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**North East
Derbyshire**
District Council

Our Ref:

Contact: Thomas Scott - Governance and Scrutiny Officer

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Date: Monday, 6 October 2025

To: **Members of the Licensing & Gambling Acts Committee**

Please attend a meeting of the Licensing & Gambling Acts Committee to be held on **Tuesday, 14 October 2025 at 2.00 pm in Meeting Rooms 1 & 2.**

Yours sincerely

A handwritten signature in black ink that reads "Sarah Skeneberg".

Assistant Director of Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group	NED Independent Group
Councillor Martin E Thacker MBE JP Councillor Richard Welton	Councillor Carol Lacey Councillor Clive Fletcher Councillor Pat Kerry Councillor Tony Lacey Councillor Fran Petersen Councillor Mick Smith	Councillor Heather Liggett Councillor Michael Roe

For further information about this meeting please contact: Thomas Scott - Governance and Scrutiny Officer 01246 217045

A G E N D A

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of Last Meeting (Pages 3 - 4)

To approve as a correct record and the Chair to sign the attached Minutes of the meeting of the Licensing and Gambling Acts Committee held on 8 May 2025.

4 Review of the Council's Policy under the Gambling Act 2005 (Pages 5 - 60)

5 Matters of Urgency

To consider any other matter which the Chair of the Committee is of the opinion should be considered as a matter of urgency.

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LICENSING & GAMBLING ACTS COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY, 8 MAY 2025

Present:

Councillor Carol Lacey (Chair) (in the Chair)
Councillor Clive Fletcher (Vice-Chair)

Councillor Pat Kerry
Councillor Heather Liggett
Councillor Mick Smith

Councillor Tony Lacey
Councillor Fran Petersen

Also Present:

A Smith	Legal Services Manager
C Terry	Environmental Health Team Manager (Licensing)
L Spinks	Senior Legal Officer
T Scott	Governance and Scrutiny Officer

LGA/ Apologies for Absence

1/24-

25 Apologies were received from Councillors M Roe, M E Thacker MBE JP and R Welton.

LGA/ Declarations of Interest

2/24-

25 None.

LGA/ Minutes of Last Meeting

3/24-

25 RESOLVED - That the Minutes of the meeting held on 30 April 2024 were approved as a correct record and signed by the Chair.

LGA/ Review of the Council's Statement of Principles under the Gambling Act 2005

4/24-

25 The Environmental Health Team Manager (Licensing) presented a report to consider the draft Statement of Principles under the Gambling Act 2005, which included a proposal for the Committee to approve the revised draft Statement of Principles under the Gambling Act 2005 to allow a 12 week public consultation period to begin.

Members were informed that if approved, the responses to the public consultation would be presented to the Committee once the 12 week period had expired.

The Environmental Health Team Manager (Licensing) shared that because of the national concern about the negative effects of gambling, there had been additions about responsible gambling made to the Statement.

Members referred to paragraph 2.16 of the report ('Gambling Related

Complaints') and asked what the nature of the one complaint for 2024/25 had been. The Environmental Health Team Manager (Licensing) explained that this was due to a mix-up with an address.

Members discussed the format of the public consultation. The Environmental Health Team Manager (Licensing) told Members that a number of methods would be used including the Ask Derbyshire website.

Members asked if anything was included about a correlation between gambling and domestic violence. The Environmental Health Team Manager (Licensing) explained that Licensing officers did ask Public Health England and the Police if any crime or health statistics were available, but they could not provide any figures as evidence.

RESOLVED -

- (1) That the Committee approved the revised draft Statement of Principles under the Gambling Act 2005 for public consultation.
- (2) That the Committee required the Joint Assistant Director of Environmental Health to conduct a 12 week public consultation in line with statutory requirements and report the findings back to the Committee for consideration at a later date.

LGA/ 5/24-25 **Matters of Urgency**
None.

North East Derbyshire District Council

Licensing and Gambling Acts Committee

14 October 2025

REVIEW OF THE COUNCIL'S POLICY UNDER THE GAMBLING ACT 2005

Report of the Joint Assistant Director, Environmental Health Service

Classification: This report is public

Report By: **Michelle James – Policy and Performance Officer**

Contact Officer: **Michelle James – Policy and Performance Officer**
(Temporary)

PURPOSE / SUMMARY

To consider the responses to the Gambling Act 2005 policy consultation and recommend the draft Gambling Act 2005 policy for adoption at full Council.

RECOMMENDATIONS

1. The Licensing and Gambling Acts Committee note the outcome of the public consultation.
2. The Licensing and Gambling Acts Committee agree to the proposed Gambling Act 2005 Policy and Local Area Profile and recommend the draft Gambling Act 2005 policy for adoption at full Council.

Approved by the Portfolio Holder – Cllr Pickering, Cabinet Member for Environment

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

There will be a minor cost associated with carrying out the consultation. This can be accommodated from within existing budgets.

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☒

No ☐

Details:

It is a legal requirement under the Gambling Act 2005 that a licensing authority prepare and publish a statement of principles every three years. Having a policy which is up to date, compliant with the legislation, fit for purpose and clear to Licence Holders and Applicants could assist in implementing rules while preventing a legal challenge by way of appeal or judicial review.

On Behalf of the Solicitor to the Council

Staffing:

Yes ☐

No ☒

Details:

There are no staffing implications of the proposals in this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	All
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Yes, appended. Yes, superseded by stage 2
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable Provided for pre consultation agreement
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>	Yes Details: Chair of Licensing & Gambling Acts Committee Portfolio Holder for Environment

Links to Council Plan priorities, including Climate Change, Economic and Health implications.
All

REPORT DETAILS

1 Background

- 1.1 Under The Gambling Act 2005 ('the Act'), the Council is responsible for issuing premises licences for casinos, bingo halls, betting offices, adult gaming centres

and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol licensed premises.

- 1.2 The Act contains three licensing objectives, which underpin the functions of the Gambling Commission and the local authority, acting in their capacity as the licensing authority. 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.
- 1.3 The Gambling Act 2005 imposes a statutory requirement upon North East Derbyshire District Council, as the statutory Licensing Authority to prepare a Statement of Principles (alternatively referred to as a policy). This is the Council's tool in regulating gambling in the district, and establishes a set of controls which the Council considers appropriate for the effective management of gambling activities within the district. The Policy acts as a guide for Members, applicants, responsible authorities, and members of the public and aims to promote fair, consistent, and proportionate decision making.
- 1.4 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the requirements for the form and publication of the policy which the Council proposes to apply when exercising its functions under the Gambling Act 2005.
- 1.4 The Act requires the Council to review and publish its policy every three years. The Council is required to publish their revised policy at least four weeks before the current policy is due to expire. The current policy, together with a Local Area Profile, came into effect in February 2023. To meet the requirements of the legislation the Council must now approve an updated Statement of Principles.
- 1.6 This Committee considered a draft policy and agreed to the next stage of the process which required a 12-week public consultation. The Consultation was carried out through the Ask Derbyshire website, publicised via the Council's website and social media platforms as well as directly writing to stakeholders. A full list of the stakeholders consulted can be found at Appendix 1.
- 1.7 The consultation concluded on 24 August 2025.

2. Details of Proposal or Information

Public Consultation

- 2.1 Despite a lengthy consultation period, direct communication with partners over the review and promotion through Ask Derbyshire, one response was received. This may be indicative of an indifference to the policy and that the policy remains fit for purpose.

- 2.2 The Council received one response to the consultation from Derbyshire Constabulary noting the contents of the policy and with no further comments to add. This response can be found attached to this report at Appendix 2.
- 2.3 Following approval of a final draft Policy by the Licensing and Gambling Acts Committee, a further report will be submitted to Council with a recommendation that the Policy be formally adopted.
- 2.4 A copy of the Draft Statement of Principles the subject of this consultation may be found at Appendix 3.
- 2.5 Appendix 4 to this report, contains the Draft Local Area Profile.

3 Reasons for Recommendation

- 3.1 The Council has a statutory duty to prepare and publish a Statement of Principles every three years in accordance with the requirements of the Gambling Act 2005.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council can choose not to prepare and publish a new Statement of Principles under the Gambling Act 2005; however, this could expose the Authority to legal challenge by way of appeals against decisions on licensing matters or by judicial review.

DOCUMENT INFORMATION

Appendix No	Title
1	A full list of the stakeholders consulted
2	Derbyshire Constabulary Consultation Response
3	Draft Statement of Principles 2026-2029 – Gambling Act 2005
4	Draft Local Area Profile 2026-2029
Background Papers	
None	

North East Derbyshire District Council

List of Stakeholders

The Council consulted widely upon this Statement before finalising and publishing.

