1.8 **Appendices:**

There are no appendices to this report.

1.9 **Contact officers:**

Bryn Roberts, Director of Law and Governance (Tel. 643 5339)

1.10 **Background information:**

The following background papers/information have been used in the compilation of this report and are available at the links below:

- [Local Government Boundary Commission for England – Technical Guidance](#)
[Technical Guidance | LGBCE Site](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial or other resource implications arising from this report.

2.2 Legal

The Local Democracy, Economic Development and Construction Act 2009 sets out the duty placed on the LGBCE to undertake an electoral review of every principal local authority in England ‘from time to time’. The last electoral review of North Tyneside Council was undertaken in 2003.

2.3 Consultation/community engagement

Details of the consultation process for responding to the LGBCE’s proposals are contained in the main body of the report. Full Council will be consulted on emerging proposals in due course, and public consultation will be carried out at appropriate stages.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity implications directly arising from this report.

2.6 Risk management

There are no risk management implications directly arising from this report.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report

PART 3 - SIGN OFF

- Chief Executive
- Director of Service
- Mayor/Cabinet Member(s)

- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive

North Tyneside Council Report to Council 25 November 2021

Title: Questions by Members of the Council

Notice has been received of the following questions from Members of the Council to be put to the Council meeting.

1. Question to the Elected Mayor by Councillor Judith Wallace

"In November 2020, full Council unanimously approved a motion calling on the Elected Mayor and Cabinet to consider a ban on the intentional release of balloons and sky lanterns. Acknowledging that some of these releases are linked to the deaths of loved ones, the motion also requested the Elected Mayor and Cabinet to identify one or more pieces of land to be repurposed as "memorial meadows" where the bereaved could scatter wildflower seeds and return to visit. A year later, can the Elected Mayor explain why such a piece of land has not yet been identified and publicised, so that wildflower planting can start to replace the environmentally damaging release of balloons and lanterns?"

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