The Council is required to consult with the following under the Gambling Act 2005:

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

The Council consulted with the following:

- All neighbouring Licensing Authorities
- All premises licences holders
- Environmental Health (NEDDC)
- Planning (NEDDC)
- Derbyshire Constabulary
- BACTA
- GamCare
- Gamble Aware
- Gambling Commission
- Her Majesty's Courts Service
- British Beer and Pub Association
- Derbyshire County Council: Safeguarding Adults Team
- Derbyshire County Council: Safeguarding Children Team
- East Midlands Chamber of Commerce and Industry
- Derbyshire Fire and Rescue Service
- Skills & Education Group
- Trading Standards, Derbyshire County Council
- Louise Jones (MP)
- Federation of Licensed Victuallers Associations
- Betting and Gaming Council
- Police and Crime Commissioner
- Remote Gambling Association
- British Horseracing Authority
- North East Derbyshire District Council Members
- Parish Councils
- Youth Offending
- Health and Safety Executive
- National Crime Agency
- Home Office

Contact: 14273Handley-Farrell
Direct Telephone: 101
Extension: 14273
Email: licenisng@derbyshire.police.uk
Our reference: [Click here to enter text.](#)
Your reference: **NEDDC Gambling Act 2005**
Date: 18/06/2025

Licensing Consultation
Bolsover District Council Offices
2013 Mill Lane
Wingerworth
Chesterfield
S42 6NG

Dear Licensing Manager,

Re: Consultation on the Gambling Licensing Policy – Statement of Principles 2025-2028

Thank you for the opportunity to review the updated Statement of Principles under the Gambling Act 2005, which is open for Consultation between 2nd June and 24th August.

I have reviewed the consultation materials and the proposed revisions to the policy on behalf of the Chief Officer of Police. At this time, we wish to confirm that the contents have been noted, and we have no further comments to submit.

Should any issues arise in the future or should further consultation be required, we would be pleased to engage accordingly.

Yours sincerely,
Daniel Handley-Farrell
Force Licensing Inspector

Derbyshire Constabulary, Headquarters, Butterley Hall, Ripley, Derbyshire, DE5 3RS
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Gambling Act 2005
Statement of Licensing Principles
2025 – 2028
DRAFT

Equalities Statement

North East Derbyshire District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

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CONTROL SHEET FOR Gambling Act 2005 Statement of Licensing Principles

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Gambling Act 2005 Statement of Licensing Principles 2026-2029
Current status – i.e. first draft, version 2 or final version	Draft
Policy author (post title only)	Environmental Health Team Manager (Licensing)
Location of policy (whilst in development) – i.e. L-drive, shared drive	S Drive
Relevant Cabinet Member (if applicable)	Steve Pickering
Equality Impact Assessment approval date	TBC
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Licensing Committee and Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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PART A - Introduction and Scope

1.0 Introduction

- 1.1 Section 349(1) of the Gambling Act 2005 [“the Act”] imposes a statutory requirement upon North East Derbyshire District Council as the statutory Licensing Authority [“the Authority”] to prepare a Statement of Principles [“the Statement”] and to review and publish it every three years. The Statement will come into effect on **[DATE]** and will have effect until **[DATE]**. However, the Authority may review and alter the Statement from ‘time to time’ within that period. Any alterations will be consulted on and re-published.
- 1.2 This Statement of Principles will be published on the North East Derbyshire District Council website at www.ne-derbyshire.gov.uk .
- 1.3 The aim of the Authority in this Statement is to effectively manage the impact of gambling activities within the district and ensure they are conducted in a fair, responsible, safe and transparent manner, while minimising the potential harm to individuals and the community. The Statement sets out key objectives and guiding principles for regulators, operators, and stakeholders, providing a robust framework for regulatory decision-making. The Authority recognises the positive contribution gambling activity can make to the local economy and seeks to balance this with its responsibility to protect individuals from harm.
- 1.4 When applying the principles outlined in this Statement the Authority will consider each application on its individual merits, taking into account the context of this Statement, any relevant legislation and guidance and codes of practice issued by the Gambling Commission.
- 1.5 This statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

2.0 Declaration

- 2.1 The Authority in preparation of this Statement has had due regard to:
 - The Gambling Act 2005;
 - The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006;
 - Current guidance issued by the Gambling Commission and by the Secretary of State under Section 25 of the Act; and
 - Responses from those consulted on the Statement.

3.0 The North East Derbyshire District and Local Area Profile

3.1 North East Derbyshire is a local government district in Derbyshire, England. It borders the districts of Chesterfield, Bolsover, Amber Valley and Derbyshire Dales in Derbyshire, and Sheffield and Rotherham in South Yorkshire. We have a population of around 102,000 and have four main towns, Clay Cross, Dronfield, Eckington and Killamarsh.

3.2 The District and its surroundings abound in historical attractions, natural beauty with rolling countryside and dramatic landscapes and is an ideal base for any business with excellent transport links.

The District has good road, rail and air connections with M1 junctions, Train stations in the District and five international airports nearby.

3.3 A local area profile will be prepared based on local knowledge and taking into account a wide range of factors, data and information held by the Licensing Authority and its partners. It is anticipated that the local area profile will give operators a better awareness of the local area and the risks, which includes both potential and actual risks. This will be available on the Authorities website at www.ne-derbyshire.gov.uk.

3.4 A map showing the administrative boundaries of the district can be found at **Appendix 1**.

4.0 Consultation

4.1 The Gambling Act requires the Licensing Authority to consult the following on the Licensing Authority Statement of Principles or any subsequent revision:

- In England and Wales the chief officer of Police for the Authority's area;
- One or more persons who appear to the Authority to represent the interests of person carrying on gambling businesses in the Authority's area, and;
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

4.2 A full list of those consulted is shown in **Appendix 2**.

5.0 Licensing Objectives

5.1 In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the three licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way, and;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

6.0 Licensing Authority Functions

6.1 The Act gives licensing authorities several important regulatory functions in relation to gambling. Their main functions are to:

- Issue a Statement of Principles setting expectations about how gambling will be regulated in the district;
- License premises where gambling activities are to take place;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by means of issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission;
- Maintain registers of licences and permits that are issued and small society lottery registrations.

6.2 The following matters are not dealt with by the Authority, and are the responsibility of the Gambling Commission:

- Operator Licences
- Personal Licences
- Remote Gambling
- The National Lottery

6.3 In carrying out its licensing functions within the framework established by this Statement, the Authority will have particular regard to:

- maintaining a close working relationship with the responsible authorities;
- taking necessary and appropriate steps for the protection of children and other vulnerable persons, and;
- the need to treat each application on its own merits taking into account the individual circumstances at each premise.

7.0 Responsible Authorities

- 7.1 Responsible authorities are public bodies that must be notified of all premises licence applications and are entitled to make representations to the Authority. They also have the power to apply for a review of a premises licence. They are listed in full at section 157 of the Act.
- 7.2 The Authority is required to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 7.3 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, the Authority designates the Derbyshire County Council's Local Safeguarding Children Board for this purpose.

8.0 Interested Parties

- 8.1 Interested parties are those who can make representations about premises licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:
- “For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
 - b) has business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)”
- 8.2 The Licensing Authority is required to state the principles it will apply in exercising its powers under the Act to determine whether a person is an

interested party. The overriding principle is that each case will be decided upon its merits.

- 8.3 The principles outlined in this section of the Statement ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard.

Principles to be applied in determining if someone is an interested party

8.4 Sufficiently close to the premises

In determining what “sufficiently close to the premises” means, and whether someone has “business interests that might be affected” the Authority may take any or all of the following into account which appear relevant to it:

- the proximity of their home or business to the application premises;
- the nature of their residency (e.g. private resident, commercial tenant, resident in home for the vulnerable etc.);
- the nature of the business making the representation;
- the nature of the authorised activities to be conducted on the application premises;
- the size and capacity of the application premises;
- the likely catchment area for the application premises;
- the routes likely to be taken to and from the application premises;
- the character of the area;
- the density of the built up area;
- the topography of the area;
- local area profile, and;
- mitigating measures contained within the applicants’ risk assessment.

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

- 8.6 Similarly, a wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants’ associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a councillor, MP or legal representative.

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

- 8.8 It is for the Authority to determine on a case-by-case basis whether or not a person making a representation is an “interested party”. The Authority may ask for evidence to identify who is being represented and show that they have given

authority for representations to be made on their behalf. In cases which are not clear-cut, the benefit of the doubt will usually be exercised in favour of the person making the representation. Evidence will not be sought from elected members who are representing the ward likely to be affected.

9.0 Representations

Form of representation

- 9.1 When dealing with applications made pursuant to the Act, the Authority must consider representations from “responsible authorities” and “interested parties”. The Authority deems it appropriate to set clear guidance on the form and content of representations to be submitted to them.
- 9.2 No part of this Statement aims to undermine a person’s right to make a representation and all representations will be considered on a case by case basis.
- 9.3 All representations must be made in writing unless there are exceptional circumstances under the Equality Act which mean they may be made in another form. They must be received by the Authority within the time limits set by the relevant regulations. For a representation to be relevant it should:
- be positively tied or linked by a causal connection to particular premises, and;
 - relate to the licensing objectives, or;
 - raise issues under this Statement, the Commission’s Guidance or Codes of Practice.
- 9.4 Representations received outside the statutory period for making such representations or which otherwise does not comply with the Regulations will be invalid and will not be taken into consideration when the application is determined.

Content of representation

- 9.5 A representation should indicate the following:
- (i) The name, address and a contact number for the person making the representation.
 - (ii) The capacity in which the representation is made (e.g. interested party, responsible authority, licensee) and if made as a representative should indicate who is being represented.
 - (iii) The name and address of the premises in respect of which the representation is being made.
 - (iv) The licensing objective(s) relevant to the representation.
 - (v) Why it is felt that the application:

- is not reasonably consistent with the licensing objectives, or;
 - is not in accordance with this Statement, the Commission's Guidance, or the relevant Codes of Practice, or;
 - otherwise, should not be granted, or;
 - should only be granted subject to certain specified conditions.
- (vi) Details of the evidence supporting the opinion in (v).

- 9.6 It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.
- 9.7 A preferred form of representation is available and can be downloaded at www.ne-derbyshire.gov.uk or requested directly from the Licensing Team.
- 9.8 Ordinarily, where representations are received the Authority will hold a hearing. However a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious, will certainly not influence the Authority's determination of the matter, are not relevant, or are substantially the same as previous representations relating to the same premises. It is for the Authority to determine whether a representation falls within these categories, however, representations which comply with this part of the Statement are unlikely to do so.

Irrelevant considerations

- 9.9 Whilst not intended to provide an exhaustive list, the following matters may not be taken into account and representations relating to them are likely to be discounted:
- need and demand for the relevant premises;
 - issues relating to nuisance;
 - traffic congestion and parking;
 - likelihood of the premises receiving planning permission or building regulation approval, and;
 - moral grounds.
- 9.10 Any person seeking to operate gambling premises must first have applied for or obtained an operating licence from the Gambling Commission. The Commission will therefore have made a judgement as to the applicant's suitability to operate the proposed form of gambling and therefore this issue is not relevant to the subsequent assessment of the premises licence application.

The only exception is in relation to track premises licences. In this case an operator's licence is not required and the suitability of the applicant may, in appropriate cases, be taken into consideration.

- 9.11 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of principle, Codes of Practice local area profile and the premises licence holders local risk assessment.

10.0 Exchange of Information

- 10.1 The Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 and General Data Protection Regulation (GDPR) 2018 will not be contravened.
- 10.2 The Authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 10.3 The Authority has measures in place to ensure compliance with Data Protection. More information can be found on the Authorities' website www.ne-derbyshire.gov.uk.

11.0 Equality and Diversity

- 11.1 North East Derbyshire District Council is committed to promoting equal opportunities, valuing diversity and tackling social exclusion. The Council will aim to provide opportunities that meet the diverse needs of different people and groups of people by ensuring that services and employment opportunities are accessible to all. Everyone will be treated fairly and with respect. Diverse needs will be understood and valued. The Council will aim to eradicate all forms of discrimination.
- 11.2 Further information on the Authorities' Statement can be found on the website www.ne-derbyshire.gov.uk.

12.0 Enforcement

- 12.1 Part 15 of the Act gives "authorised persons" power of investigation and section 346 enables licensing authorities to institute criminal proceedings in respect of offences described in that section. In exercising these powers the Authority will endeavour to follow the Authorities' Corporate Enforcement Policy, and the

Regulator's Compliance Code. The principles require that enforcement should be:

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

- 12.2 It is the intention of the Authority to establish and maintain enforcement protocols with other enforcement agencies. The Authority will work closely with the Gambling Commission and exchange information on suspected illegal gambling and any proposed action that the Authority considers necessary.
- 12.3 The main enforcement and compliance role for the Authority in terms of the Act will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operator and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority but will be notified to the Gambling Commission.
- 12.4 The Authority may institute proceedings in respect of a number of offences as identified in section 346 of the Act. Where illegal gambling is contained to one premises or one local area, the Authority will take the lead on the investigation and, where appropriate, the prosecution of illegal gambling. In general, the Gambling Commission will take the lead where there is a potential for national or regional impact.
- 12.5 Where a licensed premise is situated in more than one administrative area, then the Authority will liaise with the other authority to determine the most appropriate course of action and who will lead any investigation or prosecution.
- 12.6 The Authority will avoid duplication with other regulatory regimes so far as possible.

13.0 Inspections

- 13.1 The Authority will inspect gambling premises and facilities for compliance with the Act and any licence conditions through the application of a risk-based inspection programme.
- 13.2 The inspection programme will in principle operate a light touch in respect of low-risk premises whilst applying greater attention to those premises which are considered to present a higher risk.

- 13.3 In addition to programmed inspections, the Authority will also investigate any evidence-based complaints that it receives.
- 13.4 The Authority will adopt a risk based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:
- location of the premises and their impact on the surrounding area;
 - enforcement history of the premises;
 - nature of the licensed or permitted operation;
 - potential to have an adverse effect on the licensing objectives, and;
 - management record.

14.0 Duplication with other regulatory regimes

- 14.1 In complying with the provisions of the Gambling Act 2005, whilst the Authority recognises the requirements of other legislation this Statement is not intended to duplicate the existing legislation and regulatory orders which incur statutory obligations.
- 14.2 In particular, in making a determination in respect of any application, the Authority will not take into account irrelevant matters, such as the likelihood of the application receiving planning permission or building regulation approval.

15.0 “Demand” for gaming premises

- 15.1 The Authority will not consider the demand for gaming premises when making decisions about applications for a premises licence under the Act.

PART B – Premises Licences

16.0 General Principles

- 16.1 Premises licences will be subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. This Licensing Authority may exclude default conditions and also attach others, where it is believed to be appropriate.
- 16.2 In exercising their functions under Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks is:
- In accordance with any relevant code of practice issued by the Gambling Commission;

- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and;
- In accordance with the Authority's statement of licensing principles.

16.3 In determining applications, the Authority will take into consideration all relevant matters and representations. What the Authority considers to be relevant and irrelevant are detailed in 1.6 to 1.9 of this Statement.

17.0 Definition of Premises

- 17.1 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence provided they are for different parts of the building and different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track, or shopping mall to obtain discrete premises licences where safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and ensure that mandatory conditions relating to access between premises are observed. Premises cannot be properly regarded as different premises if they are separated only by temporary or removable partitions.
- 17.2 In relation to an application to split existing licensed premises, thereby creating multiple premises, the Authority will expect the primary use of each premises to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business.

18.0 Applications and Conditions

- 18.1 The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling. Except for applicants for track premises, anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a premises licence can be issued. The Authority will not generally therefore be concerned with the suitability of an applicant. Where concerns arise about a person's suitability, the Authority will bring those concerns to the attention of the Commission.
- 18.2 The Authority will however be concerned with issues such as the impact of the licensed premises in terms of crime and disorder and matters such as the

location of the premises and their internal layout in terms of protecting children and vulnerable persons. Such issues are discussed in more detail in the paragraphs below relating to the specific types of gambling premises. See local risk assessments at section 2.4.

- 18.3 The procedure for obtaining premises licences is set by regulations. Should a licence be granted it will be made subject to mandatory and/or default conditions set by the Secretary of State. The Authority may choose to exclude default conditions if it thinks it appropriate and may also impose other specific conditions which are appropriate to the application.
- 18.4 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 18.5 Decisions upon individual conditions will be made on a case-by-case basis. The Authority cannot attach the following conditions to a premises licence:
- any condition on the premises licence which makes it impossible to comply with an operating licensing condition.
 - conditions relating to gaming machine categories, numbers, or methods 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.

19.0 Licensing Objectives

- 19.1 Premises licences granted must be reasonably consistent with the licensing objectives. Regarding these objectives, this Authority has considered the Gambling Commissions' Guidance to Local Authorities and comments below.

Preventing gambling from being a source of Crime and Disorder

- 19.2 The Gambling Commission will play a leading role in preventing gambling from becoming a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.
- 19.3 The Authority places considerable importance on the prevention of crime and disorder and will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area. A high

standard of control is therefore expected to be exercised over licensed premises.

- 19.4 The Authority will, when determining applications, consider whether the granting of a premises licence will result in an increase in crime and disorder.
- 19.5 The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence applications.
- 19.6 In considering licence applications, the Authority will particularly take into account the following:
- the design and layout of the premises;
 - the training given to staff in crime prevention measures appropriate to those premises;
 - physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - where premises are subject to age restrictions, the procedures in place to conduct age verification checks, and;
 - the likelihood of any violence, public order, or policing problem if the licence is granted.
- 19.7 Where an application is received in relation to premises in an area noted for particular problems with organised crime, part of this determination will include consultation with the Police and other relevant authorities. The Authority may then consider whether specific controls, such as a requirement for the provision of door supervisors, need to be applied in order to prevent those premises being a source of crime.
- 19.8 As far as disorder is concerned, there are already powers in existing anti-social behaviour and environmental protection legislation to deal with nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Authority does not therefore intend to use the Act to deal with general nuisance issues, for example parking problems, which can easily be dealt with using alternative powers. The Authority has no jurisdiction under the Act to deal with general nuisance issues.
- 19.9 In accordance with the Guidance, the Authority will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if Police assistance was required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it and whether those people live sufficiently close to be affected or have business interests that might be affected.

- 19.10 The Authority will consult with the Police and other responsible authorities when making decisions in this regard and will give due weight to any comments made by the Police or other responsible authorities.

[Ensuring gambling is conducted in a Fair and Open Way](#)

- 19.11 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business (and therefore relevant to the Operating Licence) or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both issues will be addressed by the Commission through the operating and personal licensing regime. This is achieved by ensuring that:

- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- the rules are fair;
- advertising is not misleading;
- the results of events and competitions on which commercial gambling takes place are made public, and;
- machines, equipment, and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.

- 19.12 Because betting track operators do not need an operating licence from the Commission the Authority may, in certain circumstances, attach conditions to a licence to ensure that the betting is conducted in a fair and open way. The Authority may in these circumstances also consider the suitability of the applicant to hold a track premises licence. Such factors which the Authority may take into consideration are set out below:

- references to adduce good character;
- criminal record of the applicant;
- previous experience of operating a track betting licence, and;
- any other relevant information.

[Protecting children and other vulnerable persons from being harmed or exploited by gambling.](#)

[Access to licensed premises](#)

- 19.13 The access of children and young persons to those gambling premises which are adult only environments will not be permitted.

- 19.14 The Authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 19.15 The Authority may consult with the Derbyshire Safeguarding Children Board and the Derbyshire Safeguarding Adults Board on any application that indicates there may be concerns over access for children or vulnerable persons.
- 19.16 The Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children or vulnerable persons on particular categories of premises. This may include such requirements as:
- supervision of entrances;
 - segregation of gambling areas from areas frequented by children;
 - measures/training covering how staff would deal with unsupervised young children on the premises;
 - supervision of gaming machines in non-adult gambling specific premises, and;
 - appropriate measures/training for staff as regards suspected truant school children on the premises.
- 19.17 The Act provides for a Code of Practice on access to casino premises by children and young persons and the Authority will work closely with the Police to ensure the appropriate enforcement of the law in these types of premises.

Vulnerable persons

- 19.18 The Act does not define “vulnerable persons”.
- 19.19 The Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes that “vulnerable persons” include:
- people who gamble more than they want to;
 - people who gamble beyond their means, and;
 - people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol, or drugs.
- 19.20 The Authority encourages Applicants to offer controls in their local risk assessment, that limit access to gambling or further access to alcohol where the customer shows signs that they may be a “vulnerable person”.
- 19.21 Where the legislation allows, the Authority will look particularly closely at applications that are made for premises close to sensitive areas or developments, for example:
- Residential areas;
 - Schools and other educational establishments;

- Residential hostels for vulnerable adults, and;
- Premises licensed for alcohol or gambling.

19.22 The Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards the licensing objectives, protecting children and other vulnerable persons from being harmed or exploited by gambling, in relation to specific premises, e.g. casinos.

20.0 Local Risk Assessments

- 20.1 The Gambling Commission's [Licence Conditions and Codes of Practice \(LCCP\)](#) sets out a requirement for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.
- 20.2 Licensees are required to 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 undertaking their risk assessments, they must take into account relevant matters identified in this Statement.
- 20.3 Licensees must review (and update as necessary) their local risk assessments:
- a) when applying for a new premises licence.
 - b) when there are significant changes at a licensee's premises that may affect their existing risk assessment;
 - c) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy; and
 - d) when applying for a variation of a premises licence
- 20.4 Compliance with the requirement to conduct local risk assessments is a condition of licence and failure to comply can result in the Gambling Commission reviewing the operator's licence. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Authority.
- 20.5 Where concerns do exist, perhaps prompted by new or existing risks, a Licensing Authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.

- 20.6 The Licensing Authority has an expectation that all local risk assessments will take into account the local social profile of the area and that a copy is retained at the premises for inspection.

21.0 Betting Premises and Tracks

- 21.1 Betting premises relates to those premises operating off-course betting that is other than at a track.
- 21.2 Tracks are sites where races or other sporting events take place. Betting operators may operate self-contained betting premises within track premises, although they would normally only open on event days. There may be several licensed premises at any track.

Permitted activities include:

- off-course betting;
 - on-course betting for tracks;
 - betting by way of betting machines, and;
 - gaming machines as stipulated by regulations.
- 21.3 Factors for consideration when determining the application will be:
- location, particularly in relation to vulnerable persons;
 - suitability of the premises;
 - size of premises in relation to the number of betting machines;
 - the ability of staff to monitor the use or abuse of such machines, and;
 - the provision for licence holders to ensure appropriate age limits are adhered to.

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

- 21.4 All licences will usually be issued subject to the mandatory and default conditions prescribed by the Secretary of State. However, from time to time the Authority may attach additional conditions where there is clear evidence, in the circumstances of the individual case, that they are required to supplement the mandatory and default conditions.
- 21.5 The Authority shall require an appropriately defined plan of the premises to accompany each application.

Matters Relevant to Tracks

- 21.6 The Authority may have a number of premises that could apply for a premises licence to operate as a 'Track' for the purposes of the Gambling Act.
- 21.7 Should the Authority receive an application for a license to operate a Track we would act in accordance with the relevant legislation and Gambling Commission Guidance.
- 21.8 Applicants would be encouraged to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions imposed by the Authority may cover issues such as:
- proof of age schemes
 - CCTV
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entrances
 - notices / signage
 - specific opening hours
 - self-barring schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare
- 21.9 This list is not mandatory, nor exhaustive, and is merely indicative of example measures to ensure that any conditions are consistent with the licensing objectives and the Authorities' approach to Gambling regulation.

22.0 Adult Gaming Centre (AGCs)

- 22.1 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 for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises.
- 22.2 These premises must be operated by the holder of a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Authority.
- 22.3 Permitted activities include:
- the provision of gaming machines as stipulated by regulations.
- 22.4 Factors for consideration when determining the application for an AGC will include:
- the location;
 - the hours of operation;

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

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

22.5 Applicants would be encouraged to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entrances
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures to ensure that any conditions are consistent with the licensing objectives and the Authority's approach to Gambling regulation.

22.6 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory and default conditions will be attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an AGC.

23.0 (Licensed) Family Entertainment Centres

23.1 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 for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises.

23.2 Permitted activities include:

- the provision of gaming machines as stipulated by regulations.

23.3 Factors for consideration when determining the application for an AGC will include:

- the location;
- the hours of operation;

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

23.4 Applicants would be encouraged to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entrances
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare
- measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures to ensure that any conditions are consistent with the licensing objectives and the Authority's approach to Gambling regulation.

24.0 Casinos

- 24.1 This Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Council.
- 24.2 Guidance issued by the Gambling Commission regarding particular issues concerning casinos, such as suitability and layout, betting machines, monitoring use of machines by children and young persons, or number, nature and circumstances of betting machines will be considered by the Authority when making decisions on casino applications.
- 24.3 Should the Authority receive an application for a casino we would act in accordance with the relevant legislation, Gambling Commission Guidance, and work with the applicant to ensure that any conditions are consistent with the licensing objectives and the Authority's approach to gambling regulation.

25.0 Bingo Premises

- 25.1 The holder of a bingo operating licence will be able to apply for a bingo premises licence to provide any type of bingo game, including cash and prize bingo. Commercial bingo halls will also require a bingo premises licence from the Authority. If the only type of bingo to be provided is prize bingo, then this may be authorised by way of a permit.
- 25.2 If children are allowed to enter premises licensed for bingo, then controls must be in place to prevent them from participating in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, the Authority will expect to see that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults (over 18s) are permitted to the area where the machines are located;
 - access to the area where the machines are located is supervised;
 - that where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and;
 - at the entrance to, and inside any such an area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 25.3 The Gambling Commission has issued guidance about the need for licensing authorities to take into account the suitability and layout of bingo premises. Therefore plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the Authority and the responsible authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown. The Gambling Commission has issued guidance on the division of a building into more than one premises which can be found on the [Gambling Commission website](#).
- 25.4 A limited number of gaming machines may also be made available at bingo licensed premises.
- 25.5 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold as directed by the law, otherwise it will require a bingo operating licence which will have to be obtained from the Gambling Commission.

26.0 Travelling Fairs

- 26.1 Provided a travelling fair allows only category D gaming machines (including coin pushers, cranes, and grabbers) to be made available, and the facilities for gambling (whether by way of gaming machine or otherwise) amount together to no more than an ancillary amusement at the fair, then no application for a licence is required under the Act. Fairground operators must source all their machines from Gambling Commission licensed suppliers and any employees working with the gaming machines must be at least 18 years old.
- 26.2 The Authority will want to satisfy itself from time to time that gambling at a travelling fair is within the definition of section 286 of the Act. A guide for those wishing to operate gambling machines at travelling fairs is available on the Commission's website.

27.0 Provisional Statements

- 27.1 Developers may wish to apply to the Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need to hold an operating licence in order to apply for a provisional statement.
- 27.2 An application for a provisional statement shall include such plans and other information in relation to the construction, alteration or acquisition as prescribed in regulations.
- 27.3 When considering representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by objectors at the provisional licence stage; or
 - b) which, in the Authority's opinion, reflects a change in the operator's circumstances.
- 27.4 This Authority has noted the Gambling Commissions Guidance that 'A licensing authority should not take into account irrelevant matters; one example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.'

28.0 Reviews

- 28.1 A premises licence may be reviewed by the Authority of its own volition or following the receipt of an application for a review from a responsible authority or interested party. Reviews cannot be delegated to an officer of the Authority – the lowest level of delegation permitted is to a licensing sub-committee.
- 28.2 The Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers of the Authority or of a responsible authority may be involved in the initial investigations of complaints leading to a review or may try informal mediation or dispute resolution techniques prior to a full-scale review being conducted.
- 28.3 If at any time the Authority considers it necessary in their scheme of delegation, they will establish a system that determines who initiates reviews and that may include a “filter” system to prevent unwarranted reviews from being conducted.
- 28.4 In relation to a class of premises, the Authority may review the use made of premises and, in particular, the arrangements that premises licence holders may have made to comply with licence conditions. In relation to these general reviews, the Authority would most likely be acting as a result of specific concerns or complaints about particular types of premises which would cause it to want, for example, to look at the default conditions that apply to that category of licence. In relation to particular premises, the Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate.
- 28.5 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of Principles, Codes of Practice local area profile and the premises licence holders local risk assessment.
- 28.6 For more information on what the Authority deems to be a relevant or irrelevant representation in relation to a review, please see section 1.8 of this Statement above.

PART C - Permits, Temporary Use Notices & Occasional Use Notices

29.0 Prize Gaming Permits

- 29.1 These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised

by the gaming - the prize is determined by the operator before play commences.

- 29.2 Any application to the Authority must be accompanied by a plan of the premises. The applicant will be required to set out the types of gaming that they intend to offer, and they should be able to demonstrate:
- that there are policies and procedures in place to protect children and other vulnerable people from harm; and
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible under a Prize Gaming Permit.
- 29.3 Consideration will also be given to the proximity of premises to schools and vulnerable adult centres, residential areas where there may be a high concentration of families with children, and town centre or edge of town centre locations.
- 29.4 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.
- 29.5 The applicant must be 18 years of age or over. Relevant convictions will be taken into account, especially with respect to child protection issues.

30.0 Unlicensed Family Entertainment Centres

- 30.1 There are two classes of Family Entertainment Centres. Licensed Family Entertainment Centres (FECs) and Unlicensed Family Entertainment Centres (UFECs). Licensed FECs are explored in more detail at 2.7 of this Statement.

Under the Act, FECs can provide category C and D gaming machines, whereas UFECs can provide only category D machines. UFECs are regulated through FEC permits. An application for a permit may only be granted if the Authority is satisfied that the premises will be used as an UFEC, and if the Police have been consulted on the application.

- 30.2 Applicants will need to demonstrate:
- that there are policies and procedures in place to protect children and other vulnerable people from harm;
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
 - that the applicant has no relevant convictions (i.e. those set out in Schedule 7 of the Act), and;
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 30.3 The Authority cannot attach conditions to an UFEC permit.

31.0 Alcohol Licensed Premises

- 31.1 The Act provides an automatic entitlement to provide two gaming machines of category C or D (see glossary) in alcohol licensed premises. The premises licence holder must notify the Authority of his or her intention and pay the prescribed fee. Although the Authority has no discretion to refuse the notification, the authorisation may be removed if gaming has taken place on the premises that breaches a condition of section 282 of the Act.
- 31.2 The Authority may also issue “licensed premises gaming machine permits” to premises in this category on application for any additional number of category C and/or D machines. This would replace any automatic entitlement under section 282 of the Act.
- 31.3 The Authority must have regard to the licensing objectives and the Gambling Commission Guidance when granting these permits. Factors for consideration will include:
- location, particularly in relation to children and vulnerable persons;
 - suitability of the premises, size of premises in relation to the number of betting machines;
 - the ability of staff to monitor the use or abuse of such machines, and;
 - the provision for licence holders to ensure appropriate age limits are adhered to.

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

- 31.4 It is a condition of the automatic entitlement to make available two gaming machines (of category C or D) that any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine is complied with. The Authority will take account of these provisions and the relevant codes of practice are available on the [Gambling Commission website](#).

32.0 Club Gaming Permits and Club Machine Permits

- 32.1 Members’ Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A (no more than one), B4, C or D), equal chance gaming and games of chance.

Members Clubs, Miners’ welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will only enable the premises to provide gaming machines (3 machines of categories B3A (no more than

one), B4, C or D). Commercial clubs are not allowed to provide category B3A gaming machines.

32.2 The Authority may only refuse an application on the following grounds:

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

and in the case of (a) or (b) must refuse the permit.

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

32.3 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police and the grounds on which an application 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.

The permit holder must demonstrate compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and this Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice.

33.0 Occasional Use Notices

33.1 A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The notice must be served on this Licensing Authority and copied to the Chief Officer of Police for the area in which the track is located. The notice must specify the day on which it has effect. Notices may be given in relation to

consecutive days, so long as the overall limit of eight days is not exceeded in the calendar year.

- 33.2 The Authority has little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Authority will need to consider whether a notice in respect of premises can be dealt with under the definition of a “Track”. It will also need to consider whether the Applicant is permitted to avail him/herself of the notice.

34.0 Temporary Use Notices

- 34.1 Temporary Use Notices (TUN) can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single overall winner. Premises which are not licensed for gambling may be used by a licensed operator for an aggregate period of 21 days in 12 months for prescribed types of gambling. It is noted that it falls to the Authority to decide what constitutes a “set of premises” where Temporary Use Notices are received relating to the same building/site (see Gambling Commission’s Guidance to Licensing Authorities).
- 34.2 The holder of a relevant operating licence must give notice to the Authority, the Commission, and the Police on the prescribed form with the relevant fee. These responsible authorities are the only authorities permitted to object to a TUN.
- 34.3 This Licensing Authority will have regard to the licensing objectives when considering whether to object to any notice received.

35.0 Small Society Lotteries

- 35.1 The Authority is responsible for the registration of small society lotteries. These are non-commercial societies as defined in the Act as being established and conducted:
- for charitable purposes;
 - for the purpose of enabling participation in, or of supporting, sport, athletics, or a cultural activity; or
 - for any other non-commercial purpose other than that of private gain.

N.B. A society established for the sole purpose of conducting a small society lottery will not meet the definition of the Act. Gambling activity should be ancillary to the main purpose of the society.

- 35.2 This Licensing Authority will exercise its functions under this Act in relation to lotteries in accordance with the principles contained in the guidance issued by the Gambling Commission.
- 35.3 Small society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.
- 35.4 Small society lotteries are required to be registered with the Local Authority in the area where their principal office is located.

PART D – Glossary of Terms and Delegations

36.0 Glossary of Terms

- 36.1 Many of the terms used in this Statement of Licensing Principles are defined in the appropriate section of the Act. Section 353 identifies various terminologies and directs the reader to the relevant section of the Act, where appropriate, for a full and complete meaning of the term.
- 36.2 In the interest of clarity the following terms, which are used in this Statement of Licensing Principles, are defined below.

Terminology	Definition
“the Act”	The Gambling Act 2005 (c19).
“Authority”	This refers to the “Licensing Authority” as defined by section 2 of the Act.
“authorised person”	An officer of a Licensing Authority, and an officer of an Authority other than a licensing Authority, both of whom have been authorised for a purpose relating to premises in that Authority’s area.
“authorised Local Authority officer”	An officer of a Licensing Authority who is an authorised person for a purpose relating to premises in that Authority’s area.
“gambling commission”	An organisation established under section 20 of the Act that is responsible for regulating gambling in Great Britain.
“guidance”	“Guidance to Licensing Authorities”, issued by the Gambling Commission under section 25 of the Gambling Act 2005.
“interested parties”	Defined at paragraph 2.3 of this statement of licensing principles.

Terminology	Definition
“mandatory condition”	A condition that must be placed on a licence by virtue of regulations.
“regulations”	Refers to regulations made under the Gambling Act 2005.
“responsible authorities”	Public bodies that must be notified of applications for premises licences and they also have the right to make representations in relation to those applications. They are listed in full in section 157 of the Act.
“Category C & D Machines”	These are machines normally sited in pubs and arcades and are subject to a lower limit for stakes and payout.

37.0 Delegation of Functions

The Authority recognises many of the decisions and functions under the Act are purely administrative in nature. In the interests of speed, efficiency and cost-effectiveness the Authority will implement the suggested delegation of functions as outlined.

Matter to be dealt with	Council	Sub-committee of licensing committee	Officers
Final approval of the Licensing Authority Statement of Principles	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 a variation to a licence		X Where representations have been	X Where no representations received/representations

		received and not withdrawn	tations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or responsible authority	X Where no representations have been received from the Commission or responsible authority
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 a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X Where no objections have been made and not withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other authorisations and permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice			X
Decision on whether a representation is irrelevant, or falls within the categories defined within the Act (frivolous,			X

vexatious, repetitive etc).			
To determine whether the Licensing Authority should make a representation, and the content of it.			X
To initiate the review of a Premises Licence			X
Revocation of a Premises Licence for failure to pay the annual fee			X

38.0 Contact Details

The Authority's Environmental Health Service is a joint service with Bolsover District Council. The points of contact for any licensing issues or enquiries are:

By post: Licensing Team
 Joint Environmental Health Service
 District Council Offices
 2013 Mill Lane
 Wingerworth
 S42 6NG

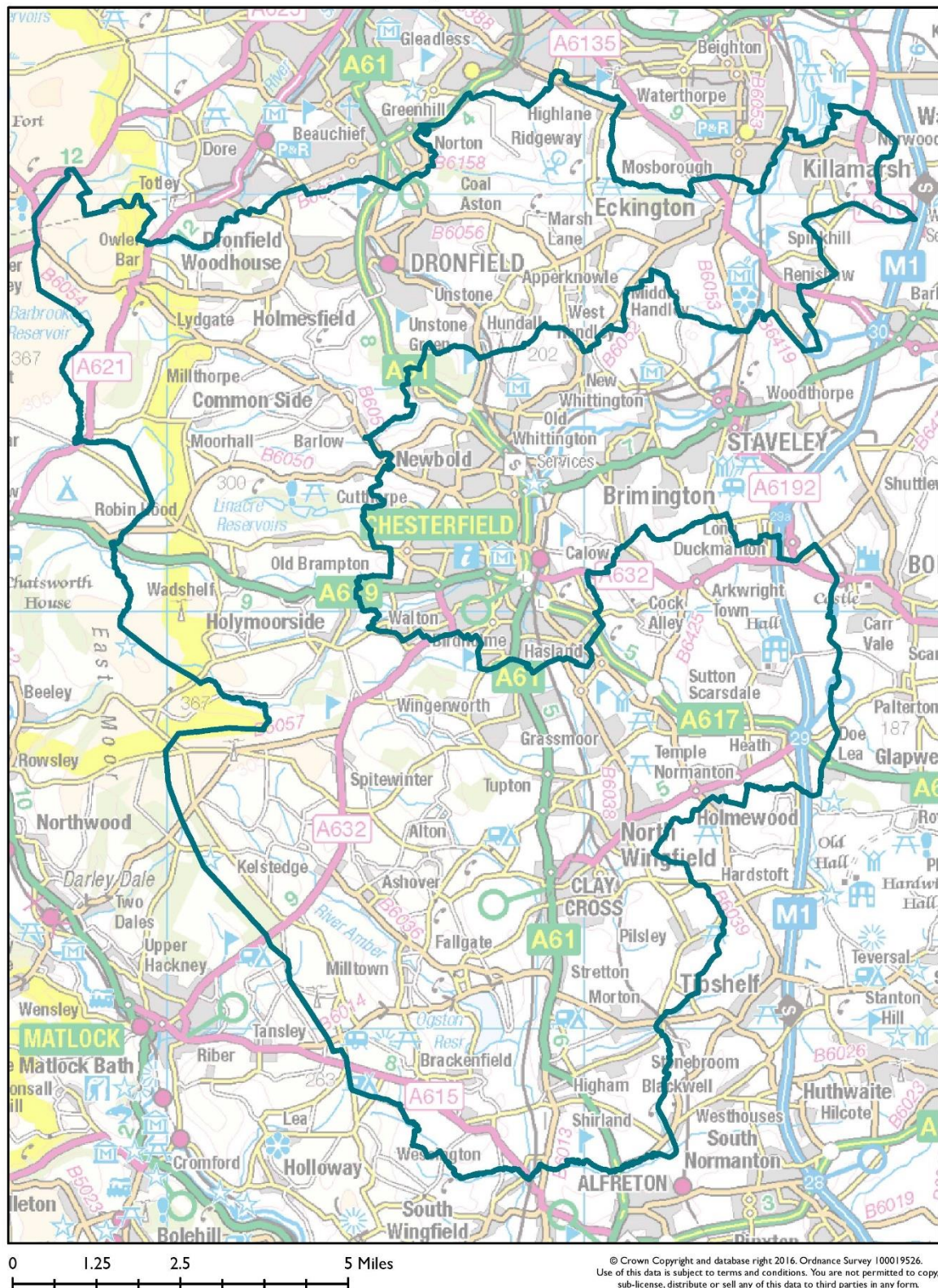
Telephone: 01246 217884/01246 217885/01246 217848
 Email: licensing@ne-derbyshire.gov.uk

A copy of this Statement of Principles is available at www.ne-derbyshire.gov.uk

The Act and the guidance issued by the Gambling Commission is available at www.gamblingcommission.gov.uk .

Appendix 1

North East Derbyshire District Council



Appendix 2

The Council consulted widely upon this Statement before finalising and publishing.

The Council is required to consult with the following under the Gambling Act 2005:

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

The Council consulted with the following:

- All neighbouring Licensing Authorities
- All premises licences holders
- Environmental Health (NEDDC)
- Planning (NEDDC)
- Derbyshire Constabulary
- BACTA
- GamCare
- Gamble Aware
- Gambling Commission
- Her Majesty's Courts Service
- British Beer and Pub Association
- Derbyshire County Council: Safeguarding Adults Team
- Derbyshire County Council: Safeguarding Children Team
- East Midlands Chamber of Commerce and Industry
- Derbyshire Fire and Rescue Service
- Skills & Education Group
- Trading Standards, Derbyshire County Council
- Louise Jones (MP)
- Federation of Licensed Victuallers Associations
- Betting and Gaming Council
- Police and Crime Commissioner
- Remote Gambling Association
- British Horseracing Authority
- North East Derbyshire District Council Members
- Parish Councils
- Youth Offending
- Health and Safety Executive
- National Crime Agency
- Home Office

Gambling Act 2005

Local Area Profile

2026 – 2029

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Equalities Statement

North East Derbyshire District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone** - [01246 231111](tel:01246231111)
- **Email** - connectne@ne-derbyshire.gov.uk
- **Text** - [07800 00 24 25](tel:07800002425)
- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call North East Derbyshire District Council with Sign Solutions, you just need wifi or mobile data to make the video call, or call into the offices at Wingerworth.
- Call with [Relay UK](#) – it is a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real time conversation with us by text.
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

Local Area Profile

This document is the North East Derbyshire District Council Local Area Profile, as described by the Gambling Commission Guidance to Local Authorities for Consideration by operators when creating their Local Risk Assessments.

This Local Area Profile is published by the Council concurrently with the Gambling Act Statement of Licensing Principles and published on our website –

www.ne-derbyshire.gov.uk

The Gambling Commission's [Licence conditions and codes of practice](#) (LCCP) formalise the need for operators to consider local risks posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

Whilst there is no mandatory requirement to have a Local Area Profile, there are a number of significant benefits to both the Licensing Authority and operators, in having a better awareness of the local area and risks:

- it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it
- greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
- it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge
- it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

The Council's policy statement sets out its approach to regulation with clear reference to local risks. The Local Area Profile runs alongside the Licensing statement, this is to ensure that this profile can be reviewed and updated regularly without the need for full consultation.

Risk Assessment considerations

This local area profile has been prepared based on local knowledge and taking into account a wide range of factors, data and information held by the Licensing Authority and its partners. It is anticipated that the local area profile will give operators and a better awareness of the local area and the risks, which includes both potential and actual risks. This will be available on the Council's Website.

In assessing Local Area Profiles the licensing authority can also take into account

- (a) Local crime statistics

- (b) Any problems in the area relating to gambling establishments such as anti-social behaviour
- (c) The location of any nearby sensitive premises such as facilities used by vulnerable persons e.g. drug and alcohol addictions; and
- (d) Whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area

NEDDC hopes that the local area profiles will help to inform specific risks that operators will need to address in their risk assessment which will form a part of any new licence application, or an application to vary a licence.

In preparing local risk assessments, operators will need to consider risks in relation to how the premises will be or is run. Identification of risks associated with these elements will be dependent on the type of premises and the local area. Elements to be considered include:

- How the gambling operation will relate to how the operator conducts its business
- What gambling products it provides in the premises
- The facilities to enable gambling within the premises
- The staffing levels within the premises
- The level and requirement for staff training
- Whether loyalty or account cards are used or not
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
- The security and crime prevention arrangements it has in place
- How it advertises locally and on the premises
- The marketing material within the premises
- The display and provision of information, etc.

Operators are also required to review their local risk assessment if significant changes in local circumstances occur. The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. The design of the premises is an important factor when considering local risks. Premises which are located

within an area which has a high number of children and young people present throughout the day may identify that the standard external design is not appropriate. Control measures to mitigate the risk of attracting children to gambling or gaining access to restricted premises will need to be considered.

Risks to be considered may include:

- Whether the premises allows a direct line of sight of gaming machines from the cashier counter.
- Whether the premises sufficiently covered by CCTV to enable the identification of offenders.
- Whether the premises windows are screened or covered to obscure the interior of the premises.
- What age verification policies are in place.
- Provision of magnetic door locks.

Operators must ensure that they consider the local area profile, as well as local crime statistics which can be found on the [Derbyshire Constabulary website](#) .

Risk assessments would be expected to include relevant control measures to counteract issues identified by the operator. Where there is a particular area of concern they should contact the most appropriate Responsible Authority before submitting an application for a new licence or variation.

North East Derbyshire District Council

North East Derbyshire is a local government district in Derbyshire, England. It borders the districts of Chesterfield, Bolsover, Amber Valley and Derbyshire Dales in Derbyshire, and Sheffield and Rotherham in South Yorkshire.

We have a population of around 105,000 and have four main towns, Clay Cross, Dronfield, Eckington and Killamarsh. There are a further 46 settlements within the District which consists of more than 20 dwellings.

The District has good road, rail and air connections with M1 junctions, Train stations in the District and five international airports nearby.

The largest Town is Dronfield which is located in the north of the District and has a population of just over 26,000. The industrial history of the town includes coal mining, the wool trade, the production of soap and steel, and engineering. Today a range of manufacturing firms still operate within the town.

Dronfield has the greatest concentration of facilities and services. It provides good levels of public transport which includes its own railway station.

The next largest settlement in the District is Clay Cross which is located in the south of the District which has a population of just over 15,000. Clay Cross has a good level of facilities, services and public transport.

Dronfield and Clay Cross are followed in size and service provisions by the towns of Eckington and Killamarsh which have their own town centres and which play an

important role in serving the day to day shopping and other requirements of the local community and surrounding settlements.

Settlements throughout the District are of a mixed character, some of which are mainly characterised by older properties and other areas are a mix of housing types. Some settlements have listed buildings and are designated as a Conservation areas. The District's settlements have grown and evolved over time, reflecting changes associated with occupations such as mining and agriculture which lends to a diverse and unique character of the District.

At the time of this Local Area Profile being published North East Derbyshire District Council has 4 licensed gambling premises which are all betting shops. An overview map showing the locations across this district and proximity to schools is below. There are then 3 maps for the main centre locations showing the premises and their specific proximity to education establishments.

Town/area	Number licences/permits	Type
Clay Cross	2	Betting Shop
Dronfield	1	Betting Shop
Eckington	1	Betting Shop
TOTAL NUMBER OF PREMISES	4	

For further information about the Local Area profile please contact the Councils licensing department.

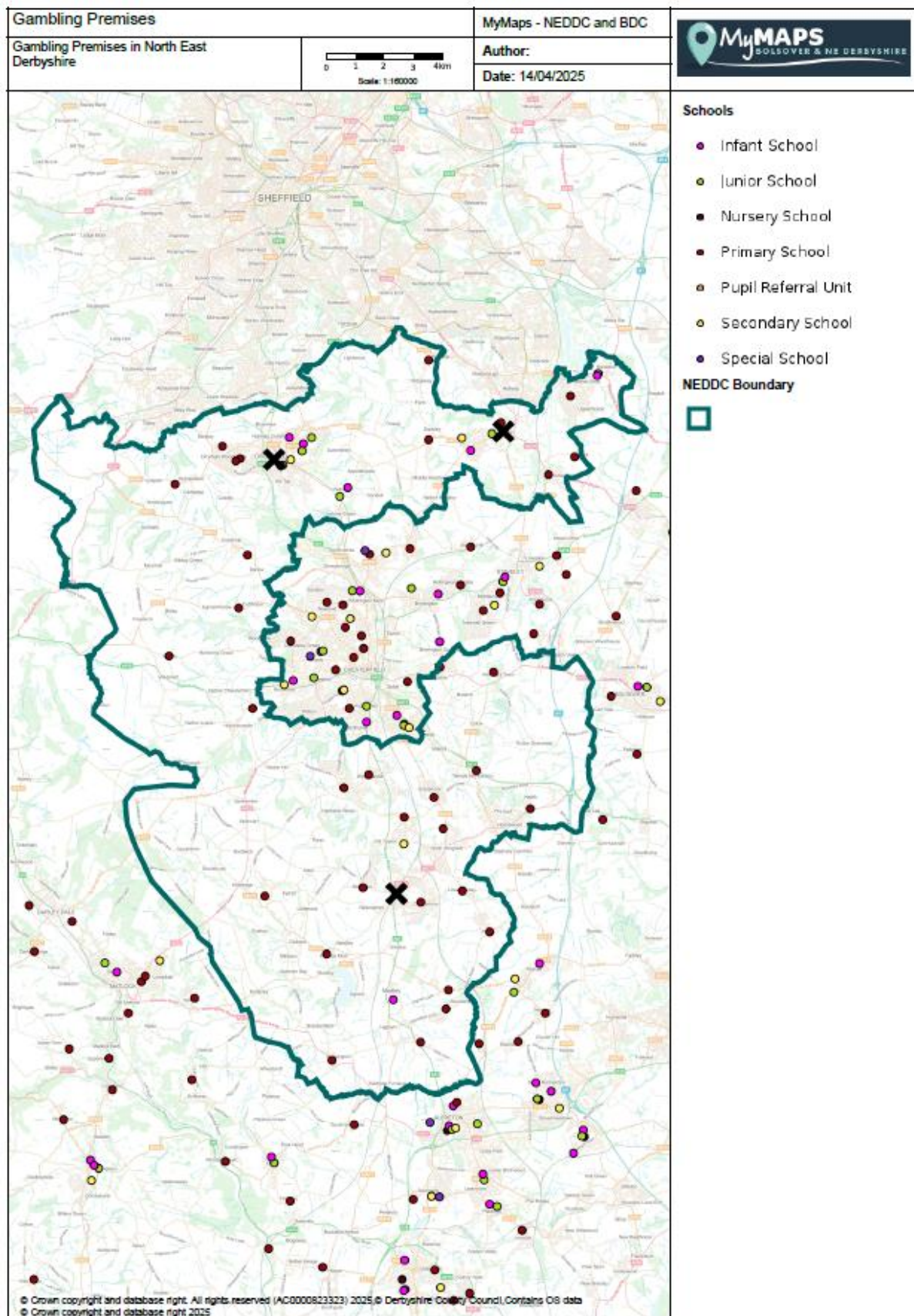
Email: licensing@ne-derbyshire.gov.uk

Telephone: 01246 217884/01246 217885/01246 217848

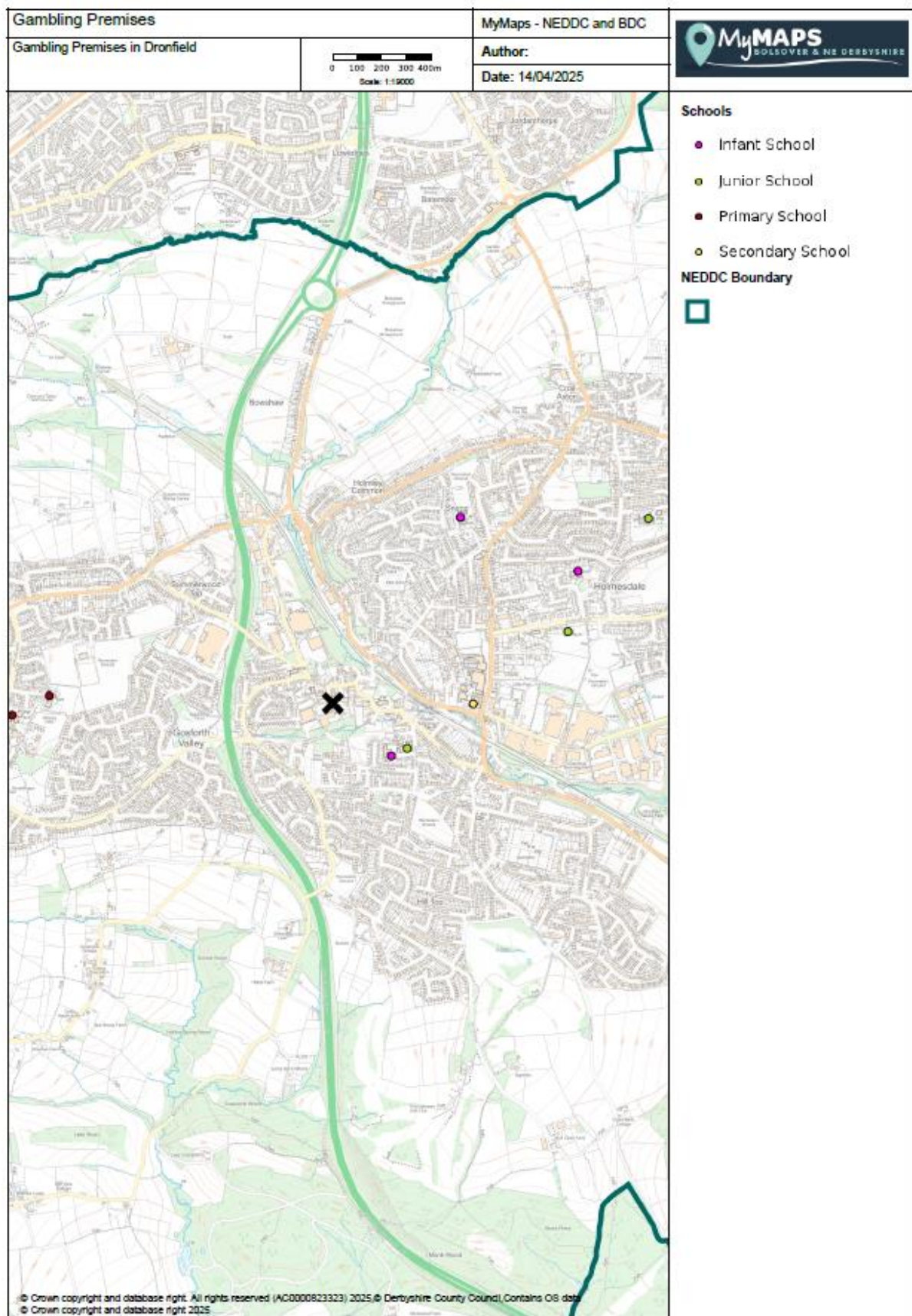
Address: Licensing Team

Joint Environmental Health Service
North East Derbyshire District Council
2013 Mill Lane
Wingerworth
Derbyshire
S42 6NG

NEDDC Overview

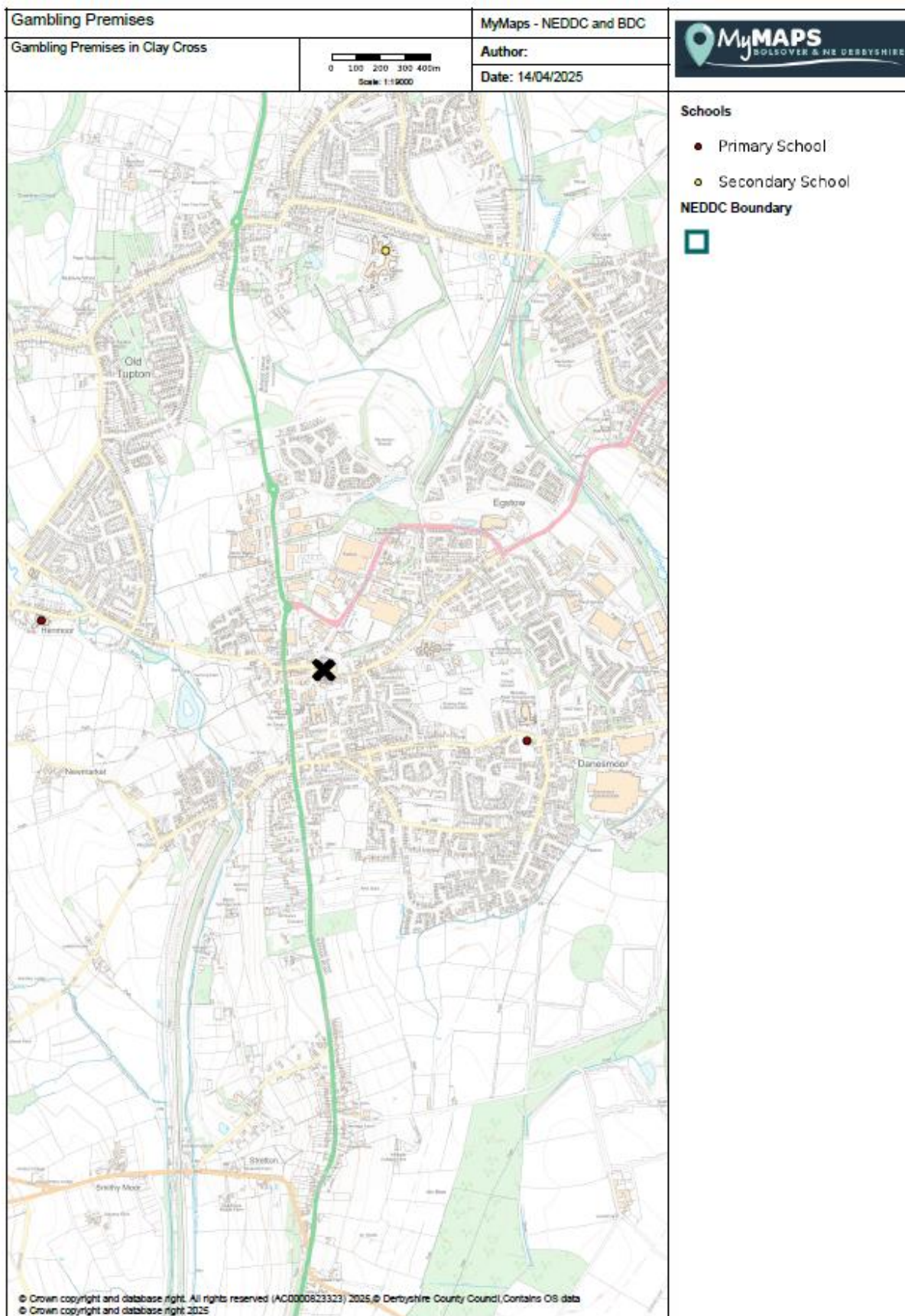


Local area profile Map – Dronfield



Local Area Profile Map – Clay Cross

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Local Area Profile Map – Eckington

